

**AMENDMENT TO H.R. 1**

**OFFERED BY MR. ROGERS OF MICHIGAN**

At the end of the bill, insert the following:

1 **TITLE VIII—PASSENGER AUTO-**  
2 **MOBILE REPLACEMENT**  
3 **CREDIT**

4 **SEC. 801. PASSENGER AUTOMOBILE REPLACEMENT CRED-**  
5 **IT.**

6 (a) IN GENERAL.—Subpart C of part IV of sub-  
7 chapter A of chapter 1 of the Internal Revenue Code of  
8 1986 is amended by redesignating section 36 as section  
9 37 and by inserting after section 35 the following new sec-  
10 tion:

11 **“SEC. 36. PASSENGER AUTOMOBILE REPLACEMENT CRED-**  
12 **IT.**

13 “(a) ALLOWANCE OF CREDIT.—In the case of an in-  
14 dividual, there shall be allowed as a credit against the tax  
15 imposed by this subtitle an amount equal to the amount  
16 paid or incurred by the taxpayer during the taxable year  
17 for a new passenger automobile in connection with a quali-  
18 fied trade-in.

19 “(b) LIMITATIONS.—

1           “(1) DOLLAR LIMITATION.—The credit allowed  
2           under this section shall not exceed \$1,500 with re-  
3           spect to any taxpayer for any taxable year.

4           “(2) NO CREDIT WITH RESPECT TO AUTO-  
5           MOBILE MANUFACTURERS OUT OF COMPLIANCE  
6           WITH CAFÉ STANDARDS.—No credit shall be allowed  
7           under subsection (a) with respect to the purchase of  
8           any new passenger automobile if a penalty was im-  
9           posed under chapter 329 of title 49, United States  
10          Code, with respect to the manufacturer of such new  
11          passenger automobile at any time during the 1-year  
12          period ending on the date of such purchase.

13          “(c) QUALIFIED TRADE-IN.—For purposes of this  
14          section—

15                 “(1) IN GENERAL.—The term ‘qualified trade-  
16                 in’ means, with respect to the purchase of any new  
17                 passenger automobile, the transfer of a qualified  
18                 used automobile to the dealer from whom such new  
19                 passenger automobile is purchased as part of the  
20                 same transaction as such purchase.

21                 “(2) QUALIFIED USED AUTOMOBILE.—The  
22                 term ‘qualified used automobile’ means any pas-  
23                 senger automobile which was originally placed in  
24                 service at least 15 years before the date of the quali-  
25                 fied trade-in and title to which has been held by the

1 taxpayer at all times during the 2-year period ending  
2 on the date of the qualified trade-in.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 6211(b)(4)(A) of the Internal Rev-  
5 enue Code of 1986 is amended by striking “34,” and  
6 all that follows through “6428” and inserting “34,  
7 35, 36, 53(e), and 6428”.

8 (2) Section 1324(b)(2) of title 31, United  
9 States Code, is amended by inserting “, 36,” after  
10 “section 35”.

11 (3) The table of sections for subpart C of part  
12 IV of subchapter A of chapter 1 of the Internal Rev-  
13 enue Code of 1986 is amended by redesignating the  
14 item relating to section 36 as an item relating to  
15 section 37 and by inserting before such item the fol-  
16 lowing new item:

“Sec. 36. Passenger automobile replacement credit.”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to taxable years beginning after  
19 the date of the enactment of this Act.

1 **TITLE IX—LOAN GUARANTEES**  
2 **FOR ADVANCED CONSERVA-**  
3 **TION AND FUEL EFFICIENCY**  
4 **MOTOR VEHICLE TECH-**  
5 **NOLOGY PROJECTS**

6 **SEC. 901. AUTHORITY.**

7 Section 1703 of the Energy Policy Act of 2005 (42  
8 U.S.C. 16513) is amended by adding at the end the fol-  
9 lowing new subsection:

10 “(f) **FUEL EFFICIENT VEHICLE PROJECTS.**—The  
11 Secretary shall make guarantees under this title to motor  
12 vehicle manufacturers and suppliers in the United States  
13 for advanced conservation and fuel efficiency motor vehicle  
14 technology projects for the production of new motor vehi-  
15 cles that do not exceed 10,000 lbs. gross vehicle weight,  
16 including gasoline and diesel vehicles, flexible fuel vehicles,  
17 and hybrid electric vehicles, that reduce dependence on oil  
18 and the emissions of one or more greenhouse gases.”.

19 **SEC. 902. AMOUNT.**

20 Section 1702(c) of the Energy Policy Act of 2005 (42  
21 U.S.C. 16512(c)) is amended by adding at the end the  
22 following: “In the case of advanced conservation and fuel  
23 efficiency motor vehicle technology projects under section  
24 1703(f), the aggregate amount of guarantees under this  
25 title shall not exceed \$20,000,000,000.”.

1       **TITLE X—NUCLEAR ENERGY**

2       **SEC. 1001. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.**

3       (a) DEFINITION OF PROJECT COST.—Section  
4 1701(1) of the Energy Policy Act of 2005 (42 U.S.C.  
5 16511(1)) is amended by inserting a new paragraph (4)  
6 and renumbering the paragraphs accordingly:

7               “(4) PROJECT COST.—The term ‘project cost’  
8 means all costs associated with the development,  
9 planning, design, engineering, permitting and licens-  
10 ing, construction, commissioning, start-up, shake-  
11 down and financing of the facility, including but not  
12 limited to reasonable escalation and contingencies,  
13 the cost of and fees for the guarantee, reasonably re-  
14 quired reserve funds, initial working capital and in-  
15 terest during construction.”

16       (b) TERMS AND CONDITIONS.—Section 1702 of the  
17 Energy Policy Act of 2005 (42 U.S.C. 16512) is amended  
18 by striking subsections (b) and (c) and inserting the fol-  
19 lowing:

20               “(b) SPECIFIC APPROPRIATION OR CONTRIBU-  
21 TION.—

22               “(1) IN GENERAL.—No guarantee shall be  
23 made unless—

24                       “(A) an appropriation for the cost has  
25 been made; or

1           “(B) the Secretary has received from the  
2           borrower a payment in full for the cost of the  
3           obligation and deposited the payment into the  
4           Treasury; or

5           “(C) a combination of (A) and (B) has  
6           been made, that when combined is sufficient to  
7           cover the cost of the obligation.

8           “(2) RELATION TO OTHER LAWS.—Section 504  
9           (b) of the Federal Credit Reform Act of 1990 (2  
10          U.S.C. 661e (b)) shall not apply to a loan guarantee  
11          made in accordance with paragraph (1)(B).”.

12          (c) AMOUNT.—Section 1702 of the Energy Policy Act  
13          of 2005 (42 U.S.C. 16512) is amended by striking sub-  
14          section (c) and inserting the following:

15          “(c) AMOUNT.—

16               “(1) IN GENERAL.—Subject to paragraph (2),  
17               the Secretary shall guarantee 100 percent of the ob-  
18               ligation for a facility that is the subject of the guar-  
19               antee, or a lesser amount if requested by the bor-  
20               rower.

21               “(2) LIMITATION.—The total amount of loans  
22               guaranteed for a facility by the Secretary shall not  
23               exceed 80 percent of the total cost of the facility, as  
24               estimated at the time at which the guarantee is  
25               issued.”.

1 (d) FEES.—Section 1702(h) of the Energy Policy Act  
2 of 2005 (42 U.S.C. 16512(h)) is amended by striking  
3 paragraph (2) and inserting the following:

4 “(2) AVAILABILITY.—Fees collected under this  
5 subsection shall—

6 “(A) be deposited by the Secretary into a  
7 special fund in the Treasury to be known as the  
8 ‘Incentives For Innovative Technologies Fund’;  
9 and

10 “(B) remain available to the Secretary for  
11 expenditure, without further appropriation or  
12 fiscal year limitation, for administrative ex-  
13 penses incurred in carrying out this title.”.

14 **SEC. 1002. STANDBY SUPPORT FOR CERTAIN NUCLEAR**  
15 **PLANT DELAYS.**

16 (a) DEFINITIONS.—Section 638(a) of the Energy  
17 Policy Act of 2005 (42 U.S.C. 16014(a)) is amended as  
18 follows:

19 (1) By inserting the following:

20 “(4) FULL POWER OPERATION.—The term ‘full  
21 power operation’ means whichever occurs first of—

22 “(A) the ‘commercial operation date’ or  
23 the equivalent under the terms of the financing  
24 documents for such facility, or

1           “(B) operation of such facility at an aver-  
2           age of 50 percent or greater of nameplate ca-  
3           pacity over any consecutive 30-day period.

4           “(5) INCREASED PROJECT COSTS.—The term  
5           ‘increased project costs’ means the increased cost of  
6           constructing, commissioning, testing, operating or  
7           maintaining a reactor prior to full-power operation  
8           incurred as a result of a delay covered by the con-  
9           tract including but not limited to costs of demobili-  
10          zation and remobilization, increased costs of equip-  
11          ment, materials and labor due to delay (including  
12          idle time), increased general and administrative  
13          costs, and escalation costs for completing construc-  
14          tion.

15          “(6) LITIGATION.—The term ‘litigation’ means  
16          adjudication in Federal, State, local or tribal courts  
17          and administrative proceedings or hearings at or be-  
18          fore Federal, State, local or tribal agencies or ad-  
19          ministrative bodies.”.

20          (2) By redesignating paragraph (4) as para-  
21          graph (7).

22          (b) CONTRACT AUTHORITY.—Section 638(b) of the  
23          Energy Policy Act of 2005 (42 U.S.C. §16014(b)) is  
24          amended by striking paragraph (1) and inserting the fol-  
25          lowing:



1           “(1) IN GENERAL.—The Secretary may enter  
2           into contracts under this section with sponsors of an  
3           advanced nuclear facility that cover at any one time  
4           outstanding a total of not more than 6 reactors,  
5           with the 6 reactors consisting of not more than 3  
6           different reactor designs, in accordance with para-  
7           graph (2). In the event that any contract entered  
8           into under this section terminates or expires without  
9           a claim being paid by the Secretary thereunder, then  
10          the Secretary may enter into a new contract under  
11          this section in replacement or substitution for such  
12          contract.”.

13          (c) COVERED COSTS.—Section 638(d) of the Energy  
14          Policy Act of 2005 (42. U.S.C. §16014(d)) is amended  
15          by striking paragraphs (2) and (3) and inserting the fol-  
16          lowing:

17                 “(2) COVERAGE.—In the case of reactors that  
18                 receive combined licenses and on which construction  
19                 is commenced, the Secretary shall pay—

20                         “(A) 100 percent of the covered costs of  
21                         delay that occur after the initial 30-day period  
22                         of covered delay; but

23                         “(B) not more than \$500,000,000 per con-  
24                         tract.

1           “(3) COVERED DEBT OBLIGATIONS.—Debt obli-  
2           gations covered under subparagraph (A) of para-  
3           graph (5) shall include but not be limited to debt ob-  
4           ligations incurred to pay increased project costs.”.

5           (d) DISPUTE RESOLUTION.—Section 638 of the En-  
6           ergy Policy Act of 2005 (42 U.S.C. 16014) is amended  
7           as follows:

8           (1) by inserting the following:

9           “(f) DISPUTE RESOLUTION.—Any controversy or  
10          claim arising out of or relating to any contract entered  
11          into under this section shall be determined by arbitration  
12          in Washington, DC according to the then prevailing Com-  
13          mercial Arbitration Rules of the American Arbitration As-  
14          sociation. A decision by the arbitrator(s) shall be final and  
15          binding, and any court having jurisdiction may enter judg-  
16          ment on it.”; and

17          (2) by designating subsections (f), (g), and (h)  
18          as subsections (g), (h), and (i) respectively.

19       **SEC. 1003. AUTHORIZATION FOR NUCLEAR POWER 2010**  
20                               **PROGRAM.**

21          Section 952(c) of the Energy Policy Act of 2005 (42  
22          U.S.C. 16014) is amended by striking subsections (1) and  
23          (2) and substituting the following:

24          (1) IN GENERAL.—The Secretary shall carry  
25          out a Nuclear Power 2010 Program to position the

1 nation to start construction of new nuclear power  
2 plants by 2010 or as close to 2010 as achievable.

3 (2) SCOPE OF PROGRAM.—The Nuclear Power  
4 2010 Program shall be cost-shared with the private  
5 sector and shall support the following objectives:

6 (A) Demonstrating the licensing process  
7 for new nuclear power plants, including the Nu-  
8 clear Regulatory Commission process for ob-  
9 taining early site permits (EPS), combined con-  
10 struction/operating licenses (cols), and design  
11 certifications.

12 (B) Conducting first-of-a-kind design and  
13 engineering work on at least two advanced nu-  
14 clear reactor designs sufficient to bring those  
15 designs to a state of design completion suffi-  
16 cient to allow development of firm cost esti-  
17 mates.

18 (3) AUTHORIZATION OF APPROPRIATIONS.—  
19 There are authorized to be appropriated to the Sec-  
20 retary to carry out the Nuclear Power 2010 Pro-  
21 gram—

22 (A) \$182,800,000 for fiscal year 2008;

23 (B) \$159,600,000 for fiscal year 2009;

24 (C) \$135,600,000 for fiscal year 2010;

25 (D) \$46,900,000 for fiscal year 2011; and

1 (E) \$2,200,000 for fiscal year 2012.

2 **SEC. 1004. DOMESTIC MANUFACTURING BASE FOR NU-**  
3 **CLEAR COMPONENTS AND EQUIPMENT.**

4 (a) ESTABLISHMENT OF INTERAGENCY WORKING  
5 GROUP.—

6 (1) PURPOSES.—

7 (A) to increase the competitiveness of the  
8 United States nuclear energy products and  
9 services industries;

10 (B) to identify the stimulus or incentives  
11 necessary to cause United States manufacturers  
12 of nuclear energy products to expand manufac-  
13 turing capacity;

14 (C) to facilitate the export of United  
15 States nuclear energy products and services;

16 (D) to reduce the trade deficit of the  
17 United States through the export of United  
18 States nuclear energy products and services;

19 (E) to retain and create nuclear energy  
20 manufacturing and related service jobs in the  
21 United States;

22 (F) to integrate the objectives in para-  
23 graphs (1) through (4) in a manner consistent  
24 with the interests of the United States, into the  
25 foreign policy of the United States; and

1 (G) to authorize funds for increasing  
2 United States capacity to manufacture nuclear  
3 energy products and supply nuclear energy  
4 services.

5 (2) ESTABLISHMENT.—

6 (A) There shall be established an inter-  
7 agency working group that, in consultation with  
8 representative industry organizations and man-  
9 ufacturers of nuclear energy products, shall  
10 make recommendations to coordinate the ac-  
11 tions and programs of the Federal Government  
12 in order to promote increasing domestic manu-  
13 facturing capacity and export of domestic nu-  
14 clear energy products and services.

15 (B) The Interagency Working Group shall  
16 be composed of—

17 (i) The Secretary of Energy, or the  
18 Secretary's designee, shall chair the inter-  
19 agency working group. The Secretary of  
20 Energy shall provide staff for carrying out  
21 the functions of the interagency working  
22 group established under this section.

23 (ii) representatives of—

24 (I) the Department of Energy;

- 1 (II) the Department of Com-  
2 merce;
- 3 (III) the Department of Defense;
- 4 (IV) the Department of Treas-  
5 ury;
- 6 (V) the Department of State;
- 7 (VI) the Environmental Protec-  
8 tion Agency;
- 9 (VII) the United States Agency  
10 for International Development;
- 11 (VIII) the Export-Import Bank  
12 of the United States;
- 13 (IX) the Trade and Development  
14 Agency;
- 15 (X) the Small Business Adminis-  
16 tration;
- 17 (XI) the Office of the U.S. Trade  
18 Representative; and
- 19 (XII) other Federal agencies, as  
20 determined by the President.
- 21 (iii) The heads of appropriate agencies  
22 shall detail such personnel and furnish  
23 such services to the interagency group,  
24 with or without reimbursement, as may be

1           necessary to carry out the group's func-  
2           tions.

3           (3) DUTIES OF THE INTERAGENCY WORKING  
4           GROUP.—

5           (A) Within six months of enactment, the  
6           interagency working group established under  
7           section (1)(A) shall identify the actions nec-  
8           essary to promote the safe development and ap-  
9           plication in foreign countries of nuclear energy  
10          products and services in order to—

11                   (i) increase electricity generation from  
12                   nuclear energy sources through develop-  
13                   ment of new generation facilities;

14                   (ii) improve the efficiency, safety and/  
15                   or reliability of existing nuclear generating  
16                   facilities through modifications; and

17                   (iii) enhance the safe treatment, han-  
18                   dling, storage and disposal of used nuclear  
19                   fuel.

20          (B) Within 6 months of enactment, the  
21          interagency working group shall identify mecha-  
22          nisms (including, but not limited to, tax stim-  
23          ulus for investment, loans and loan guarantees,  
24          and grants) necessary for United States compa-  
25          nies to increase their capacity to produce or

1 provide nuclear energy products and services,  
2 and to increase their exports of nuclear energy  
3 products and services. The interagency working  
4 group shall identify administrative or legislative  
5 initiatives necessary to—

6 (i) encourage United States compa-  
7 nies to increase their manufacturing capac-  
8 ity for nuclear energy products;

9 (ii) provide technical and financial as-  
10 sistance and support to small and mid-  
11 sized businesses to establish quality assur-  
12 ance programs in accordance with domestic  
13 and international nuclear quality assurance  
14 code requirements;

15 (iii) encourage, through financial in-  
16 centives, private sector capital investment  
17 to expand manufacturing capacity; and

18 (iv) provide technical assistance and  
19 financial incentives to small and mid-sized  
20 businesses to develop the work-force nec-  
21 essary to increase manufacturing capacity  
22 and meet domestic and international nu-  
23 clear quality assurance code requirements.

24 (C) Within 9 months of enactment, the  
25 interagency working group shall provide a re-



1 port to Congress on its findings under Section  
2 (2)(A) and (B), including recommendations for  
3 new legislative authority where necessary.

4 (4) TRADE ASSISTANCE.—The interagency  
5 working group shall encourage the member agencies  
6 of the interagency working group to—

7 (A) provide technical training and edu-  
8 cation for international development personnel  
9 and local users in their own country;

10 (B) provide financial and technical assist-  
11 ance to nonprofit institutions that support the  
12 marketing and export efforts of domestic com-  
13 panies that provide nuclear energy products and  
14 services;

15 (C) develop nuclear energy projects in for-  
16 eign countries;

17 (D) provide technical assistance and train-  
18 ing materials to loan officers of the World  
19 Bank, international lending institutions, com-  
20 mercial and energy attaches at embassies of the  
21 United States and other appropriate personnel  
22 in order to provide information about nuclear  
23 energy products and services to foreign govern-  
24 ments or other potential project sponsors;

1 (E) support, through financial incentives,  
2 private sector efforts to commercialize and ex-  
3 port nuclear energy products and services in ac-  
4 cordance with the subsidy codes of the World  
5 Trade Organization; and

6 (F) augment budgets for trade and devel-  
7 opment programs in order to support  
8 prefeasibility or feasibility studies for projects  
9 that utilize nuclear energy products and serv-  
10 ices.

11 (5) AUTHORIZATION OF APPROPRIATIONS.—

12 There are authorized to be appropriated to the Sec-  
13 retary for purposes of carrying out this title  
14 \$20,000,000 for fiscal years 2008 and 2009.

15 (b) CREDIT FOR QUALIFYING NUCLEAR POWER  
16 MANUFACTURING.—Subpart E of part IV of subchapter  
17 A of chapter 1 of the Internal Revenue Code is amended  
18 by inserting after section 48B the following new section:  
19 **“SEC. 48C. QUALIFYING NUCLEAR POWER MANUFAC-**  
20 **TURING CREDIT.**

21 “(a) IN GENERAL.—For purposes of section 46, the  
22 qualifying nuclear power manufacturing credit for any  
23 taxable year is an amount equal to 20 percent of the quali-  
24 fied investment for such taxable year.

25 “(b) QUALIFIED INVESTMENT.—

1           “(1) IN GENERAL.—For purposes of subsection  
2           (a), the qualified investment for any taxable year is  
3           the basis of eligible property placed in service by the  
4           taxpayer during such taxable year—

5                   “(A) which is either part of a qualifying  
6                   nuclear power manufacturing project or is  
7                   qualifying nuclear power manufacturing equip-  
8                   ment,

9                   “(B)(i) the construction, reconstruction, or  
10                  erection of which is completed by the taxpayer,  
11                  or

12                  “(ii) which is acquired by the taxpayer if  
13                  the original use of such property commences  
14                  with the taxpayer,

15                  “(C) with respect to which depreciation (or  
16                  amortization in lieu of depreciation) is allow-  
17                  able, and

18                  “(D) which is placed in service on or be-  
19                  fore December 31, 2015.

20           “(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED  
21           PROPERTY.—Rules similar to section 48(a)(4) shall  
22           apply for purposes of this section.

23           “(3) CERTAIN QUALIFIED PROGRESS EXPENDI-  
24           TURES RULES MADE APPLICABLE.—Rules similar to  
25           the rules of subsections (c)(4) and (d) of section 46

1 (as in effect on the day before the enactment of the  
2 Revenue Reconciliation Act of 1990) shall apply for  
3 purposes of this section.

4 “(c) DEFINITIONS.—For purposes of this section—

5 “(1) QUALIFYING NUCLEAR POWER MANUFAC-  
6 TURING PROJECT.—The term ‘qualifying nuclear  
7 power manufacturing project’ means any project  
8 which is designed primarily to enable the taxpayer to  
9 produce or test equipment necessary for the con-  
10 struction or operation of a nuclear power plant.

11 “(2) QUALIFYING NUCLEAR POWER MANUFAC-  
12 TURING EQUIPMENT.—The term ‘qualifying nuclear  
13 power manufacturing equipment’ means machine  
14 tools and other similar equipment, including com-  
15 puters and other peripheral equipment, acquired or  
16 constructed primarily to enable the taxpayer to  
17 produce or test equipment necessary for the con-  
18 struction or operation of a nuclear power plant.

19 “(3) PROJECT.—The term ‘project’ includes  
20 any building constructed to house qualifying nuclear  
21 power manufacturing equipment.”.

22 (e) CONFORMING AMENDMENTS.—

23 (1) ADDITIONAL INVESTMENT CREDIT.—Sec-  
24 tion 46 is amended by—

1 (A) striking “and” at the end of paragraph

2 (3);

3 (B) striking the period at the end of para-  
4 graph (4) and inserting “, and”; and

5 (C) inserting after paragraph (4) the fol-  
6 lowing new paragraph:

7 “(5) the qualifying nuclear power manufac-  
8 turing credit.”.

9 (2) APPLICATION OF SECTION 49.—Subpara-  
10 graph (C) of section 49(a)(1) is amended by—

11 (A) striking “and” at the end of clause  
12 (iii);

13 (B) striking the period at the end of clause  
14 (iv) and inserting “, and”; and

15 (C) inserting after clause (iv) the following  
16 new clause:

17 “(v) the basis of any property which  
18 is part of a qualifying nuclear power equip-  
19 ment manufacturing project under section  
20 48C.”.

21 (3) TABLE OF SECTIONS.—The table of sections  
22 preceding section 46 is amended by inserting after  
23 the line for section 48B the following new line:

“Sec. 48C. Qualifying nuclear power manufacturing credit.”.

24 (d) EFFECTIVE DATE.—The amendments made by  
25 this section shall apply to property—

1           (1) the construction, reconstruction, or erection  
2 of which of began after the date of enactment; or

3           (2) which was acquired by the taxpayer on or  
4 after the date of enactment and not pursuant to a  
5 binding contract which was in effect on the day prior  
6 to the date of enactment.

7 **SEC. 1005. NUCLEAR ENERGY WORKFORCE.**

8           Section 1101 of the Energy Policy Act of 2005 (42  
9 U.S.C. 16411) is amended (1) by redesignating subsection  
10 (d) as subsection (e); and by inserting after subsection (c)  
11 the following:

12           “(d) WORKFORCE TRAINING.—

13           “(1) IN GENERAL.—The Secretary of Labor, in  
14 cooperation with the Secretary of Energy, shall pro-  
15 mulgate regulations to implement a program to pro-  
16 vide workforce training to meet the high demand for  
17 workers skilled in the nuclear utility and nuclear en-  
18 ergy products and services industries.

19           “(2) CONSULTATION.—In carrying out this sub-  
20 section, the Secretary of Labor shall consult with  
21 representatives of the nuclear utility and nuclear en-  
22 ergy products and services industries, and organized  
23 labor, concerning skills that are needed in those in-  
24 dustries.

1           “(3) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated to the Sec-  
3           retary of Labor, working in coordination with the  
4           Secretaries of Education and Energy \$20,000,000  
5           for each of fiscal years 2008 through 2012 for use  
6           in implementing a program to provide workforce  
7           training to meet the high demand for workers skilled  
8           in the nuclear utility and nuclear energy products  
9           and services industries.”.

10 **SEC. 1006. LICENSING OF NEW NUCLEAR POWER PLANTS.**

11           Sections 189 and 185 of the Atomic Energy Act are  
12 amended thus:

13           (1) HEARINGS AND JUDICIAL REVIEW.—Section  
14           189a.(1)(A) is modified thus: “In any proceeding  
15           under this Act, for the granting, suspending, revok-  
16           ing, or amending of any license or construction per-  
17           mit, or application to transfer control, and in any  
18           proceeding for the issuance or modification of rules  
19           and regulations dealing with the activities of licens-  
20           ees, and in any proceeding for the payment of com-  
21           pensation, an award, or royalties under section 153,  
22           157, 186c., or 188, the Commission shall grant a  
23           hearing upon the request of any person whose inter-  
24           est may be affected by the proceeding, and shall  
25           admit any such person as a party to such pro-

1 ceeding. The Commission may, in the absence of a  
2 request therefor by any person whose interest may  
3 be affected, issue a construction permit, an oper-  
4 ating license or an amendment to a construction per-  
5 mit or an amendment to an operating license with-  
6 out a hearing, but upon thirty days' notice and pub-  
7 lication once in the Federal Register of its intent to  
8 do so. The Commission may dispense with such thir-  
9 ty days' notice and publication with respect to any  
10 application for an amendment to a construction per-  
11 mit or an amendment to an operating license upon  
12 a determination by the Commission that the amend-  
13 ment involves no significant hazards consideration.”.

14 (2) CONSTRUCTION PERMITS AND OPERATING  
15 LICENSES.—Section 185b is modified thus: “After  
16 any public hearing held under section 189a.(1)(A),  
17 the Commission shall issue to the applicant a com-  
18 bined construction and operating license if the appli-  
19 cation contains sufficient information to support the  
20 issuance of a combined license and the Commission  
21 determines that there is reasonable assurance that  
22 the facility will be constructed and will operate in  
23 conformity with the license, the provisions of this  
24 Act, and the Commission’s rules and regulations.  
25 The Commission shall identify within the combined



1 license the inspections, tests, and analyses, including  
2 those applicable to emergency planning, that the li-  
3 censee shall perform, and the acceptance criteria  
4 that, if met, are necessary and sufficient to provide  
5 reasonable assurance that the facility has been con-  
6 structed and will be operated in conformity with the  
7 license, the provisions of this Act, and the Commis-  
8 sion's rules and regulations. Following issuance of  
9 the combined license, the Commission shall ensure  
10 that the prescribed inspections, tests, and analyses  
11 are performed and, prior to operation of the facility,  
12 shall find that the prescribed acceptance criteria are  
13 met. Any finding made under this subsection shall  
14 not require a hearing except as provided in section  
15 189a.(1)(B).”.

16 **SEC. 1007. INVESTMENT TAX CREDIT FOR INVESTMENTS IN**  
17 **NUCLEAR POWER FACILITIES.**

18 (a) NEW CREDIT FOR NUCLEAR POWER FACILI-  
19 TIES.—Section 46 is amended by—

20 (1) striking “and” at the end of paragraph (3);

21 (2) striking the period at the end of paragraph

22 (4) and inserting “, and”; and

23 (3) inserting after paragraph (4) the following

24 new paragraph:

1           “(5) the nuclear power facility construction  
2 credit.”.

3           (b) NUCLEAR POWER FACILITY CONSTRUCTION  
4 CREDIT.—Subpart E of part IV of subchapter A of chap-  
5 ter 1 is amended by inserting after section 48B the fol-  
6 lowing new section:

7           **“SEC. 48C. NUCLEAR POWER FACILITY CONSTRUCTION**  
8                                   **CREDIT.**

9           “(a) IN GENERAL.—For purposes of section 46, the  
10 nuclear power facility construction credit for any taxable  
11 year is 10 percent of the qualified nuclear power facility  
12 expenditures with respect to a qualified nuclear power fa-  
13 cility.

14          “(b) WHEN EXPENDITURES TAKEN INTO AC-  
15 COUNT.—

16           “(1) IN GENERAL.—Qualified nuclear power fa-  
17 cility expenditures shall be taken into account for  
18 the taxable year in which the qualified nuclear power  
19 facility is placed in service.

20           “(2) COORDINATION WITH SUBSECTION (c).—

21 The amount which would (but for this paragraph) be  
22 taken into account under paragraph (1) with respect  
23 to any qualified nuclear power facility shall be re-  
24 duced (but not below zero) by any amount of quali-  
25 fied nuclear power facility expenditures taken into

1 account under subsection (c) by the taxpayer or a  
2 predecessor of the taxpayer (or, in the case of a sale  
3 and leaseback described in section 50(a)(2)(C), by  
4 the lessee), to the extent any amount so taken into  
5 account has not been required to be recaptured  
6 under section 50(a).

7 “(c) PROGRESS EXPENDITURES.—

8 “(1) IN GENERAL.—A taxpayer may elect to  
9 take into account qualified nuclear power facility ex-  
10 penditures.

11 “(A) SELF-CONSTRUCTED PROPERTY.—In  
12 the case of a qualified nuclear power facility  
13 which is a self-constructed facility, in the tax-  
14 able year for which such expenditures are prop-  
15 erly chargeable to capital account with respect  
16 to such facility.

17 “(B) ACQUIRED FACILITY.—In the case of  
18 a qualified nuclear facility which is not self-con-  
19 structed property, in the taxable year in which  
20 such expenditures are paid.

21 “(2) SPECIAL RULES FOR APPLYING PARA-  
22 GRAPH (1).—For purposes of paragraph (1):

23 “(A) COMPONENT PARTS, ETC.—Property  
24 which is not self-constructed property and  
25 which is to be a component part of, or is other-

1 wise to be included in, any facility to which this  
2 subsection applies shall be taken into account in  
3 accordance with paragraph (1)(B).

4 “(B) CERTAIN BORROWING DIS-  
5 REGARDED.—Any amount borrowed directly or  
6 indirectly by the taxpayer on a nonrecourse  
7 basis from the person constructing the facility  
8 for the taxpayer shall not be treated as an  
9 amount expended for such facility.

10 “(C) LIMITATION FOR FACILITIES OR COM-  
11 PONENTS WHICH ARE NOT SELF-CON-  
12 STRUCTED.—

13 “(i) IN GENERAL.—In the case of a  
14 facility or a component of a facility which  
15 is not self-constructed, the amount taken  
16 into account under paragraph (1)(B) for  
17 any taxable year shall not exceed the  
18 amount which represents the portion of the  
19 overall cost to the taxpayer of the facility  
20 or component of a facility which is prop-  
21 erly attributable to the portion of the facil-  
22 ity or component which is completed dur-  
23 ing such taxable year.

24 “(ii) CARRY-OVER OF CERTAIN  
25 AMOUNTS.—In the case of a facility or

1 component of a facility which is not self-  
2 constructed, if for the taxable year—

3 “(I) the amount which (but for  
4 clause (i)) would have been taken into  
5 account under paragraph (1)(B) ex-  
6 ceeds the limitation of clause (i), then  
7 the amount of such excess shall be  
8 taken into account under paragraph  
9 (1)(B) for the succeeding taxable  
10 year; or

11 “(II) the limitation of clause (i)  
12 exceeds the amount taken into ac-  
13 count under paragraph (1)(B), then  
14 the amount of such excess shall in-  
15 crease the limitation of clause (i) for  
16 the succeeding taxable year.

17 “(D) DETERMINATION OF PERCENTAGE OF  
18 COMPLETION.—The determination under sub-  
19 paragraph (C)(i) of the portion of the overall  
20 cost to the taxpayer of the construction which  
21 is properly attributable to construction com-  
22 pleted during any taxable year shall be made on  
23 the basis of engineering or architectural esti-  
24 mates or on the basis of cost accounting  
25 records. Unless the taxpayer establishes other-

1 wise by clear and convincing evidence, the con-  
2 struction shall be deemed to be completed not  
3 more rapidly than ratably over the normal con-  
4 struction period.

5 “(E) NO PROGRESS EXPENDITURES FOR  
6 CERTAIN PRIOR PERIODS.—No qualified nuclear  
7 facility expenditures shall be taken into account  
8 under this subsection for any period before the  
9 first day of the first taxable year to which an  
10 election under this subsection applies.

11 “(F) NO PROGRESS EXPENDITURES FOR  
12 PROPERTY FOR YEAR IT IS PLACED IN SERVICE,  
13 ETC.—In the case of any qualified nuclear facil-  
14 ity, no qualified nuclear facility expenditures  
15 shall be taken into account under this sub-  
16 section for the earlier of—

17 “(i) the taxable year in which the fa-  
18 cility is placed in service; or

19 “(ii) the first taxable year for which  
20 recapture is required under section  
21 50(a)(2) with respect to such facility, or  
22 for any taxable year thereafter.

23 “(3) SELF-CONSTRUCTED.—For purposes of  
24 this subsection:

1           “(A) The term ‘self-constructed facility’  
2           means any facility if it is reasonable to believe  
3           that more than half of the qualified nuclear fa-  
4           cility expenditures for such facility will be made  
5           directly by the tax-payer.

6           “(B) A component of a facility shall be  
7           treated as not self-constructed if the cost of the  
8           component is at least 5 percent of the expected  
9           cost of the facility and the component is ac-  
10          quired by the taxpayer.

11          “(4) ELECTION.—An election shall be made  
12          under this section for a qualified nuclear power facil-  
13          ity by claiming the nuclear power facility construc-  
14          tion credit for expenditures described in paragraph  
15          (1) on a tax return filed by the due date for such  
16          return (taking into account extensions). Such an  
17          election shall apply to the taxable year for which  
18          made and all subsequent taxable years. Such an  
19          election, once made, may be revoked only with the  
20          consent of the Secretary.

21          “(d) DEFINITIONS AND SPECIAL RULES.—For pur-  
22          poses of this section:

23                 “(1) QUALIFIED NUCLEAR POWER FACILITY.—  
24                 The term ‘qualified nuclear power facility’ means an  
25                 advanced nuclear power facility, as defined in section

1 45J, the construction of which was approved by the  
2 Nuclear Regulatory Commission on or before De-  
3 cember 31, 2013.

4 “(2) QUALIFIED NUCLEAR POWER FACILITY  
5 EXPENDITURES.—

6 “(A) IN GENERAL.—The term ‘qualified  
7 nuclear power facility expenditures’ means any  
8 amount properly chargeable to capital ac-  
9 count—

10 “(i) with respect to a qualified nuclear  
11 power facility;

12 “(ii) for which depreciation is allow-  
13 able under section 168; and

14 “(iii) which are incurred before the  
15 qualified nuclear power facility is placed in  
16 service or in connection with the placement  
17 of such facility in service.

18 “(B) PRE-EFFECTIVE DATE EXPENDI-  
19 TURES.—Qualified nuclear power facility ex-  
20 penditures do not include any expenditures in-  
21 curred by the taxpayer before January 1, 2007,  
22 unless such expenditures constitute less than 20  
23 percent of the total qualified nuclear power fa-  
24 cility expenditures (determined without regard



1 to this subparagraph) for the qualified nuclear  
2 power facility.

3 “(3) DELAYS AND SUSPENSION OF CONSTRUC-  
4 TION.—

5 “(A) IN GENERAL.—For purposes of ap-  
6 plying this section and section 50, a nuclear  
7 power facility that is under construction shall  
8 cease to be treated as a facility that will be a  
9 qualified nuclear power facility as of the earlier  
10 of—

11 “(i) the date on which the taxpayer  
12 decides to terminate construction of the fa-  
13 cility; or

14 “(ii) the last day of any 24-month pe-  
15 riod in which the taxpayer has failed to  
16 incur qualified nuclear power facility ex-  
17 penditures totaling at least 20 percent of  
18 the expected total cost of the nuclear  
19 power facility.

20 “(B) AUTHORITY TO WAIVE.—The Sec-  
21 retary may waive the application of clause (ii)  
22 of subparagraph (A) if the Secretary deter-  
23 mines that the taxpayer intended to continue  
24 the construction of the qualified nuclear power

1 facility and the expenditures were not incurred  
2 for reasons outside the control of the taxpayer.

3 “(C) RESUMPTION OF CONSTRUCTION.—If  
4 a nuclear power facility that is under construc-  
5 tion ceases to be a qualified nuclear power facil-  
6 ity by reason of paragraph (2) and work is sub-  
7 sequently resumed on the construction of such  
8 facility—

9 “(i) the date work is subsequently re-  
10 sumed shall be treated as the date that  
11 construction began for purposes of para-  
12 graph (1); and

13 “(ii) if the facility is a qualified nu-  
14 clear power facility, the qualified nuclear  
15 power facility expenditures shall be deter-  
16 mined without regard to any delay or tem-  
17 porary termination of construction of the  
18 facility.”.

19 (c) PROVISIONS RELATING TO CREDIT RECAP-  
20 TURE.—

21 (1) PROGRESS EXPENDITURE RECAPTURE  
22 RULES.—

23 (A) BASIC RULES.—Subparagraph (A) of  
24 section 50(a)(2) is amended to read as follows:

1           “(A) IN GENERAL.—If during any taxable  
2           year any building to which section 47(d) applied  
3           or any facility to which section 48C(c) applied  
4           ceases (by reason of sale or other disposition,  
5           cancellation or abandonment of contract, or  
6           otherwise) to be, with respect to the taxpayer,  
7           property which, when placed in service, will be  
8           a qualified rehabilitated building or a qualified  
9           nuclear power facility, then the tax under this  
10          chapter for such taxable year shall be increased  
11          by an amount equal to the aggregate decrease  
12          in the credits allowed under section 38 for all  
13          prior taxable years which would have resulted  
14          solely from reducing to zero the credit deter-  
15          mined under this subpart with respect to such  
16          building or facility.”.

17           (B) AMENDMENT TO EXCESS CREDIT RE-  
18          CAPTURE RULE.—Subparagraph (B) of section  
19          50(a)(2) is amended by—

20                   (i) inserting “or paragraph (2) of sec-  
21                   tion 48C(b)” after “paragraph (2) of sec-  
22                   tion 47(b)”;

23                   (ii) inserting “or section 48C(b)(1)”  
24                   after “section 47(b)(1)”; and

1 (iii) inserting “or facility” after  
2 “building”.

3 (C) AMENDMENT OF SALE AND LEASE-  
4 BACK RULE.—Subparagraph (C) of section  
5 50(a)(2) is amended by—

6 (i) inserting “or section 48C(c)” after  
7 “section 47(d)”; and

8 (ii) inserting “or qualified nuclear  
9 power facility expenditures” after “quali-  
10 fied rehabilitation expenditures”.

11 (D) OTHER AMENDMENT.—Subparagraph  
12 (D) of section 50(a)(2) is amended by inserting  
13 “or section 48C(c)” after “section 47(d)”.

14 (d) NO BASIS ADJUSTMENT.—Section 50(e) is  
15 amended by inserting at the end thereof the following new  
16 paragraph:

17 “(6) NUCLEAR POWER FACILITY CONSTRUC-  
18 TION CREDIT.—Paragraphs (1) and (2) shall not  
19 apply to the nuclear power facility construction cred-  
20 it.”.

21 (e) TECHNICAL AMENDMENTS.—The table of sec-  
22 tions for subpart E of part IV of subchapter A of chapter  
23 1 is amended by inserting after the line for section 48B  
24 the following new line:

“Sec. 48C. Nuclear power facility construction credit.”.

1 (f) **EFFECTIVE DATE.**—The amendments made by  
2 this section of this Act shall be effective for expenditures  
3 incurred and property placed in service in taxable years  
4 beginning after the date of enactment.

5 **SEC. 1008. NATIONAL NUCLEAR ENERGY COUNCIL.**

6 (a) **IN GENERAL.**—

7 (1) The Secretary of Energy shall establish a  
8 National Nuclear Energy Council (hereinafter the  
9 “Council”).

10 (2) The National Nuclear Energy Council shall  
11 be subject to the requirements of the Federal Advi-  
12 sory Committee Act (5 U.S.C. Appendix 2).

13 (b) **PURPOSE.**—The National Nuclear Energy Coun-  
14 cil shall—

15 (1) serve in an advisory capacity to the Sec-  
16 retary of Energy regarding nuclear energy on mat-  
17 ters submitted to the Council by the Secretary of  
18 Energy; and

19 (2) advise, inform, and make recommendations  
20 to the Secretary of Energy, and represent the views  
21 of the nuclear energy industry with respect to any  
22 matter relating to nuclear energy.

23 (c) **MEMBERSHIP AND ORGANIZATION.**—

24 (1) The members of the Council shall be ap-  
25 pointed by the Secretary of Energy.

1           (2) The Council may establish such study and  
2 administrative committees as it may deem appro-  
3 priate. Study committees shall only assist the Coun-  
4 cil in preparing its advice, information, or rec-  
5 ommendations to the Secretary of Energy. Adminis-  
6 trative committees shall be formed solely for the  
7 purpose of assisting the Council or its Chairman in  
8 the management of the internal affairs of the Coun-  
9 cil.

10           (3) The officers of the Council shall consist of  
11 a Chairman, a Vice Chairman, and such other offi-  
12 cers as may be approved by the Council. The Chair-  
13 man and Vice Chairman must be members of the  
14 Council and shall receive no compensation for service  
15 as officers of the Council.

16           (4) The Secretary of Energy shall be Cochair-  
17 man of the Council. If the Secretary of Energy des-  
18 ignates a full-time, salaried official of the Depart-  
19 ment of Energy as his alternate, such alternate may  
20 exercise any duties of the Secretary of Energy and  
21 may perform any function on the Council otherwise  
22 reserved for the Secretary of Energy.

23           (5) The Chairman and the Vice Chairman shall  
24 be elected by the Council at its organizational meet-

1       ing to serve until their successors are elected at the  
2       next organizational meeting of the Council.

3       (d) MEETINGS.—

4           (1) Regular meetings of the Council shall be  
5       held at least twice each year at times determined by  
6       the Chairman and approved by the Government Co-  
7       chairman.

8           (2) No meeting of the Council shall be held un-  
9       less the Government Cochairman approves the agen-  
10      da thereof, approves the calling thereof, and is  
11      present thereat.

12          (3) The time and place of all Council meetings  
13      shall be given general publicity and such meetings  
14      shall be open to the public.

15      (e) STUDIES BY THE COUNCIL.—

16          (1) The Council may establish study committees  
17      to prepare reports for the consideration of the Coun-  
18      cil pursuant to requests from the Secretary of En-  
19      ergy for advice, information, and recommendations.

20          (2) The Secretary of Energy or a full-time em-  
21      ployee of the Department of Energy designated by  
22      the Secretary shall be the Cochairman of each study  
23      committee.

24          (3) The members of study committees shall be  
25      selected from the Council membership on the basis

1 of their training, experience, and general qualifica-  
2 tions to deal with the matters assigned.

3 **SEC. 1009. TEMPORARY SPENT NUCLEAR FUEL STORAGE**  
4 **AGREEMENTS.**

5 (a) **AUTHORIZATION AND LOCATION.**—The Secretary  
6 of Energy (Secretary) is authorized to initiate spent nu-  
7 clear fuel storage agreements as provided herein.

8 (1) No later than 180 days from the date of en-  
9 actment of this Act, representatives of a community  
10 may submit written notice to the Secretary that the  
11 community is willing to host a temporary spent nu-  
12 clear fuel storage facility within its jurisdiction.

13 (2) Within 90 days of the receipt of the notifi-  
14 cation under subsection (a)(1), the Secretary shall  
15 determine whether the identified site is suitable for  
16 a temporary storage facility. In determining the  
17 site's suitability, the Secretary will evaluate technical  
18 feasibility and consider favorably local support for  
19 collocating a temporary spent nuclear fuel storage  
20 facility with facilities in-tended to develop and imple-  
21 ment advanced nuclear fuel cycle technologies.

22 (b) **CONTENT OF AGREEMENTS.**—If the Secretary  
23 determines one or more sites to be suitable in accordance  
24 with subsection (a)(2), negotiation of a temporary spent  
25 nuclear fuel storage facility agreement shall proceed.



1 (1) Any temporary spent nuclear fuel storage  
2 agreement shall contain such terms and conditions,  
3 including financial, institutional and such other ar-  
4 rangements as the Secretary and community deter-  
5 mine to be reasonable and appropriate.

6 (2) Any temporary spent nuclear fuel storage  
7 agreement may be amended only with the mutual  
8 consent of the parties to the agreement.

9 (c) ENVIRONMENTAL IMPACT STATEMENT.—Execu-  
10 tion of a temporary spent nuclear fuel storage agreement  
11 shall not require preparation of an environmental impact  
12 statement under section 102(2)(C) of the National Envi-  
13 ronmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or  
14 require any environmental review under subparagraph (E)  
15 or (F) of section 102(2) of such Act (42 U.S.C.  
16 4332(2)(E), (F)).

17 **SEC. 1010. IMPLEMENTATION OF TEMPORARY SPENT NU-**  
18 **CLEAR FUEL STORAGE AGREEMENTS.**

19 (a) IN GENERAL.—Any temporary spent nuclear fuel  
20 storage agreement or agreements entered into under sec-  
21 tion 1 shall enter into force with respect to the United  
22 States if (and only if)—

23 (1) the Secretary, at least 60 days before the  
24 day on which he or she enters into the temporary  
25 spent nuclear fuel storage agreement or agreements

1 notifies the House of Representatives and the Senate  
2 of his intention to enter into the agreement or agree-  
3 ments, and promptly thereafter publishes notice of  
4 such intention in the Federal Register;

5 (2) the Governor of the State or States in  
6 which the facility is proposed to be located submits  
7 written notice to the Secretary that the Governor  
8 supports the temporary spent nuclear fuel storage  
9 agreement; and

10 (3) after entering into the agreement, the Sec-  
11 retary submits to the House of Representatives and  
12 to the Senate a copy of the final text of the agree-  
13 ment, together with—

14 (A) a draft of an implementing bill; and

15 (B) a statement of any administrative ac-  
16 tion proposed to implement the agreement.

17 (b) APPLICATION OF EXPEDITED PROCEDURES TO  
18 IMPLEMENTING BILLS.—The provisions of section 3 apply  
19 to implementing bills submitted with respect to temporary  
20 spent nuclear fuel storage agreements entered into and  
21 submitted pursuant to section 2.

1 **SEC. 1011. EXPEDITED PROCEDURES FOR CONGRESSIONAL**  
2 **REVIEW OF TEMPORARY SPENT NUCLEAR**  
3 **FUEL STORAGE AGREEMENTS.**

4 (a) RULES OF HOUSE OF REPRESENTATIVE AND  
5 SENATE.—The provisions of this subsection are enacted  
6 by the Congress—

7 (1) as an exercise of the rulemaking power of  
8 the House of Representatives and the Senate, re-  
9 spectively, and as such they are deemed a part of  
10 the rules of each House, respectively, but applicable  
11 only with respect to the procedure to be followed in  
12 that House in the case of implementing bills de-  
13 scribed in subsection (b)(2) of this section and ap-  
14 proval resolutions described in subsection (b)(3) of  
15 this section; and they supersede other rules only to  
16 the extent that they are inconsistent therewith; and

17 (2) with full recognition of the constitutional  
18 right of either House to change the rules (so far as  
19 relating to the procedure of that House) at any time,  
20 in the same manner and to the same extent as in  
21 the case of any other rule of that House.

22 (b) DEFINITIONS.—For purposes of this section—

23 (1) The term “community” means any entity of  
24 local government appropriate, in terms of legal au-  
25 thority, for negotiating and entering into temporary

1 spent nuclear fuel storage agreements provided for  
2 in section 1.

3 (2) The term “implementing bill” means only a  
4 bill of either House of Congress which is introduced  
5 as provided in subsection (c) of this section with re-  
6 spect to one or more temporary spent nuclear fuel  
7 storage agreements and which contain—

8 (A) a provision approving such storage  
9 agreements;

10 (B) a provision approving the statement of  
11 administrative action (if any) proposed to im-  
12 plement such storage agreements;

13 (C) if changes in existing laws or new stat-  
14 utory authority is required to implement such  
15 storage agreement or agreements, provisions  
16 necessary or appropriate to implement such  
17 agreement or agreements either repealing or  
18 amending existing laws or providing new statu-  
19 tory authority; and

20 (D) a provision containing revenue meas-  
21 ures (if any), by reason of which the bill must  
22 originate in the House of Representatives as  
23 provided for in subsection (c).

24 (3) The term “approval resolution” means only  
25 a joint resolution of the two Houses of the Congress,

1 the matter after the resolving clause of which is as  
2 follows: "That the Congress approves the temporary  
3 spent nuclear fuel storage agreement between the  
4 Secretary of Energy and \_\_\_\_\_ on  
5 \_\_\_\_\_," the first blank space being filled  
6 with the name of the governor involved and the sec-  
7 ond blank space being filled in with the appropriate  
8 date.

9 (c) INTRODUCTION AND REFERRAL.—On the day on  
10 which the temporary spent nuclear fuel storage agreement  
11 is submitted to the House of Representatives and the Sen-  
12 ate under this title, the implementing bill submitted by  
13 the Secretary with respect to such temporary spent nu-  
14 clear fuel storage agreement shall be introduced (by re-  
15 quest) in the House by the majority leader of the House,  
16 for himself and the minority leader of the House, or by  
17 Members of the House designated by the majority leader  
18 and minority leader of the House; and shall be introduced  
19 (by request) in the Senate by the majority leader of the  
20 Senate, for himself and the minority leader of the Senate,  
21 or by Members of the Senate designated by the majority  
22 leader and minority leader of the Senate. If either House  
23 is not in session on the day on which such temporary spent  
24 nuclear fuel storage agreement is submitted, the imple-  
25 menting bill shall be introduced in that House, as provided

1 in the preceding sentence, on the first day thereafter on  
2 which that House is in session. Such bills shall be referred  
3 by the Presiding Officers of the respective Houses to the  
4 appropriate committee, or, in the case of a bill containing  
5 provisions within the jurisdiction of two or more commit-  
6 tees, jointly to such committees for consideration of those  
7 provisions within their respective jurisdictions.

8 (d) AMENDMENTS PROHIBITED.—No amendment to  
9 an implementing bill or approval resolution shall be in  
10 order in either the House of Representatives or the Sen-  
11 ate; and no motion to suspend the application of this sub-  
12 section shall be in order in either House, nor shall it be  
13 in order in either House for the Presiding Officer to enter-  
14 tain a request to suspend the application of this subsection  
15 by unanimous consent.

16 (e) PERIOD FOR COMMITTEE AND FLOOR CONSIDER-  
17 ATION.—

18 (1) Except as provided in subsection (e)(2), if  
19 the committee or committees of either House to  
20 which an implementing bill or approval resolution  
21 has been referred have not reported it at the close  
22 of the 45th day after its introduction, such com-  
23 mittee or committees shall be automatically dis-  
24 charged from further consideration of the bill or res-  
25 olution and it shall be placed on the appropriate cal-

1       endar. A vote on final passage of the bill or resolu-  
2       tion shall be taken in each House on or before the  
3       close of the 15th day after the bill or resolution is  
4       reported by the committee or committees of that  
5       House to which it was referred, or after such com-  
6       mittee or committees have been discharged from fur-  
7       ther consideration of the bill or resolution. If prior  
8       to the passage by one House of an implementing bill  
9       or approval resolution of that House, that House re-  
10      ceives the same implementing bill or approval resolu-  
11      tion from the other House, then—

12               (A) the procedure in that House shall be  
13               the same as if no implementation bill or ap-  
14               proval resolution had been received from the  
15               other House; but

16               (B) the vote on final passage shall be on  
17               the implementing bill or approval resolution of  
18               the other House.

19               (2) For purposes of computing a number of  
20               days in either House as provided for in subsection  
21               (e)(1), there shall be excluded any day on which that  
22               House is not in session.

23               (3) If the implementing bill contains one or  
24               more revenue measures—

1 (A) the provisions of subsection (e)(1)  
2 shall not apply; and

3 (B) the Senate shall not take final action  
4 on the bill until it is received from the House.

5 (f) FLOOR CONSIDERATION IN THE HOUSE.—

6 (1) A motion in the House of Representatives  
7 to proceed to the consideration of an implementing  
8 bill or approval resolution shall be highly privileged  
9 and not debatable. An amendment to the motion  
10 shall not be in order, nor shall it be in order to move  
11 to reconsider the vote by which the motion is agreed  
12 to or disagreed to.

13 (2) Debate in the House of Representatives on  
14 an implementing bill or approval resolution shall be  
15 limited to not more than 10 hours, which shall be  
16 divided equally between those favoring and those op-  
17 posing the bill or resolution. A motion further to  
18 limit debate shall not be debatable. It shall not be  
19 in order to move to recommit an implementing bill  
20 or approval resolution or to move to reconsider the  
21 vote by which an implementing bill or approval reso-  
22 lution is agreed to or disagreed to.

23 (3) Motions to postpone, made in the House of  
24 Representatives with respect to the consideration of  
25 an implementing bill or approval resolution, and mo-



1       tions to proceed to the consideration of other busi-  
2       ness, shall be decided without debate. If a motion to  
3       proceed to consideration is agreed to, such resolution  
4       shall remain unfinished business of House until dis-  
5       posed of.

6           (4) All appeals from the decisions of the Chair  
7       relating to the application of the Rules of the House  
8       of Representatives to the procedure relating to an  
9       implementing bill or approval resolution shall be de-  
10      ecided without debate.

11          (5) Except to the extent specifically provided in  
12      the preceding provisions of this subsection, consider-  
13      ation of an implementing bill or approval resolution  
14      shall be governed by the Rules of the House of Rep-  
15      resentatives applicable to other bills and resolutions  
16      in similar circumstances.

17      (g) FLOOR CONSIDERATION IN THE SENATE.—

18          (1) A motion in the Senate to proceed to the  
19      consideration of an implementing bill or approval  
20      resolution shall be privileged and not debatable. An  
21      amendment to the motion shall not be in order, nor  
22      shall it be in order to move to reconsider the vote  
23      by which the motion is agreed to or disagreed to.

24          (2) Debate in the Senate on an implementing  
25      bill or approval resolution, and all debatable motions

1 and appeals in connection therewith, shall be limited  
2 to not more than 10 hours. The time shall be equally  
3 divided between, and controlled by, the majority  
4 leader and the minority leader or their designees.

5 (3) Debate in the Senate on any debatable mo-  
6 tion or appeal in connection with an implementing  
7 bill or approval resolution shall be limited to not  
8 more than 1 hour, to be equally divided between,  
9 and controlled by, the mover and the manager of the  
10 bill or resolution, except that in the event the man-  
11 ager of the bill or resolution is in favor of any such  
12 motion or appeal, the time in opposition thereto  
13 shall be controlled by the minority leader or his des-  
14 ignee. Such leaders, or either of them, may, from  
15 time under their control on the passage of an imple-  
16 menting bill or approval resolution, allot additional  
17 time to any Senator during the consideration of any  
18 debatable motion or appeal.

19 (4) A motion in the Senate to further limit de-  
20 bate is not debatable. A motion to recommit an im-  
21 plementation bill or approval resolution is not in  
22 order.

23 **SEC. 1012. CONTRACTING AND NUCLEAR WASTE FUND.**

24 Section 302 of the Nuclear Waste Policy Act of 1982  
25 (42 U.S.C. 10222) is amended—

1           (1) in subsection (a)(1), by adding at the end  
2           the following: “For any civilian nuclear power reac-  
3           tor a license application for which is filed with the  
4           Commission, pursuant to its authority under section  
5           103 or 104 of the Atomic Energy Act of 1954, after  
6           the date of enactment of this Act, contracts entered  
7           into under this section shall—

8                   “(A) except as provided in subsections  
9                   302(a)(1)(B), (C), (D), and (E), below, be gen-  
10                  erally consistent with the terms and conditions  
11                  of the ‘Standard Contract for Disposal of Spent  
12                  Nuclear Fuel and/or High-Level Radioactive  
13                  Waste,’ as codified at 10 C.F.R. Part 961 and  
14                  in effect on January 1, 2007;

15                   “(B) provide for the taking of title to, and  
16                   for the Secretary to dispose of, the high-level  
17                   waste or spent nuclear fuel involved beginning  
18                   no later than 15 years following the start of  
19                   commercial operation;

20                   “(C) contain no provisions providing for  
21                   adjustment of the 1.0 mil per kilowatt-hour fee  
22                   established by paragraph (2);

23                   “(D) be entered into no later than 60 days  
24                   following the docketing of the license applica-

1           tion by the Commission, or the date of enact-  
2           ment of this Act, whichever is later;

3           “(E) provide that, on a schedule consistent  
4           with the Secretary’s acceptance of spent nuclear  
5           fuel from each civilian nuclear power reactor or  
6           site, and completed not later than the Sec-  
7           retary’s completing the acceptance of all spent  
8           nuclear fuel from that commercial nuclear  
9           power reactor or site, the Secretary shall accept  
10          from each such reactor or site, all low-level ra-  
11          dioactive waste defined in section 3(b)(1)(D) of  
12          the Low-level Radioactive Waste Policy Act, as  
13          amended, 42 U.S.C. 2021c(b)(1)(D).”;

14          (2) in subsection (a)(4), by striking all after  
15          “herein.” in the second sentence;

16          (3) in subsection (a)(6), by adding at the end  
17          the following: “Further, the Secretary shall offer to  
18          settle any actions pending on the date of enactment  
19          of this Act for damages resulting from failure to  
20          commence accepting spent nuclear fuel or high-level  
21          radioactive waste on or before January 31, 1998.  
22          Each offer to settle shall provide for the payment of  
23          \$150 to the other party to a contract for disposal of  
24          spent nuclear fuel and high-level radioactive waste  
25          for each kilogram of spent nuclear fuel which such

1 party was or shall be entitled to deliver to the De-  
2 partment in a particular year, based on the following  
3 aggregate acceptance rates: 400 MTU for 1998; 600  
4 MTU for 1999; 1,200 MTU for 2000; 2,000 MTU  
5 for 2001; and 3,000 MTU for 2002 and thereafter;  
6 provided that the Secretary shall adjust the payment  
7 amount per kilogram of spent nuclear fuel under  
8 this subsection (a)(6) annually according to the most  
9 recent Producer Price Index published by the De-  
10 partment of Labor. Such aggregate acceptance rates  
11 shall be allocated among parties to contracts with  
12 the United States based upon the age of spent nu-  
13 clear fuel, as measured by the date of the discharge  
14 of such spent nuclear fuel from the civilian nuclear  
15 power reactor. Such offer to settle also shall include  
16 an annual payment to be determined by the Sec-  
17 retary to any such party where a civilian nuclear  
18 power reactor has been decommissioned, except for  
19 those portions of the facility that cannot be decom-  
20 missioned until removal of spent nuclear fuel and  
21 high-level radioactive waste. The Secretary also shall  
22 offer like compensation to parties to contracts en-  
23 tered into pursuant to section 302 of the Nuclear  
24 Waste Policy Act of 1982 (42 U.S.C. 10222) who  
25 brought actions for damages prior to the date of en-

1 actment of this Act, but which were no longer pend-  
2 ing as of said date, provided that such compensation  
3 shall be reduced by the amount of any settlement or  
4 judgment received by such party.”; and

5 (4) in subsection (d), by adding at the end the  
6 following: “No amount may be expended by the Sec-  
7 retary from the Waste Fund to carry out research  
8 and development activities on advanced nuclear fuel  
9 cycle technologies.”.

10 **SEC. 1013. CONFIDENCE IN AVAILABILITY OF WASTE DIS-**  
11 **POSAL.**

12 (a) **CONGRESSIONAL DETERMINATION.**—The Con-  
13 gress finds that—

14 (1) there is reasonable assurance that high-level  
15 radioactive waste and spent nuclear fuel generated  
16 in reactors licensed by the Nuclear Regulatory Com-  
17 mission in the past, currently, or in the future will  
18 be managed in a safe manner without significant en-  
19 vironmental impact until capacity for ultimate dis-  
20 posal is available; and

21 (2) the Federal Government is responsible and  
22 has established a policy for the ultimate safe and en-  
23 vironmentally sound disposal of such high-level ra-  
24 dioactive waste and spent nuclear fuel.

1 (b) REGULATORY CONSIDERATION.—Notwith-  
2 standing any other provision of law, for the period fol-  
3 lowing the licensed operation of a civilian nuclear power  
4 reactor or any facility for the treatment or storage of  
5 spent nuclear fuel or high-level radioactive waste, no con-  
6 sideration of the public health and safety, common defense  
7 and security, or environmental impacts of the storage of  
8 high-level radioactive waste and spent nuclear fuel gen-  
9 erated in reactors licensed by the Nuclear Regulatory  
10 Commission in the past, currently, or in the future, is re-  
11 quired by the Department of Energy or the Nuclear Regu-  
12 latory Commission in connection with the development,  
13 construction, and operation of, or any permit, license, li-  
14 cense amendment, or siting approval for, a civilian nuclear  
15 power reactor or any facility for the treatment or storage  
16 of spent nuclear fuel or high-level radioactive waste. Noth-  
17 ing in this section shall affect the Department of Energy's  
18 and Nuclear Regulatory Commission's obligation to con-  
19 sider the public health and safety, common defense and  
20 security, and environmental impacts of storage during the  
21 period of licensed operation of a civilian nuclear power re-  
22 actor or facility for the treatment or storage of spent nu-  
23 clear fuel or high-level radioactive waste.

1           **TITLE XI—NEW DOMESTIC**  
2           **SUPPLIES OF OIL AND GAS**  
3           **Subtitle A—Arctic National Wildlife**  
4                           **Refuge**

5   **SEC. 1101. SHORT TITLE.**

6           This subtitle may be cited as the “American-Made  
7   Energy and Good Jobs Act”.

8   **SEC. 1102. DEFINITIONS.**

9           In this subtitle:

10           (1) **COASTAL PLAIN.**—The term “Coastal  
11   Plain” means that area described in appendix I to  
12   part 37 of title 50, Code of Federal Regulations.

13           (2) **SECRETARY.**—The term “Secretary”, except  
14   as otherwise provided, means the Secretary of the  
15   Interior or the Secretary’s designee.

16   **SEC. 1103. LEASING PROGRAM FOR LANDS WITHIN THE**  
17                           **COASTAL PLAIN.**

18           (a) **IN GENERAL.**—The Secretary shall take such ac-  
19   tions as are necessary—

20           (1) to establish and implement, in accordance  
21   with this subtitle and acting through the Director of  
22   the Bureau of Land Management in consultation  
23   with the Director of the United States Fish and  
24   Wildlife Service, a competitive oil and gas leasing  
25   program that will result in an environmentally sound



1 program for the exploration, development, and pro-  
2 duction of the oil and gas resources of the Coastal  
3 Plain; and

4 (2) to administer the provisions of this subtitle  
5 through regulations, lease terms, conditions, restric-  
6 tions, prohibitions, stipulations, and other provisions  
7 that ensure the oil and gas exploration, development,  
8 and production activities on the Coastal Plain will  
9 result in no significant adverse effect on fish and  
10 wildlife, their habitat, subsistence resources, and the  
11 environment, including, in furtherance of this goal,  
12 by requiring the application of the best commercially  
13 available technology for oil and gas exploration, de-  
14 velopment, and production to all exploration, devel-  
15 opment, and production operations under this sub-  
16 title in a manner that ensures the receipt of fair  
17 market value by the public for the mineral resources  
18 to be leased.

19 (b) REPEAL.—

20 (1) REPEAL.—Section 1003 of the Alaska Na-  
21 tional Interest Lands Conservation Act of 1980 (16  
22 U.S.C. 3143) is repealed.

23 (2) CONFORMING AMENDMENT.—The table of  
24 contents in section 1 of such Act is amended by  
25 striking the item relating to section 1003.

1 (c) COMPLIANCE WITH REQUIREMENTS UNDER CER-  
2 TAIN OTHER LAWS.—

3 (1) COMPATIBILITY.—For purposes of the Na-  
4 tional Wildlife Refuge System Administration Act of  
5 1966 (16 U.S.C. 668dd et seq.), the oil and gas  
6 leasing program and activities authorized by this  
7 section in the Coastal Plain are deemed to be com-  
8 patible with the purposes for which the Arctic Na-  
9 tional Wildlife Refuge was established, and no fur-  
10 ther findings or decisions are required to implement  
11 this determination.

12 (2) ADEQUACY OF THE DEPARTMENT OF THE  
13 INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT  
14 STATEMENT.—The "Final Legislative Environ-  
15 mental Impact Statement" (April 1987) on the  
16 Coastal Plain prepared pursuant to section 1002 of  
17 the Alaska National Interest Lands Conservation  
18 Act of 1980 (16 U.S.C. 3142) and section 102(2)(C)  
19 of the National Environmental Policy Act of 1969  
20 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the re-  
21 quirements under the National Environmental Policy  
22 Act of 1969 that apply with respect to prelease ac-  
23 tivities, including actions authorized to be taken by  
24 the Secretary to develop and promulgate the regula-  
25 tions for the establishment of a leasing program au-

1       thorized by this subtitle before the conduct of the  
2       first lease sale.

3           (3) COMPLIANCE WITH NEPA FOR OTHER AC-  
4       TIONS.—Before conducting the first lease sale under  
5       this subtitle, the Secretary shall prepare an environ-  
6       mental impact statement under the National Envi-  
7       ronmental Policy Act of 1969 with respect to the ac-  
8       tions authorized by this subtitle that are not re-  
9       ferred to in paragraph (2). Notwithstanding any  
10      other law, the Secretary is not required to identify  
11      nonleasing alternative courses of action or to analyze  
12      the environmental effects of such courses of action.  
13      The Secretary shall only identify a preferred action  
14      for such leasing and a single leasing alternative, and  
15      analyze the environmental effects and potential miti-  
16      gation measures for those two alternatives. The  
17      identification of the preferred action and related  
18      analysis for the first lease sale under this subtitle  
19      shall be completed within 18 months after the date  
20      of enactment of this subtitle. The Secretary shall  
21      only consider public comments that specifically ad-  
22      dress the Secretary's preferred action and that are  
23      filed within 20 days after publication of an environ-  
24      mental analysis. Notwithstanding any other law,  
25      compliance with this paragraph is deemed to satisfy

1 all requirements for the analysis and consideration  
2 of the environmental effects of proposed leasing  
3 under this subtitle.

4 (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-  
5 ITY.—Nothing in this subtitle shall be considered to ex-  
6 pand or limit State and local regulatory authority.

7 (e) SPECIAL AREAS.—

8 (1) IN GENERAL.—The Secretary, after con-  
9 sultation with the State of Alaska, the city of  
10 Kaktovik, and the North Slope Borough, may des-  
11 ignate up to a total of 45,000 acres of the Coastal  
12 Plain as a Special Area if the Secretary determines  
13 that the Special Area is of such unique character  
14 and interest so as to require special management  
15 and regulatory protection. The Secretary shall des-  
16 ignate as such a Special Area the Sadlerochit Spring  
17 area, comprising approximately 4,000 acres.

18 (2) MANAGEMENT.—Each such Special Area  
19 shall be managed so as to protect and preserve the  
20 area's unique and diverse character including its  
21 fish, wildlife, and subsistence resource values.

22 (3) EXCLUSION FROM LEASING OR SURFACE  
23 OCCUPANCY.—The Secretary may exclude any Spe-  
24 cial Area from leasing. If the Secretary leases a Spe-  
25 cial Area, or any part thereof, for purposes of oil

1 and gas exploration, development, production, and  
2 related activities, there shall be no surface occu-  
3 pancy of the lands comprising the Special Area.

4 (4) DIRECTIONAL DRILLING.—Notwithstanding  
5 the other provisions of this subsection, the Secretary  
6 may lease all or a portion of a Special Area under  
7 terms that permit the use of horizontal drilling tech-  
8 nology from sites on leases located outside the Spe-  
9 cial Area.

10 (f) LIMITATION ON CLOSED AREAS.—The Sec-  
11 retary's sole authority to close lands within the Coastal  
12 Plain to oil and gas leasing and to exploration, develop-  
13 ment, and production is that set forth in this subtitle.

14 (g) REGULATIONS.—

15 (1) IN GENERAL.—The Secretary shall pre-  
16 scribe such regulations as may be necessary to carry  
17 out this subtitle, including rules and regulations re-  
18 lating to protection of the fish and wildlife, their  
19 habitat, subsistence resources, and environment of  
20 the Coastal Plain, by no later than 15 months after  
21 the date of enactment of this subtitle.

22 (2) REVISION OF REGULATIONS.—The Sec-  
23 retary shall periodically review and, if appropriate,  
24 revise the rules and regulations issued under sub-  
25 section (a) to reflect any significant biological, envi-

1           ronmental, or engineering data that come to the Sec-  
2           retary's attention.

3 **SEC. 1104. LEASE SALES.**

4           (a) **IN GENERAL.**—Lands may be leased pursuant to  
5 this subtitle to any person qualified to obtain a lease for  
6 deposits of oil and gas under the Mineral Leasing Act (30  
7 U.S.C. 181 et seq.).

8           (b) **PROCEDURES.**—The Secretary shall, by regula-  
9 tion, establish procedures for—

10           (1) receipt and consideration of sealed nomina-  
11 tions for any area in the Coastal Plain for inclusion  
12 in, or exclusion (as provided in subsection (c)) from,  
13 a lease sale;

14           (2) the holding of lease sales after such nomina-  
15 tion process; and

16           (3) public notice of and comment on designa-  
17 tion of areas to be included in, or excluded from, a  
18 lease sale.

19           (c) **LEASE SALE BIDS.**—Bidding for leases under  
20 this subtitle shall be by sealed competitive cash bonus bids.

21           (d) **ACREAGE MINIMUM IN FIRST SALE.**—In the first  
22 lease sale under this subtitle, the Secretary shall offer for  
23 lease those tracts the Secretary considers to have the  
24 greatest potential for the discovery of hydrocarbons, tak-

1 ing into consideration nominations received pursuant to  
2 subsection (b)(1), but in no case less than 200,000 acres.

3 (e) TIMING OF LEASE SALES.—The Secretary  
4 shall—

5 (1) conduct the first lease sale under this sub-  
6 title within 22 months after the date of the enact-  
7 ment of this subtitle; and

8 (2) conduct additional sales so long as sufficient  
9 interest in development exists to warrant, in the Sec-  
10 retary's judgment, the conduct of such sales.

11 **SEC. 1105. GRANT OF LEASES BY THE SECRETARY.**

12 (a) IN GENERAL.—The Secretary may grant to the  
13 highest responsible qualified bidder in a lease sale con-  
14 ducted pursuant to section 904 any lands to be leased on  
15 the Coastal Plain upon payment by the lessee of such  
16 bonus as may be accepted by the Secretary.

17 (b) SUBSEQUENT TRANSFERS.—No lease issued  
18 under this subtitle may be sold, exchanged, assigned, sub-  
19 let, or otherwise transferred except with the approval of  
20 the Secretary. Prior to any such approval the Secretary  
21 shall consult with, and give due consideration to the views  
22 of, the Attorney General.

23 **SEC. 1106. LEASE TERMS AND CONDITIONS.**

24 (a) IN GENERAL.—An oil or gas lease issued pursu-  
25 ant to this subtitle shall—

1 (1) provide for the payment of a royalty of not  
2 less than 12½ percent in amount or value of the  
3 production removed or sold from the lease, as deter-  
4 mined by the Secretary under the regulations appli-  
5 cable to other Federal oil and gas leases;

6 (2) provide that the Secretary may close, on a  
7 seasonal basis, portions of the Coastal Plain to ex-  
8 ploratory drilling activities as necessary to protect  
9 caribou calving areas and other species of fish and  
10 wildlife;

11 (3) require that the lessee of lands within the  
12 Coastal Plain shall be fully responsible and liable for  
13 the reclamation of lands within the Coastal Plain  
14 and any other Federal lands that are adversely af-  
15 fected in connection with exploration, development,  
16 production, or transportation activities conducted  
17 under the lease and within the Coastal Plain by the  
18 lessee or by any of the subcontractors or agents of  
19 the lessee;

20 (4) provide that the lessee may not delegate or  
21 convey, by contract or otherwise, the reclamation re-  
22 sponsibility and liability to another person without  
23 the express written approval of the Secretary;

24 (5) provide that the standard of reclamation for  
25 lands required to be reclaimed under this subtitle



1 shall be, as nearly as practicable, a condition capable  
2 of supporting the uses which the lands were capable  
3 of supporting prior to any exploration, development,  
4 or production activities, or upon application by the  
5 lessee, to a higher or better use as approved by the  
6 Secretary;

7 (6) contain terms and conditions relating to  
8 protection of fish and wildlife, their habitat, subsist-  
9 ence resources, and the environment as required  
10 pursuant to section 903(a)(2);

11 (7) provide that the lessee, its agents, and its  
12 contractors use best efforts to provide a fair share,  
13 as determined by the level of obligation previously  
14 agreed to in the 1974 agreement implementing sec-  
15 tion 29 of the Federal Agreement and Grant of  
16 Right of Way for the Operation of the Trans-Alaska  
17 Pipeline, of employment and contracting for Alaska  
18 Natives and Alaska Native Corporations from  
19 throughout the State;

20 (8) prohibit the export of oil produced under  
21 the lease; and

22 (9) contain such other provisions as the Sec-  
23 retary determines necessary to ensure compliance  
24 with the provisions of this subtitle and the regula-  
25 tions issued under this subtitle.

1 (b) PROJECT LABOR AGREEMENTS.—The Secretary,  
2 as a term and condition of each lease under this subtitle  
3 and in recognizing the Government's proprietary interest  
4 in labor stability and in the ability of construction labor  
5 and management to meet the particular needs and condi-  
6 tions of projects to be developed under the leases issued  
7 pursuant to this subtitle and the special concerns of the  
8 parties to such leases, shall require that the lessee and  
9 its agents and contractors negotiate to obtain a project  
10 labor agreement for the employment of laborers and me-  
11 chanics on production, maintenance, and construction  
12 under the lease.

13 **SEC. 1107. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

14 (a) NO SIGNIFICANT ADVERSE EFFECT STANDARD  
15 TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—

16 The Secretary shall, consistent with the requirements of  
17 section 903, administer the provisions of this subtitle  
18 through regulations, lease terms, conditions, restrictions,  
19 prohibitions, stipulations, and other provisions that—

20 (1) ensure the oil and gas exploration, develop-  
21 ment, and production activities on the Coastal Plain  
22 will result in no significant adverse effect on fish  
23 and wildlife, their habitat, and the environment;

24 (2) require the application of the best commer-  
25 cially available technology for oil and gas explo-

1 ration, development, and production on all new ex-  
2 ploration, development, and production operations;  
3 and

4 (3) ensure that the maximum amount of sur-  
5 face acreage covered by production and support fa-  
6 cilities, including airstrips and any areas covered by  
7 gravel berms or piers for support of pipelines, does  
8 not exceed 2,000 acres on the Coastal Plain.

9 (b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—

10 The Secretary shall also require, with respect to any pro-  
11 posed drilling and related activities, that—

12 (1) a site-specific analysis be made of the prob-  
13 able effects, if any, that the drilling or related activi-  
14 ties will have on fish and wildlife, their habitat, sub-  
15 sistence resources, and the environment;

16 (2) a plan be implemented to avoid, minimize,  
17 and mitigate (in that order and to the extent prac-  
18 ticable) any significant adverse effect identified  
19 under paragraph (1); and

20 (3) the development of the plan shall occur  
21 after consultation with the agency or agencies hav-  
22 ing jurisdiction over matters mitigated by the plan.

23 (c) REGULATIONS TO PROTECT COASTAL PLAIN  
24 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,  
25 AND THE ENVIRONMENT.—Before implementing the leas-

1 ing program authorized by this subtitle, the Secretary  
2 shall prepare and promulgate regulations, lease terms,  
3 conditions, restrictions, prohibitions, stipulations, and  
4 other measures designed to ensure that the activities un-  
5 dertaken on the Coastal Plain under this subtitle are con-  
6 ducted in a manner consistent with the purposes and envi-  
7 ronmental requirements of this subtitle.

8 (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-  
9 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The  
10 proposed regulations, lease terms, conditions, restrictions,  
11 prohibitions, and stipulations for the leasing program  
12 under this subtitle shall require compliance with all appli-  
13 cable provisions of Federal and State environmental law,  
14 and shall also require the following:

15 (1) Standards at least as effective as the safety  
16 and environmental mitigation measures set forth in  
17 items 1 through 29 at pages 167 through 169 of the  
18 “Final Legislative Environmental Impact State-  
19 ment” (April 1987) on the Coastal Plain.

20 (2) Seasonal limitations on exploration, develop-  
21 ment, and related activities, where necessary, to  
22 avoid significant adverse effects during periods of  
23 concentrated fish and wildlife breeding, denning,  
24 nesting, spawning, and migration.

1           (3) That exploration activities, except for sur-  
2           face geological studies, be limited to the period be-  
3           tween approximately November 1 and May 1 each  
4           year and that exploration activities shall be sup-  
5           ported, if necessary, by ice roads, winter trails with  
6           adequate snow cover, ice pads, ice airstrips, and air  
7           transport methods, except that such exploration ac-  
8           tivities may occur at other times if the Secretary  
9           finds that such exploration will have no significant  
10          adverse effect on the fish and wildlife, their habitat,  
11          and the environment of the Coastal Plain.

12          (4) Design safety and construction standards  
13          for all pipelines and any access and service roads,  
14          that—

15                 (A) minimize, to the maximum extent pos-  
16                 sible, adverse effects upon the passage of mi-  
17                 gratory species such as caribou; and

18                 (B) minimize adverse effects upon the flow  
19                 of surface water by requiring the use of cul-  
20                 verts, bridges, and other structural devices.

21          (5) Prohibitions on general public access and  
22          use on all pipeline access and service roads.

23          (6) Stringent reclamation and rehabilitation re-  
24          quirements, consistent with the standards set forth  
25          in this subtitle, requiring the removal from the

1 Coastal Plain of all oil and gas development and  
2 production facilities, structures, and equipment upon  
3 completion of oil and gas production operations, ex-  
4 cept that the Secretary may exempt from the re-  
5 quirements of this paragraph those facilities, struc-  
6 tures, or equipment that the Secretary determines  
7 would assist in the management of the Arctic Na-  
8 tional Wildlife Refuge and that are donated to the  
9 United States for that purpose.

10 (7) Appropriate prohibitions or restrictions on  
11 access by all modes of transportation.

12 (8) Appropriate prohibitions or restrictions on  
13 sand and gravel extraction.

14 (9) Consolidation of facility siting.

15 (10) Appropriate prohibitions or restrictions on  
16 use of explosives.

17 (11) Avoidance, to the extent practicable, of  
18 springs, streams, and river system; the protection of  
19 natural surface drainage patterns, wetlands, and ri-  
20 parian habitats; and the regulation of methods or  
21 techniques for developing or transporting adequate  
22 supplies of water for exploratory drilling.

23 (12) Avoidance or minimization of air traffic-re-  
24 lated disturbance to fish and wildlife.

1           (13) Treatment and disposal of hazardous and  
2 toxic wastes, solid wastes, reserve pit fluids, drilling  
3 muds and cuttings, and domestic wastewater, includ-  
4 ing an annual waste management report, a haz-  
5 arduous materials tracking system, and a prohibition  
6 on chlorinated solvents, in accordance with applica-  
7 ble Federal and State environmental law.

8           (14) Fuel storage and oil spill contingency plan-  
9 ning.

10          (15) Research, monitoring, and reporting re-  
11 quirements.

12          (16) Field crew environmental briefings.

13          (17) Avoidance of significant adverse effects  
14 upon subsistence hunting, fishing, and trapping by  
15 subsistence users.

16          (18) Compliance with applicable air and water  
17 quality standards.

18          (19) Appropriate seasonal and safety zone des-  
19 ignations around well sites, within which subsistence  
20 hunting and trapping shall be limited.

21          (20) Reasonable stipulations for protection of  
22 cultural and archeological resources.

23          (21) All other protective environmental stipula-  
24 tions, restrictions, terms, and conditions deemed  
25 necessary by the Secretary.

1 (e) CONSIDERATIONS.—In preparing and promul-  
2 gating regulations, lease terms, conditions, restrictions,  
3 prohibitions, and stipulations under this section, the Sec-  
4 retary shall consider the following:

5 (1) The stipulations and conditions that govern  
6 the National Petroleum Reserve-Alaska leasing pro-  
7 gram, as set forth in the 1999 Northeast National  
8 Petroleum Reserve-Alaska Final Integrated Activity  
9 Plan/Environmental Impact Statement.

10 (2) The environmental protection standards  
11 that governed the initial Coastal Plain seismic explo-  
12 ration program under parts 37.31 to 37.33 of title  
13 50, Code of Federal Regulations.

14 (3) The land use stipulations for exploratory  
15 drilling on the KIC-ASRC private lands that are set  
16 forth in Appendix 2 of the August 9, 1983, agree-  
17 ment between Arctic Slope Regional Corporation and  
18 the United States.

19 (f) FACILITY CONSOLIDATION PLANNING.—

20 (1) IN GENERAL.—The Secretary shall, after  
21 providing for public notice and comment, prepare  
22 and update periodically a plan to govern, guide, and  
23 direct the siting and construction of facilities for the  
24 exploration, development, production, and transpor-  
25 tation of Coastal Plain oil and gas resources.



1           (2) OBJECTIVES.—The plan shall have the fol-  
2           lowing objectives:

3                   (A) Avoiding unnecessary duplication of fa-  
4                   cilities and activities.

5                   (B) Encouraging consolidation of common  
6                   facilities and activities.

7                   (C) Locating or confining facilities and ac-  
8                   tivities to areas that will minimize impact on  
9                   fish and wildlife, their habitat, and the environ-  
10                  ment.

11                  (D) Utilizing existing facilities wherever  
12                  practicable.

13                  (E) Enhancing compatibility between wild-  
14                  life values and development activities.

15       (g) ACCESS TO PUBLIC LANDS.—The Secretary  
16 shall—

17           (1) manage public lands in the Coastal Plain  
18           subject to subsections (a) and (b) of section 811 of  
19           the Alaska National Interest Lands Conservation  
20           Act (16 U.S.C. 3121); and

21           (2) ensure that local residents shall have rea-  
22           sonable access to public lands in the Coastal Plain  
23           for traditional uses.

24 **SEC. 1108. EXPEDITED JUDICIAL REVIEW.**

25       (a) FILING OF COMPLAINT.—

1           (1) DEADLINE.—Subject to paragraph (2), any  
2           complaint seeking judicial review of any provision of  
3           this subtitle or any action of the Secretary under  
4           this subtitle shall be filed—

5                   (A) except as provided in subparagraph  
6                   (B), within the 90-day period beginning on the  
7                   date of the action being challenged; or

8                   (B) in the case of a complaint based solely  
9                   on grounds arising after such period, within 90  
10                  days after the complainant knew or reasonably  
11                  should have known of the grounds for the com-  
12                  plaint.

13           (2) VENUE.—Any complaint seeking judicial re-  
14           view of any provision of this subtitle or any action  
15           of the Secretary under this subtitle may be filed only  
16           in the United States Court of Appeals for the Dis-  
17           trict of Columbia.

18           (3) LIMITATION ON SCOPE OF CERTAIN RE-  
19           VIEW.—Judicial review of a Secretarial decision to  
20           conduct a lease sale under this subtitle, including  
21           the environmental analysis thereof, shall be limited  
22           to whether the Secretary has complied with the  
23           terms of this subtitle and shall be based upon the  
24           administrative record of that decision. The Sec-  
25           retary's identification of a preferred course of action

1 to enable leasing to proceed and the Secretary's  
2 analysis of environmental effects under this subtitle  
3 shall be presumed to be correct unless shown other-  
4 wise by clear and convincing evidence to the con-  
5 trary.

6 (b) **LIMITATION ON OTHER REVIEW.**—Actions of the  
7 Secretary with respect to which review could have been  
8 obtained under this section shall not be subject to judicial  
9 review in any civil or criminal proceeding for enforcement.

10 **SEC. 1109. FEDERAL AND STATE DISTRIBUTION OF REVE-**  
11 **NUES.**

12 (a) **IN GENERAL.**—Notwithstanding any other provi-  
13 sion of law, of the amount of adjusted bonus, rental, and  
14 royalty revenues from Federal oil and gas leasing and op-  
15 erations authorized under this subtitle—

16 (1) 50 percent shall be paid to the State of  
17 Alaska; and

18 (2) except as provided in section 912(d), the  
19 balance shall be deposited into the Treasury as mis-  
20 cellaneous receipts.

21 (b) **PAYMENTS TO ALASKA.**—Payments to the State  
22 of Alaska under this section shall be made semiannually.

1 **SEC. 1110. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

2 (a) IN GENERAL.—The Secretary shall issue rights-  
3 of-way and easements across the Coastal Plain for the  
4 transportation of oil and gas—

5 (1) except as provided in paragraph (2), under  
6 section 28 of the Mineral Leasing Act (30 U.S.C.  
7 185), without regard to title XI of the Alaska Na-  
8 tional Interest Lands Conservation Act (30 U.S.C.  
9 3161 et seq.); and

10 (2) under title XI of the Alaska National Inter-  
11 est Lands Conservation Act (30 U.S.C. 3161 et  
12 seq.), for access authorized by sections 1110 and  
13 1111 of that Act (16 U.S.C. 3170 and 3171).

14 (b) TERMS AND CONDITIONS.—The Secretary shall  
15 include in any right-of-way or easement issued under sub-  
16 section (a) such terms and conditions as may be necessary  
17 to ensure that transportation of oil and gas does not result  
18 in a significant adverse effect on the fish and wildlife, sub-  
19 sistence resources, their habitat, and the environment of  
20 the Coastal Plain, including requirements that facilities be  
21 sited or designed so as to avoid unnecessary duplication  
22 of roads and pipelines.

23 (c) REGULATIONS.—The Secretary shall include in  
24 regulations under section 903(g) provisions granting  
25 rights-of-way and easements described in subsection (a)  
26 of this section.

1 **SEC. 1111. CONVEYANCE.**

2 In order to maximize Federal revenues by removing  
3 clouds on title to lands and clarifying land ownership pat-  
4 terns within the Coastal Plain, the Secretary, notwith-  
5 standing the provisions of section 1302(h)(2) of the Alas-  
6 ka National Interest Lands Conservation Act (16 U.S.C.  
7 3192(h)(2)), shall convey—

8 (1) to the Kaktovik Inupiat Corporation the  
9 surface estate of the lands described in paragraph 1  
10 of Public Land Order 6959, to the extent necessary  
11 to fulfill the Corporation's entitlement under sec-  
12 tions 12 and 14 of the Alaska Native Claims Settle-  
13 ment Act (43 U.S.C. 1611 and 1613) in accordance  
14 with the terms and conditions of the Agreement be-  
15 tween the Department of the Interior, the United  
16 States Fish and Wildlife Service, the Bureau of  
17 Land Management, and the Kaktovik Inupiat Cor-  
18 poration effective January 22, 1993; and

19 (2) to the Arctic Slope Regional Corporation  
20 the remaining subsurface estate to which it is enti-  
21 tled pursuant to the August 9, 1983, agreement be-  
22 tween the Arctic Slope Regional Corporation and the  
23 United States of America.

24 **SEC. 1112. LOCAL GOVERNMENT IMPACT AID AND COMMU-**  
25 **NITY SERVICE ASSISTANCE.**

26 (a) **FINANCIAL ASSISTANCE AUTHORIZED.—**

1           (1) IN GENERAL.—The Secretary may use  
2 amounts available from the Coastal Plain Local Gov-  
3 ernment Impact Aid Assistance Fund established by  
4 subsection (d) to provide timely financial assistance  
5 to entities that are eligible under paragraph (2) and  
6 that are directly impacted by the exploration for or  
7 production of oil and gas on the Coastal Plain under  
8 this subtitle.

9           (2) ELIGIBLE ENTITIES.—The North Slope  
10 Borough, the City of Kaktovik, and any other bor-  
11 ough, municipal subdivision, village, or other com-  
12 munity in the State of Alaska that is directly im-  
13 pacted by exploration for, or the production of, oil  
14 or gas on the Coastal Plain under this subtitle, as  
15 determined by the Secretary, shall be eligible for fi-  
16 nancial assistance under this section.

17           (b) USE OF ASSISTANCE.—Financial assistance  
18 under this section may be used only for—

19           (1) planning for mitigation of the potential ef-  
20 fects of oil and gas exploration and development on  
21 environmental, social, cultural, recreational, and sub-  
22 sistence values;

23           (2) implementing mitigation plans and main-  
24 taining mitigation projects;

1           (3) developing, carrying out, and maintaining  
2 projects and programs that provide new or expanded  
3 public facilities and services to address needs and  
4 problems associated with such effects, including fire-  
5 fighting, police, water, waste treatment, medivac,  
6 and medical services; and

7           (4) establishment of a coordination office, by  
8 the North Slope Borough, in the City of Kaktovik,  
9 which shall—

10           (A) coordinate with and advise developers  
11 on local conditions, impact, and history of the  
12 areas utilized for development; and

13           (B) provide to the Committee on Resources  
14 of the House of Representatives and the Com-  
15 mittee on Energy and Natural Resources of the  
16 Senate an annual report on the status of co-  
17 ordination between developers and the commu-  
18 nities affected by development.

19           (c) APPLICATION.—

20           (1) IN GENERAL.—Any community that is eligi-  
21 ble for assistance under this section may submit an  
22 application for such assistance to the Secretary, in  
23 such form and under such procedures as the Sec-  
24 retary may prescribe by regulation.

1           (2) NORTH SLOPE BOROUGH COMMUNITIES.—A  
2 community located in the North Slope Borough may  
3 apply for assistance under this section either directly  
4 to the Secretary or through the North Slope Bor-  
5 ough.

6           (3) APPLICATION ASSISTANCE.—The Secretary  
7 shall work closely with and assist the North Slope  
8 Borough and other communities eligible for assist-  
9 ance under this section in developing and submitting  
10 applications for assistance under this section.

11         (d) ESTABLISHMENT OF FUND.—

12           (1) IN GENERAL.—There is established in the  
13 Treasury the Coastal Plain Local Government Im-  
14 pact Aid Assistance Fund.

15           (2) USE.—Amounts in the fund may be used  
16 only for providing financial assistance under this  
17 section.

18           (3) DEPOSITS.—Subject to paragraph (4), there  
19 shall be deposited into the fund amounts received by  
20 the United States as revenues derived from rents,  
21 bonuses, and royalties from Federal leases and lease  
22 sales authorized under this subtitle.

23           (4) LIMITATION ON DEPOSITS.—The total  
24 amount in the fund may not exceed \$11,000,000.



1 (5) INVESTMENT OF BALANCES.—The Sec-  
2 retary of the Treasury shall invest amounts in the  
3 fund in interest bearing government securities.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—To pro-  
5 vide financial assistance under this section there is author-  
6 ized to be appropriated to the Secretary from the Coastal  
7 Plain Local Government Impact Aid Assistance Fund  
8 \$5,000,000 for each fiscal year.

## 9 **Subtitle B—Offshore Oil and Gas**

### 10 **SEC. 1121. TERMINATION OF MORATORIA ON LEASING AND** 11 **PERMITTING.**

12 No prohibition on leasing of Federal submerged lands  
13 of the Outer Continental Shelf for exploration, develop-  
14 ment, or production of oil or gas, on for the issuance of  
15 any permit under Federal law for exploration, develop-  
16 ment, or production of oil or gas under a leases for such  
17 submerged lands, or on the expenditure of Federal funds  
18 with respect to such leasing or issuance, shall have any  
19 force or effect.

