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Energy Policy Act of 2003

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Sponsor

Name: Sen. Domenici, Pete V. [R-NM]

Party: Republican • **State:** NM • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

No committee referrals or activity are recorded for this bill.

Subjects & Policy Tags

No subjects or policy tags are listed for this bill.

Related Bills

Bill	Relationship	Last Action
108 HR 6	Related bill	Nov 21, 2003: Motion by Senator Frist to reconsider the vote by which cloture on the conference report to accompnay H. R. 6 was not invoked (Roll Call Vote No. 456) entered in Senate.
108 S 1005	Related bill	May 6, 2003: Placed on Senate Legislative Calendar under General Orders. Calendar No. 87.
108 HR 1644	Related bill	Apr 9, 2003: Placed on the Union Calendar, Calendar No. 42.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Energy Policy Act of 2003 - **Title I: Oil And Gas - Subtitle A: Production Incentives** - (Sec. 101) Amends the Energy Policy and Conservation Act to make permanent: (1) the authority of the Secretary of Energy (the Secretary throughout this Act, unless otherwise indicated) to operate the Strategic Petroleum Reserve; and (2) standby energy authorities regarding the International Energy Program, including summer fill and fuel budgeting programs. Authorizes appropriations.

(Sec. 102) Directs the Secretary to study and report to Congress on petroleum and natural gas storage capacity and operational inventory levels, nationwide and by major geographical regions.

(Sec. 103) Sets forth a program for the payment of oil and gas royalties in kind upon demand of the Secretary. Restricts such payments to a determination by the Secretary that the royalties provide benefits to the United States greater than, or equal to those likely to have been received had royalties been taken in value.

Authorizes the Secretary, in disposing of gas or oil royalty taken in kind, to grant a preference to any person, including any State or Federal agency, for the purpose of providing additional resources to any Federal low-income energy assistance program.

(Sec. 104) Prescribes conditions for: (1) royalty rate reductions on marginal property and the termination of such rates; and (2) royalty relief for deep water production in certain parts of the Gulf of Mexico.

(Sec. 105) Directs the Secretary to inventory, analyze, and report to Congress on oil and natural gas resources beneath all of the waters of the U.S. Outer Continental Shelf.

(Sec. 107) Extends royalty relief to certain Planning Areas offshore Alaska.

(Sec. 108) Prescribes procedures for Federal remediation and closure for orphaned, abandoned, or idled oil and gas wells on lands administered by Federal land management agencies. Authorizes appropriations for FY 2004 through 2008.

(Sec. 109) Directs the Secretary to promulgate final royalty incentive regulations for natural gas produced from deep wells and ultra deep wells in certain shallow waters of the Gulf of Mexico.

(Sec. 110) Amends the Outer Continental Shelf Lands Act to authorize easements on Federal lands on which easements are otherwise prohibited in order to support energy production, including oil and natural gas exploration and development.

(Sec. 111) Directs the Secretary of the Interior to grant impact assistance payments, according to specified guidelines, to Producing Coastal States with an approved Coastal Impact Assistance Plan, and to coastal political subdivisions. Authorizes appropriations for FY 2004 through 2009.

(Sec. 112) National Energy Data Preservation Program Act of 2003 - Directs the Secretary of the Interior to establish a National Energy Data Preservation Program, including an Energy Data Archive System. Authorizes appropriations for FY 2003 through 2007.

(Sec. 113) Amends the Mineral Leasing Act to exempt from its oil and gas lease acreage limitation any lease committed to a federally approved unit or cooperative plan, or communitization agreement, or for which royalty, including

compensatory royalty or royalty-in-kind, was paid in the preceding calendar year (thus removing acreage limitations from oil and gas leases granted royalty relief under this Act).

(Sec. 114) Instructs the Secretary of Energy to assess and report to Congress on the economic implication of the dependence of the State of Hawaii on oil as its principal source of energy.

Subtitle B: Access to Federal Lands - (Sec. 121) Directs the President to establish the Office of Federal Energy Permit Coordination to report annually to Congress on activities to coordinate and expedite Federal decisions on energy projects.

(Sec. 122) Instructs the Secretary of the Interior to: (1) establish a Federal Permit Streamlining Pilot Project; and (2) inventory for Congress oil and gas resources on all onshore Federal lands and restrictions or impediments to resource exploration, production, and transportation. Authorizes appropriations.

(Sec. 123) Directs the Secretary of the Interior, in order to ensure timely action on oil and gas leases and applications for permits to drill on lands otherwise available for leasing, to: (1) ensure expeditious compliance with certain requirements of the National Environmental Policy Act of 1969; (2) improve consultation and coordination with the States; (3) improve the collection, storage, and retrieval of information related to such leasing activities; and (4) improve inspection and enforcement of oil and gas activities, including enforcement of terms and conditions in permits to drill. Authorizes appropriations for FY 2004 through 2007.

(Sec. 125) Directs the Secretary of the Interior to review and report to Congress on the current policies and practices with respect to management of Federal subsurface oil and gas development activities and their effects on the privately owned surface.

(Sec. 126) Instructs the Secretary of the Interior, with respect to public lands, and the Secretary of Agriculture, with respect to National Forest System lands, to designate and incorporate utility corridors in the eleven contiguous Western States into the relevant Federal land use and resource management plans. Instructs the Secretary of Energy to do the same with affected Federal agencies in the other States.

Subtitle C: Alaska Natural Gas Pipeline - Alaska Natural Gas Pipeline Act - (Sec. 133) Prescribes parameters for Federal Energy Regulatory Commission (FERC) authorization of an Alaska natural gas transportation project other than the system authorized under the Alaska Natural Gas Transportation Act of 1976, following an expedited approval process.

Declares that no license, permit, lease, right-of-way, authorization, or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that: (1) traverses the submerged lands beneath, or the adjacent shoreline of, the Beaufort Sea; and (2) enters Canada at any point north of 68 degrees North latitude.

(Sec. 135) Authorizes FERC, upon request, to order the expansion of such project if it determines that such expansion is required by the present and future public convenience and necessity. Specifies requirements FERC must meet before ordering such an expansion.

(Sec. 136) Establishes the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects to: (1) coordinate the expeditious discharge of all activities by Federal agencies with respect to an Alaska natural gas transportation project; and (2) ensure Federal agency compliance.

Denies any Federal officer or agency authority to include terms and conditions that are permitted, but not required by law on any authorization issued to an Alaska natural gas transportation project, if the Federal Coordinator determines that such terms and conditions would prevent or impair the expeditious construction, operation, or expansion of the project.

Prohibits any Federal officer or agency from modifying or abrogating any authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that such action would prevent or impair expeditious project construction, operation, or expansion.

(Sec. 137) Grants the U.S. Court of Appeals for the District of Columbia original and exclusive jurisdiction for judicial review of final orders by any Federal agency or officer relating to the project.

(Sec. 138) Deems any facility receiving natural gas from the Alaska natural gas transportation project for delivery to consumers within Alaska to be a local distribution facility under the Natural Gas Act, and so not subject to FERC jurisdiction.

(Sec. 139) Directs the Secretary of Energy to study and report to Congress on alternative approaches to the construction and operation of the project.

(Sec. 141) Expresses the sense of Congress that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. Urges the sponsors of the pipeline project to make every effort to: (1) use steel manufactured or produced in North America; (2) negotiate a project labor agreement to expedite pipeline construction; and (3) maximize the participation of small business concerns in contracts and subcontracts awarded in carrying out the project.

(Sec. 142) Declares the sense of Congress that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada.

Directs the Comptroller General study and report to Congress on the extent to which small business concerns participate in the construction of oil and gas pipelines in the United States.

(Sec. 143) Authorizes the Secretary of Labor to award grants to the Alaska Department of Labor and Workforce Development to train adult and dislocated workers in the skills required to construct and operate an Alaska gas pipeline system.

(Sec. 144) Cites conditions under which the Secretary of Energy may offer Federal loan guarantee instruments for qualified infrastructure projects (defined as pipelines and related transportation and production systems used to transport natural gas from the Alaska North Slope to the continental United States). Authorizes appropriations.

(Sec. 145) Expresses the sense of Congress that natural gas delivered from Alaska's North Slope will neither displace nor reduce the commercial viability of Canadian natural gas produced from the McKenzie Delta, nor production from the Lower 48.

Title II: Coal - Subtitle A: Clean Coal Power Initiative - (Sec. 201) Authorizes appropriations for FY 2003 through 2011 for a Clean Coal Power Initiative campaign that includes grants to universities to establish Centers of Excellence for Energy Systems of the Future.

Subtitle B: Federal Coal Leases - (Sec. 211) Amends the Mineral Leasing Act to: (1) repeal the 160-acre limitation for coal leases; and (2) modify mining plans and advance royalty payments.

Subtitle C: Powder River Basin Shared Mineral Estates - (Sec. 221) Instructs the Secretary of the Interior to: (1) undertake a review of existing authorities to resolve conflicts between the development of Federal coal and the development of Federal and non-Federal coalbed methane in the Powder River Basin in Wyoming and Montana; and (2) report to Congress on alternatives to resolve these conflicts, and to identify any preferred alternative, including specific legislative language required to implement such alternative.

Title III: Indian Energy - Indian Tribal Energy Development and Self-Determination Act of 2003 - (Sec. 302) Amends the Department of Energy Organization Act and the Energy Policy Act of 1992 to establish the Office of Indian Energy Policy and Programs to promote comprehensive Indian energy activities and tribal energy resource development through a program of grants and loans.

(Sec. 303) Prescribes implementation guidelines governing leases, business agreements, and rights-of-way involving Indian energy development or transmission.

Directs the Administrators of the Bonneville Power Administration and of the Western Area Power Administration to encourage Indian tribal energy development through programs within their respective Administrations, including power allocations and purchases.

(Sec. 304) Declares the Dine Power Authority (an enterprise of the Navajo Nation) eligible to receive grants and other assistance for development of a transmission line from the Four Corners Area (Utah, Colorado, New Mexico, and Arizona) to southern Nevada, including related power generation opportunities.

(Sec. 305) Instructs the Secretary of Housing and Urban Development to promote energy conservation in housing located on Indian land and assisted with Federal resources.

Title IV: Nuclear Matters - Subtitle A: Price-Anderson Act Amendments - Price-Anderson Amendments Act of 2003 - (Sec. 402) Amends the Atomic Energy Act of 1954 to modify and extend indemnification authority and liability limits for Nuclear Regulatory Commission licensees, Department of Energy (DOE) contractors, and for nonprofit educational institutions.

Subtitle B: Deployment of New Nuclear Plants - Nuclear Energy Finance Act of 2003 - (Sec. 421) Authorizes the Secretary of Energy to provide financial assistance to supplement private-sector financing projects needed for energy security, fuel, technology diversity, or clean air attainment goals.

Subtitle C: Advanced Reactor Hydrogen Co-Generation Project - (Sec. 431) Directs the Secretary of Energy to establish an Advanced Reactor Hydrogen Co-Generation Project managed by the Office of Nuclear Energy Science and Technology.

(Sec. 433) Designates the Idaho National Engineering and Environmental Laboratory as the lead laboratory for the Program, providing the site for the reactor construction.

(Sec. 435) Authorizes appropriations for FY 2005 through 2008 and beyond.

Subtitle D: Miscellaneous Matters - (Sec. 441) Amends the USEC Privatization Act to revise requirements governing aggregate annual uranium sales and transfers by the Federal government for commercial nuclear power end uses. Sets increasing ceilings on aggregate annual deliveries of uranium in any form, from 3 million pounds U₃O₈ equivalent per year through calendar 2009 to 10 million pounds in calendar 2013 and thereafter.

Makes the recovery and extraction of the uranium component from contaminated uranium bearing materials from U.S. Government sites by commercial entities the preferred method of making uranium available under this subtitle.

Exempts from the uranium sale or transfer limits of this subtitle certain sales or transfers: (1) provided for under existing law for use by the Tennessee Valley Authority in relation to DOE high-enriched uranium or tritium programs; (2) to the DOE research reactor sales program; (3) of up to 3,293 metric tons of uranium to the United States Enrichment Corporation (USEC) to replace uranium that the Secretary transferred to it (before its privatization in July 1998) on or about June 30, 1993, April 20, 1998, and May 18, 1998, and that does not meet commercial specifications; (4) of any uranium for emergency purposes in the event of a disruption in supply to end users in the United States; (5) of any uranium in fulfillment of the U.S. Government's obligations to provide security of supply with respect to implementation of the Russian HEU Agreement; and (6) of any enriched uranium for use in an advanced commercial nuclear power plant in the United States with nonstandard fuel requirements.

(Sec. 442) Directs the Secretary to establish a pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor in northwest Arkansas in accordance with an August 31, 1998, DOE report. Authorizes appropriations.

Title V: Renewable Energy - Subtitle A: General Provisions - (Sec. 501) Instructs the Secretary of Energy to: (1) publish annual reports based upon assessments of renewable domestic energy resources, including solar, wind, biomass, ocean (tidal and thermal), geothermal, and hydroelectric energy; and (2) undertake new assessments as necessary, taking into account changes in market conditions, available technologies, and other relevant factors.

(Sec. 502) Amends the Energy Policy Act of 1992 to prescribe incentive payments for renewable energy production facilities. Instructs the Secretary to assign 60 percent of appropriated funds for any given year to facilities that use solar, wind, geothermal, or closed-loop (defined as dedicated energy crops) biomass technologies to generate electricity if there are insufficient appropriations to make full payments for electric production from all qualified renewable energy facilities.

Authorizes the Secretary to alter such percentage requirements after transmitting to Congress the reasons to do so.

Authorizes appropriations for FY 2003 through 2023.

(Sec. 503) Instructs the Secretaries of the Interior and of Agriculture to recommend to Congress any opportunities to develop renewable energy on public lands within their respective jurisdictions. Requires the Secretary of the Interior to contract with the National Academy of Sciences to: (1) study the potential for the development of wind, solar, and ocean (tidal and thermal) energy on the Outer Continental Shelf; (2) assess existing Federal authorities for the development of such resources; and (3) recommend statutory and regulatory mechanisms for such development.

(Sec. 504) Requires Federal purchases of renewable energy to escalate in accordance with certain percentage guidelines.

(Sec. 505) Directs the Secretary of Energy to: (1) update energy surveys, estimates, and assessments for certain insular areas; and (2) revise the comprehensive energy plan for such insular areas in order to reduce reliance on energy imports and to increase use of renewable energy resources and energy efficiency opportunities.

Subtitle B: Hydroelectric Licensing - (Sec. 511) Amends the Federal Power Act to prescribe guidelines for hydroelectric licensing applicants to propose alternative conditions and requirements for project works, including

fishways, within a Federal reservation.

Prescribes procedures for acceptance or rejection of such alternative proposals.

Subtitle C: Geothermal Energy - (Sec. 521) Amends the Geothermal Steam Act of 1970 to revise guidelines governing leasing and permitting for geothermal development of public and National Forest System lands, including those withdrawn for military purposes.

Repeals the current limitation of competitive bidding to leases of lands within known geothermal resources areas, and of noncompetitive bidding to leases of lands outside such areas. Requires the Secretary of the Interior (the Secretary for this subtitle) to accept nominations at any time from companies and individuals of lands to be leased under such Act.

Directs the Secretary to: (1) hold a competitive lease sale at least once every two years for lands in a State in which there are nominations pending where such lands are otherwise available for leasing; and (2) make available for a two-year period for noncompetitive leasing any tract for which a competitive lease sale is held, but for which the Secretary does not receive any bids in the competitive lease sale.

(Sec. 522) Requires the Secretaries of the Interior and of Agriculture to submit to Congress a joint memorandum of understanding regarding leasing and permitting for geothermal development of public and National Forest System lands under their respective jurisdictions. Prescribes memorandum details.

(Sec. 523) Instructs the Secretary and the Secretary of Defense to report jointly Congress on leasing and permitting activities for geothermal energy on Federal lands withdrawn for military purposes.

(Sec. 524) Authorizes the Secretary to reinstate a lease terminated for failure to pay rent timely if the failure was inadvertent.

(Sec. 525) Directs the Secretary to: (1) promulgate a final regulation providing a simplified methodology for determining the amount or value of the steam for purposes of calculating the royalty due on geothermal production; and (2) establish a schedule of fees and collect fees in lieu of royalties with respect to the direct use of low temperature geothermal resources for purposes other than the generation of electricity.

Subtitle D: Biomass Energy - (Sec. 532) Prescribes implementation guidelines for a biomass commercial utilization grant program to be administered by the Secretary of the Interior with respect to public and Indian lands and by the Secretary of Agriculture with respect to the National Forest System.

Authorizes appropriations for FY 2004 through 2008.

Title VI: Energy Efficiency - Subtitle A: Federal Programs - (Sec. 601) Amends the National Energy Conservation Policy Act to revise energy reduction goals and performance requirements for Federal buildings, including: (1) a timetable for reduced energy consumption; (2) metering of energy use; (3) revised Federal building energy efficiency performance standards; (4) permanent authority to enter into energy savings performance contracts; and (5) Federal procurement guidelines for energy efficient products.

(Sec. 606) Directs the Architect of the Capitol to develop and implement a cost-effective energy conservation and management plan for all facilities administered by Congress.

(Sec. 607) Amends the Solid Waste Disposal Act to set forth implementation guidelines for increased use of recovered

mineral component in federally funded projects involving procurement of cement or concrete.

(Sec. 608) Authorizes Federal agencies to participate in programs, including utility energy services contracts, conducted by gas, water and electric utilities and generally available to their customers, to increase energy efficiency, water conservation, or the management of electricity demand.

(Sec. 609) Directs the Secretary to contract with the National Academy of Sciences to examine and report to Congress on whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production.

Subtitle B: State and Local Programs - (Sec. 611) Authorizes the Secretary to make grants to local governments, private non-profit community development organizations, and Indian economic development organizations for: (1) a low-income community energy efficiency pilot program; and (2) State energy offices to improve energy efficient public buildings and facilities.

(Sec. 612) Authorizes the Secretary to make grants to the appropriate State agency to assist local government units to improve the energy efficiency of public buildings and facilities through construction and renovation projects.

(Sec. 613) Creates a Federal fund allocation program to implement a State energy efficient appliance rebate program.

Subtitle C: Consumer Products - (Sec. 621) Amends the Energy Policy and Conservation Act to revise energy conservation standards for specified additional consumer and commercial electrical products.

Directs the Federal Trade Commission (FTC) to initiate a rulemaking to consider the effectiveness of the current consumer products labeling program.

Authorizes the Secretary or the FTC, as appropriate, to prescribe labeling requirements for certain additional products.

(Sec. 623) Establishes a voluntary program at the DOE and at the Environmental Protection Agency to identify and promote energy-efficient products and buildings (Energy Star Program).

(Sec. 624) Instructs the Secretary of Energy to implement a consumer education program that also targets small businesses owners regarding energy savings resulting from properly conducted maintenance of heating, ventilating, and air conditioning (HVAC) systems.

Subtitle D: Public Housing - (Sec. 631) Amends the HUD Demonstration Act of 1993 and the Housing and Community Development Act of 1974, respectively, to: (1) authorize within Federal assistance for low-income public housing programs: (1) energy efficient, affordable housing and residential energy conservation measures; and (2) increase the amount of financial assistance for public services for energy conservation and efficiency.

(Sec. 633) Amends the National Housing Act to revise Federal Housing Administration mortgage insurance incentives for energy efficient housing.

(Sec. 635) Amends the National Energy Conservation Policy Act to include within the scope of grants for energy-conserving improvements in assisted housing the installation of energy and water conserving fixtures and fittings that conform to specified standards.

(Sec. 637) Requires a public housing agency to purchase energy-efficient appliances that are Energy Star products or

FEMP-designated products.

(Sec. 638) Amends the Cranston-Gonzalez National Affordable Housing Act to substitute the "2000 International Energy Conservation Code" for the current statutory energy efficiency standard known as the "CABO Model Energy Code, 1992."

(Sec. 639) Directs the Secretary of Housing and Urban Development to develop and implement an integrated strategy to reduce utility expenses through cost-effective energy conservation and efficiency measures and energy efficient design and construction of public and assisted housing.

Title VII: Transportation Fuels - Subtitle A: Alternative Fuel Programs - (Sec. 701) Amends the Energy Policy and Conservation Act to cite circumstances that permit an agency to qualify for a waiver of the alternative fuel use requirement applicable to Federal light duty vehicles.

(Sec. 702) Amends the Energy Policy Act of 1992 to drop the 20 percent biodiesel fuel volume requirement applicable to the allocation of biodiesel fuel use credits.

(Sec. 703) Redefines alternative fueled vehicle to include a neighborhood electric vehicle.

(Sec. 704) Prescribes guidelines for the allocation of Federal credits for: (1) the purchase of medium and heavy duty dedicated vehicles; (2) alternative fuel infrastructure investments.

(Sec. 707) Requires the Secretary to study and report to Congress on the effect that titles III, IV and V of the Energy Policy Act of 1992 have had on the development of alternative fueled vehicle technology, its market availability, and the cost of alternative fueled light duty motor vehicles.

(Sec. 708) Authorizes the States to permit a vehicle with fewer than two occupants to operate in high occupancy vehicle (HOV) lanes if it is a dedicated vehicle.

(Sec. 709) Prescribes alternative compliance guidelines for waivers of statutory requirements governing petroleum fuel reduction and clean air requirements for alternative fueled vehicles and for the fleets of new light duty motor vehicles.

Prescribes requirements for issuance of credits for the acquisition and use of dedicated vehicles (new qualified hybrid motor vehicles, light, medium, or heavy duty vehicles, and neighborhood electric vehicles).

Subtitle B: Automobile Fuel Economy - (Sec. 711) Amends Federal transportation law to expand the considerations affecting decisions by the Secretary of Transportation concerning maximum feasible average fuel economy, and to direct such Secretary to issue an environmental assessment of the effects of the increased standards upon the environment. Authorizes appropriations for FY 2004 through 2008.

(Sec. 713) Raises the mandatory standard for average fuel economy of new executive agency (Federal fleet) automobiles.

(Sec. 714) Directs the Secretary of Energy, in cooperation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, to establish a cost-shared, public-private research partnership to develop and demonstrate railroad locomotive technologies that increase fuel economy, reduce emissions, and lower costs of operation.

(Sec. 715) Directs the Secretary to analyze the potential fuel savings and emissions reductions resulting from use of idling reduction technologies as they are applied to heavy-duty vehicles.

Declares that, in order to promote reduction of fuel use and emissions due to engine idling, the maximum gross vehicle weight limit and the axle weight limit for any motor vehicle equipped with an idling reduction technology certified by DOE will be increased by an amount (up to 400 pounds) necessary to compensate for the additional weight of the idling reduction system.

Title VIII: Hydrogen - Subtitle A: Basic Research Programs - George E. Brown, Jr. and Robert S. Walker Hydrogen Future Act of 2003 - (Sec. 802) Amends the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 to revamp guidelines governing hydrogen research, development, and demonstration.

Renames the Hydrogen Technical Advisory Committee the Hydrogen and Fuel Cell Technical Advisory Committee.

Authorizes appropriations for FY 2004 through 2008.

(Sec. 803) Instructs the Secretary to: (1) implement a research, development, demonstration, and commercial application program on advanced hydrogen-powered vehicle technologies (authorizing appropriations for FY 2004 through 2008); (2) establish an interagency task force to coordinate Federal hydrogen and fuel cell energy activities; and (3) contract with the National Academies to review and report to Congress on the status of Federal hydrogen and fuel cell energy activities.

Subtitle B: Demonstration Programs - Directs the Secretary to establish a program for demonstration and commercial application of: (1) hydrogen-powered vehicles and associated hydrogen fueling infrastructure in a variety of transportation-related applications (authorizing appropriations for FY 2006 through 2010); (2) hydrogen fuel cells in stationary applications (authorizing appropriations for FY 2006 through 2010); (3) fuel cells and associated hydrogen fueling infrastructure in countries where an energy infrastructure is not already well developed (authorizing appropriations for FY 2006 through 2010); (4) hybrid distributed power systems on certain Indian lands (authorizing appropriations for FY 2005 through 2008); and (5) distributed generation systems to significantly reduce the cost of producing hydrogen from renewable energy for use in fuel cells (authorizing appropriations for FY 2004 through 2008).

(Sec. 814) Directs the Secretary and the Secretary of the Interior to study and report jointly to Congress on energy needs and uses at National Parks, and the potential for fuel cell and other hydrogen-based technologies to meet them. Requires the Secretary of the Interior to fund at least three pilot projects. Authorizes appropriations for FY 2004 and 2005.

Subtitle C: Federal Programs - (Sec. 821) Directs the Secretary to conduct a public education program designed to increase public interest and acceptance of hydrogen energy and fuel cell technologies. Authorizes appropriations for FY 2004 through 2008.

(Sec. 822) Requires Federal agencies with annual outlays of over \$20 million to submit a comprehensive hydrogen transition strategic plan to Congress.

(Sec. 823) Amends the Energy Policy Act of 1992 to establish minimum Federal fleet purchase requirements for hydrogen vehicles.

(Sec. 824) Directs the President to seek to ensure that the total amount of electric energy consumed by the Federal Government during any fiscal year shall be generated by stationary fuel cells in accordance with prescribed percentages and timetable. Authorizes appropriations for FY 2004 and following years.

(Sec. 825) Directs the Secretary to publish and transmit to Congress a plan identifying critical technologies, enabling strategies and applications, technical targets, and associated timeframes for the commercialization of hydrogen-fueled

fuel cell vehicles.

Title IX: Research and Development - Energy Research, Development, Demonstration, and Commercial Application Act of 2003 - (Sec. 902) Directs the Secretary to conduct energy research, development, demonstration, and commercial application programs that target: (1) energy efficiency; (2) diversity of energy supply; (3) decreasing dependence on foreign energy; (4) energy security; and (5) decreasing environmental impact of energy-related activities.

Subtitle A: Energy Efficiency - (Sec. 911) Directs the Secretary of Energy to implement initiatives that target research, development, and commercial application (R&D) in the following areas: (1) energy efficiency; (2) Next Generation Lighting Initiative; (3) a National Building Performance Initiative; (4) secondary electric vehicle battery use; and (5) energy efficiency science initiative. Authorizes appropriations for FY 2004 through 2008.

Subtitle B: Distributed Energy and Electric Energy Systems - (Sec. 921) Authorizes appropriations for FY 2004 through 2008 for distributed energy and electric energy systems, including micro-cogeneration energy technology.

(Sec. 922) Directs the Secretary to: (1) transmit to Congress a strategy for a comprehensive R&D program for certain hybrid distributed power systems; (2) establish a comprehensive research, demonstration, and commercial application program to improve energy efficiency of high power density facilities; and (3) make competitive, merit-based grants to consortia for the development of micro-cogeneration energy technology.

(Sec. 935) Authorizes the Secretary to provide financial assistance to coordinating consortia of interdisciplinary participants for demonstrations designed to accelerate the utilization of distributed energy technologies, such as fuel cells, microturbines, reciprocating engines, thermally activated technologies, and combined heat and power systems, in highly energy intensive commercial applications.

(Sec. 926) Amends the Department of Energy Organization Act to establish the Office of Electric Transmission and Distribution to implement a comprehensive R&D program to ensure the reliability, efficiency, and environmental integrity of electrical transmission and distribution systems.

Subtitle C: Renewable Energy - (Sec. 931) Authorizes appropriations for FY 2004 through 2008 for renewable energy R&D activities.

(Sec. 932) Instructs the Secretary to: (1) conduct a bioenergy R&D program; (2) initiate a partnership encompassing diesel engine, diesel fuel injection system, and diesel vehicle manufacturers, including diesel and biodiesel fuel providers, in order to include biodiesel testing in advanced diesel engine and fuel system technology; and (3) conduct a R&D program for concentrating solar power for hydrogen production, including co-generation approaches for hydrogen and electricity.

(Sec. 935) Directs the Secretary to conduct R&D programs for: (1) ocean energy, including wave energy; (2) the combined use of renewable energy technologies with one another and with other energy technologies, including the combined use of wind power and coal gasification technologies; and (3) renewable energy technologies for cogeneration of hydrogen and electricity.

Subtitle D: Nuclear Energy - (Sec. 941) Authorizes appropriations for FY 2004 through 2008 for core nuclear energy R&D programs.

(Sec. 942) Instructs the Secretary to conduct a nuclear energy research initiative that encompasses: (1) a Nuclear Energy Plant Optimization Program; (2) Nuclear Power 2010 Program; (3) Generation IV Nuclear Energy Systems

Initiative; (4) reactor production of hydrogen; (5) nuclear infrastructure support; and (6) advanced fuel recycling technology R&D.

(Sec. 944) Directs the Secretary to: (1) establish fellowship and faculty assistance programs, including support for fundamental research and for collaborative research among industry, national laboratories, and universities through the Nuclear Energy Research Initiative; (2) conduct a R&D program on cost-effective technologies for increasing the safety of nuclear facilities; and (3) furnish Congress with results of a survey regarding industrial applications of large radioactive sources.

Subtitle E: Fossil Energy - (Sec. 951) Authorizes appropriations for FY 2004 through 2008 for fossil energy R&D activities.

(Sec. 952) Directs the Secretary to: (1) conduct R&D programs pertaining to specified oil and gas applications, including fuel cells; (2) establish a national center or consortium of excellence in clean energy and power generation; (3) conduct an R&D program on coal mining technologies; (4) conduct a coal and related technologies research program; and (4) establish a Complex Well Technology Testing Facility at the Rocky Mountain Oilfield Testing Center to increase the range of extended drilling technologies.

Subtitle F: Science - (Sec. 961) Authorizes appropriations for FY 2004 through 2008 for R&D activities of the Office of Science.

(Sec. 962) Prescribes guidelines for United States participation in the International Thermonuclear Experimental Reactor project (ITER).

(Sec. 963) Directs the Secretary to report on the Spallation Neutron Source (SNS) as part of the DOE annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule. Specifies maximum DOE obligations for the SNS.

(Sec. 964) Instructs the Secretary to develop and implement a strategy for science and energy facilities and infrastructure at all national laboratories and single-purpose research facilities.

(Sec. 965) Directs the Secretary to support research programs that target the following areas: (1) catalysis research; (2) nanoscale science and engineering; (3) advanced scientific computing for energy missions; (4) the Genomes to Life Program; (5) fission and fusion energy materials; and (6) energy-related issues regarding water resources and municipal waterworks, including water supply issues related to energy production.

Subtitle G: Energy and Environment - (Sec. 971) Directs the Secretary to establish a United States-Mexico Energy Technology Cooperation Program to promote energy efficient, environmentally sound economic development along the United States-Mexico border which minimizes public health risks from industrial activities in the border region. Authorizes appropriations for FY 2004 through 2008.

(Sec. 972) Authorizes appropriations to the Secretary to provide a \$125 million loan to the owner of the experimental plant constructed under DOE cooperative agreement number DE-FC-22-91PC90544 on such terms and conditions as the Secretary determines, including interest rates and upfront payments.

Subtitle H: Management - (Sec. 982) Directs the Secretary to require a non-Federal source commitment of at least: (1) 20 percent of R&D project costs; and (2) 50 percent of direct costs of any demonstration or commercial application project.

(Sec. 984) Directs the Secretary to: (1) establish National Energy R&D Advisory Boards to review DOE programs in energy efficiency, renewable energy, nuclear energy, and fossil energy; (2) designate a Technology Transfer Coordinator to perform oversight of and policy development for technology transfer activities at the Department; (3) establish a Technology Transfer Working Group and a Technology Infrastructure Program; and (4) require the Director of each National Laboratory to establish a small business advocacy and assistance program.

(Sec. 988) Requires the Secretary to report to Congress identifying any policies or procedures of a contractor operating a National Laboratory or single-purpose research facility that create disincentives to the temporary transfer of scientific and technical personnel among the contractor-operated National Laboratories or contractor-operated single-purpose research facilities and provide suggestions for improving inter-laboratory exchange of scientific and technical personnel.

(Sec. 989) Directs the Secretary to arrange with the National Academy of Sciences to study and report to Congress on: (1) the obstacles to accelerating the R&D cycle for energy technology; and (2) the adequacy of DOE policies and procedures pertaining to technology transfer-related disputes between DOE contractors and the private sector.

(Sec. 994) Amends the Department of Energy Organization Act to: (1) rename the Under Secretary of Energy the Under Secretary for Energy and Science, who shall serve as the Science and Technology Advisor to the Secretary; and (2) replace the Director of the Office of Science with an Assistant Secretary for Science.

Declares the sense of Congress that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

Increases from six to seven the number of Assistant Secretaries in the DOE.

(Sec. 995) Amends the Department of Energy Science Education Enhancement Act to authorize appropriations for FY 2004 through 2008.

(Sec. 996) Grants the Secretary additional authority to enter into transactions on such terms as the Secretary may deem appropriate in furtherance of R&D functions. Exempts such transactions from certain provisions of the Federal Nonnuclear Energy Research and Development Act of 1974.

(Sec. 997) Directs the Secretary to arrange with the National Academy of Sciences to investigate and report (ultimately to Congress) on the scientific and technical merits of any evaluation methodology currently in use or proposed for use in relation to DOE scientific and technical programs by the Secretary or other Federal official.

Title X: Personnel and Training - (Sec. 1001) Directs the Secretary to monitor trends in the workforce of skilled technical personnel supporting energy technology industries, including renewable energy industries, companies developing and commercializing devices to increase energy efficiency, the oil and gas industry, the nuclear power industry, and the coal industry.

Authorizes traineeship grants for skilled technical personnel for whom a national shortfall of skilled technical personnel is determined.

Authorizes appropriations for FY 2004 through 2008.

(Sec. 1002) Directs the Secretary to establish postdoctoral and distinguished senior energy research fellowships. Authorizes appropriations for FY 2004 through 2008.

(Sec. 1003) Instructs the Secretary of Labor, jointly with the electric industry and with recognized employee representatives, to develop training guidelines for electric energy industry personnel.

(Sec. 1004) Directs the Secretary to support the establishment of a National Center on Energy Management and Building Technologies to facilitate improved energy efficiency and indoor air quality in industrial, commercial, and residential buildings.

(Sec. 1005) Amends the Department of Energy Science Education Enhancement Act to direct the Secretary to: (1) give priority to activities designed to encourage students from under-represented groups to pursue scientific and technical careers; and (2) instruct the Director of each National Laboratory to enter into partnerships with historically Black colleges and universities, Hispanic-serving institutions, and Indian tribal colleges to train personnel in science or engineering.

(Sec. 1006) Directs the Secretary to support establishment of a National Power Plant Operations Technology and Education Center to train certified operators for electric power generation plants.

(Sec. 1007) Instructs the Secretary of Labor to hire, train, and deploy additional skilled Federal mine inspectors to ensure the availability of skilled and experienced individuals and to maintain the number of Federal mine inspectors at or above authorized levels.

Title XI: Electricity - Subtitle A: Reliability - (Sec. 1111) Amends the Federal Power Act to grant FERC, for purposes of approving reliability standards and enforcing compliance, jurisdiction over the Electric Reliability Organization, over regional entities, and over all users, owners and operators of the bulk-power system. Prescribes implementation guidelines. Exempts Alaska and Hawaii from such provisions.

Subtitle B: Regional Markets - (Sec. 1121) Remands for reconsideration by FERC a certain proposed rulemaking on standard market design. Prohibits issuance of any final rule thereon before July 1, 2005.

(Sec. 1122) Expresses the sense of Congress that all transmitting utilities in interstate commerce should voluntarily become members of independently administered Regional Transmission Organizations (RTO's) that have operational or functional control of facilities used for the transmission of electric energy in interstate commerce and do not own or control generation facilities used to supply electric energy for sale at wholesale.

(Sec. 1123) Prescribes guidelines under which the appropriate Federal regulatory authority may arrange to transfer control and use of all or part of the Federal utility's transmission system to an RTO.

(Sec. 1124) Directs FERC to: (1) convene regional discussions with State regulatory commissions to address whether wholesale electric markets in each region are working effectively to provide reliable service to electric consumers at the lowest reasonable cost; and (2) give priority to discussions in regions that do not have an RTO.

Subtitle C: Improving Transmission Access and Protecting Service Obligations - (Sec. 1131) Requires FERC to: (1) ensure that certain load-serving entities (defined as a distribution utility or an electric utility that has a service obligation to end-users or a distribution utility) are entitled to use firm transmission rights in order to deliver energy to meet service obligations; and (2) facilitate the planning and expansion of transmission facilities to meet the needs of load-serving entities to satisfy their service obligations.

(Sec. 1132) Prescribes implementation guidelines under which FERC may require an unregulated transmitting utility to provide transmission services: (1) at rates comparable to those that it charges itself; and (2) on terms and conditions comparable to those under which it provides transmission services to itself and that are not unduly discriminatory or

preferential.

(Sec. 1133) Instructs FERC to issue a final rule establishing transmission pricing policies that promote investment in transmission infrastructure.

Subtitle D: Amendments to the Public Utility Regulatory Policies Act of 1978 - (Sec. 1141) Amends the Public Utility Regulatory Policies Act of 1978 to require each electric utility to: (1) make available upon request net metering and time-based metering service; and (2) provide competitive pricing and access to the local distribution grid to distributed generation, combined heat and power, and district heating and cooling systems.

(Sec. 1145) Declares that no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from a qualifying cogeneration facility or a qualifying small power production facility (qualifying facility) if FERC finds that the qualifying facility has access to an independently administered, auction-based day ahead and real time wholesale market for the sale of electric energy.

Declares that no electric utility shall be required to enter into a new contract or obligation to sell electric energy to a qualifying facility if competing retail electric suppliers are able to provide electric energy to the facility.

Grandfathers existing contracts.

Eliminates ownership limitations for such facilities.

(Sec. 1146) Instructs FERC to promulgate regulations to ensure recovery by any electric utility of all costs associated with the purchases of electricity or capacity from a qualifying facility before the date of enactment of this Act.

Subtitle E: Provisions Regarding the Public Utility Holding Company Act of 1935 - (Sec. 1152) Repeals the Public Utility Holding Company Act of 1935.

(Sec. 1153) Mandates Federal and State access to books and records of each holding company and its affiliates.

Subtitle F: Market Transparency, Anti-Manipulation and Enforcement - (Sec. 1171) Amends the Federal Power Act to require FERC to issue rules establishing an electronic information system for public access to information that facilitates price transparency and participation in markets subject to FERC jurisdiction, including information about the availability and market price of wholesale electric energy and transmission services.

Prohibits the filing of false information regarding the wholesale price of electricity, and round trip trading.

(Sec. 1173) Increases civil and criminal penalties for violations of the Act.

Subtitle G: Consumer Protections - (Sec. 1181) Instructs the Federal Trade Commission to issue rules: (1) protecting the privacy of electric consumers from the disclosure of consumer information in connection with the sale or delivery of electric energy to a retail electric consumer; (2) prohibiting the change of selection of an electric utility without the electric consumer's informed consent (slamming); and (3) prohibiting the sale of goods and services to an electric consumer without express authorization by law or the electric consumer (cramming).

Subtitle H: Technical Amendments - (Sec. 1191) Amends the Federal Power Act to make technical amendments to reflect the changes made by this Act.

Actions Timeline

- **Jul 31, 2003:** Considered by Senate. (CR S10469-10485, S10511, S10517-10518, CR 8/1/2003 S10533-10569)
- **Jul 31, 2003:** Cloture motion on the motion to commit withdrawn by unanimous consent in Senate.
- **Jul 31, 2003:** Motion by Senator Frist to commit to Senate Committee on Energy and Natural Resources with instructions that the Committee report forthwith with the following amendment (SA 1432) withdrawn in Senate.
- **Jul 31, 2003:** Returned to the Calendar. Calendar No. 79. (consideration: CR 8/1/2003 S10589)
- **Jul 30, 2003:** Considered by Senate. (consideration: CR S10173-10188, S10203-10218, S10251-10252)
- **Jul 30, 2003:** Motion by Senator Frist to commit to Senate Committee on Energy and Natural Resources with instructions that the Committee report forthwith with the following amendment (SA 1432) made in Senate.
- **Jul 30, 2003:** Cloture motion on the motion to commit S. 14 to the Committee on Energy and Natural Resources presented in Senate. (consideration: CR S10252; text: CR S10252)
- **Jul 29, 2003:** Considered by Senate. (consideration: CR S10080-10082, S10083-10090, S10100-10133)
- **Jul 28, 2003:** Considered by Senate. (consideration: CR S9993-10012, S10027-10031)
- **Jul 25, 2003:** Considered by Senate. (consideration: CR S9926-9927, S9941-9943)
- **Jul 24, 2003:** Considered by Senate. (consideration: CR S9888-9895)
- **Jun 12, 2003:** Considered by Senate. (consideration: CR S7741-7757)
- **Jun 11, 2003:** Considered by Senate. (consideration: CR S7654-7662, S7668-7676, S7679-7690, S7702-7707)
- **Jun 10, 2003:** Considered by Senate. (consideration: CR S7565-7599)
- **Jun 9, 2003:** Considered by Senate. (consideration: CR S7515-7527)
- **Jun 5, 2003:** Considered by Senate. (consideration: CR S7421-7449, S7459-7462)
- **Jun 4, 2003:** Considered by Senate. (consideration: CR S7365-7373)
- **Jun 3, 2003:** Considered by Senate. (consideration: CR S7200-7211, S7212-7220)
- **Jun 2, 2003:** Considered by Senate. (consideration: CR S7178-7182)
- **May 13, 2003:** Considered by Senate. (consideration: CR S6043-6048, S6049-6050)
- **May 9, 2003:** Considered by Senate. (consideration: CR S5983, S5985-5986, S5987-5991)
- **May 8, 2003:** Considered by Senate. (consideration: CR S5888-5899)
- **May 6, 2003:** Measure laid before Senate by unanimous consent. (consideration: CR S5747-5753, S5759-5763, S5764-5765)
- **May 1, 2003:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 79.
- **Apr 30, 2003:** Introduced in Senate
- **Apr 30, 2003:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time. (text of measure as introduced: CR S5543-5595)