

**AMENDMENT TO H.R. 1**  
**OFFERED BY MR. FITZPATRICK OF**  
**PENNSYLVANIA**

At the end, add the following:

1     **DIVISION D—MARKET CHOICE**  
2                                     **ACT**

3     **SEC. 40001. SHORT TITLE.**

4             This division may be cited as the “Modernizing  
5 America with Rebuilding to Kickstart the Economy of the  
6 Twenty-first Century with a Historic Infrastructure-Cen-  
7 tered Expansion Act” or the “MARKET CHOICE Act”.

8     **SEC. 40002. FINDINGS.**

9             Congress finds that—

10            (1) roads, bridges, airports, and urban trans-  
11 portation systems are essential to the economic and  
12 national security of the United States;

13            (2) there is a chronic shortfall in funding for  
14 the maintenance of highways, bridges, and other  
15 critical infrastructure;

16            (3) strategic investments in new infrastructure  
17 will allow for economic growth and dynamism in the  
18 21st century;

1 (4) there has been a marked increase in ex-  
2 treme weather events and the negative impacts of a  
3 changing climate are expected to worsen in every re-  
4 gion of the United States;

5 (5) if left unaddressed, the consequences of a  
6 changing climate have the potential to adversely im-  
7 pact the health of all Americans, harm the economy,  
8 and impose substantial costs on local, State, and  
9 Federal budgets;

10 (6) efforts to reduce climate risk should protect  
11 our Nation's economy, security, infrastructure, agri-  
12 culture, water supply, public health, and public safe-  
13 ty; and

14 (7) there is bipartisan support for pursuing ef-  
15 forts to reduce greenhouse gas emissions through  
16 economically viable, broadly supported private and  
17 public policies and solutions.

18 **TITLE I—GREENHOUSE GAS**  
19 **EMISSIONS**

20 **SEC. 40101. TREATMENT OF GREENHOUSE GAS EMISSIONS.**

21 (a) IN GENERAL.—The Internal Revenue Code of  
22 1986 is amended by adding at the end the following:

1           **“Subtitle L—Greenhouse Gas**  
2                           **Emissions**  
3           **“PART 1—TAXATION OF GREENHOUSE GAS**  
4                           **EMISSIONS**

“Sec. 9901. Imposition of tax on combusted fossil fuel greenhouse gas emissions.

“Sec. 9902. Imposition of tax on greenhouse gas emissions from certain industrial processes.

“Sec. 9903. Imposition of tax on greenhouse gas emissions from certain product uses.

“Sec. 9904. Calculation of taxable emissions.

“Sec. 9905. Credit for state payments.

“Sec. 9906. Penalties for nonpayment.

“Sec. 9907. Definitions.

5   **“SEC. 9901. IMPOSITION OF TAX ON COMBUSTED FOSSIL**  
6                           **FUEL GREENHOUSE GAS EMISSIONS.**

7           “(a) IN GENERAL.—There is hereby imposed a tax  
8 on fossil fuels produced within, or imported into, the  
9 United States.

10          “(b) RATE OF TAX.—

11                 “(1) GREENHOUSE GASES THAT WOULD BE RE-  
12 LEASED IF THE FOSSIL FUEL WERE COMBUSTED.—

13           The tax imposed by subsection (a) shall be the appli-  
14 cable amount per ton of carbon dioxide equivalent of  
15 all greenhouse gasses that would be released if the  
16 fossil fuel were combusted.

17                 “(2) APPLICABLE AMOUNT OF CARBON DIOXIDE  
18 EQUIVALENT EMISSIONS.—For purposes of para-  
19 graph (1), the term ‘applicable amount’ means—

1           “(A) for calendar year 2025, \$35 per met-  
2           ric ton of carbon dioxide equivalent emissions,  
3           and

4           “(B) for each calendar year after 2025,  
5           the tax rate shall be the sum of—

6                   “(i) the previous calendar year’s tax  
7                   rate, plus

8                   “(ii) the sum of—

9                           “(I) 5 percentage points, plus

10                           “(II) a percentage increase in the  
11                           previous year’s tax rate equal to the  
12                           increase in the Consumer Price Index  
13                           for the previous calendar year.

14           “(3) CONSUMER PRICE INDEX FOR ANY CAL-  
15           ENDAR YEAR.—For purposes of subparagraph (B),  
16           the Consumer Price Index for the previous calendar  
17           year is the average of the Consumer Price Index for  
18           all-urban consumers published by the Department of  
19           Labor as of the close of the 12-month period ending  
20           on August 31 of such calendar year. For purposes  
21           of the preceding sentence, the revision of the Con-  
22           sumer Price Index which is most consistent with the  
23           Consumer Price Index for calendar year 1986 shall  
24           be used.

1           “(4) RATE ADJUSTMENT BASED ON EMISSION  
2 LEVELS.—

3           “(A) REPORT.—Not later than March 30,  
4 2026, and annually thereafter, the Secretary  
5 and the Administrator shall jointly report the  
6 emissions during the calendar year ending on  
7 the preceding December 31 from sources sub-  
8 ject to taxation under this part. The report  
9 shall determine whether the cumulative amount  
10 of annual emissions reported for the period be-  
11 ginning in calendar year 2025 and through the  
12 end of the preceding calendar year were less  
13 than the emissions levels specified in the fol-  
14 lowing schedule:

15           “(i) The total emissions through cal-  
16 endar year 2025 are 4,700 million metric  
17 tons of carbon dioxide equivalent.

18           “(ii) The total emissions through cal-  
19 endar year 2026 are 9,400 million metric  
20 tons of carbon dioxide equivalent.

21           “(iii) The total emissions through cal-  
22 endar year 2027 are 14,000 million metric  
23 tons of carbon dioxide equivalent.

1           “(iv) The total emissions through cal-  
2           endar year 2028 are 18,300 million metric  
3           tons of carbon dioxide equivalent.

4           “(v) The total emissions through cal-  
5           endar year 2029 are 22,600 million metric  
6           tons of carbon dioxide equivalent.

7           “(vi) The total emissions through cal-  
8           endar year 2030 are 26,800 million metric  
9           tons of carbon dioxide equivalent.

10          “(vii) The total emissions through cal-  
11          endar year 2031 are 31,000 million metric  
12          tons of carbon dioxide equivalent.

13          “(viii) The total emissions through  
14          calendar year 2032 are 35,100 million  
15          metric tons of carbon dioxide equivalent.

16          “(ix) The total emissions through cal-  
17          endar year 2033 are 39,100 million metric  
18          tons of carbon dioxide equivalent.

19          “(x) The total emissions through cal-  
20          endar year 2034 are 43,100 million metric  
21          tons of carbon dioxide equivalent.

22          “(xi) The total emissions through cal-  
23          endar year 2035 are 47,100 million metric  
24          tons of carbon dioxide equivalent.

1           “(B) ADJUSTMENTS FOR REPORT PE-  
2           RIOD.—

3           “(i) IN GENERAL.—Not later than  
4           March 30, 2027, and every two years  
5           thereafter, the Secretary shall determine  
6           whether an adjustment is required in ac-  
7           cordance with clause (ii).

8           “(ii) PERIOD THROUGH 2036.—If the  
9           emission level reported under subpara-  
10          graph (A) for calendar year 2026, and  
11          every second calendar year thereafter  
12          through calendar year 2036, exceeds the  
13          level for such calendar year specified in  
14          clauses (i) through (xi) of subparagraph  
15          (A), then the applicable amount under  
16          paragraph (2) for the calendar year begin-  
17          ning on the next January 1 following the  
18          determination in clause (i) shall, after the  
19          increase under paragraph (2) for such next  
20          calendar year, be increased by an addi-  
21          tional \$4 per metric ton.

22          “(c) BY WHOM PAID.—The tax imposed by sub-  
23          section (a) shall be paid by the owner of the fossil fuel  
24          at the point of taxation.

25          “(d) POINT OF TAXATION.—

1           “(1) For fossil fuels produced within the United  
2 States, the point of taxation shall be—

3           “(A) for coal, the mine mouth or, for  
4 washed coal, the exit from the coal preparation  
5 and processing plant,

6           “(B) for petroleum products, the exit point  
7 from the refinery, and

8           “(C) for natural gas, the exit from the gas  
9 processing plant or, for natural gas that is not  
10 treated at a gas processing plant, the point of  
11 sale to the person who combusts the gas or in-  
12 corporates it into a product that is not intended  
13 for combustion.

14           “(2) For any fossil fuel imported into the  
15 United States, the point of taxation shall be the  
16 point at which it first enters the United States.

17           “(e) EXEMPTIONS.—

18           “(1) EXEMPTION FOR NONCOMBUSTIVE  
19 USES.—

20           “(A) REFUND FOR REDUCTION OR ELIMI-  
21 NATION OF EMISSIONS.—Any manufacturer of a  
22 product that incorporates a fossil fuel that has  
23 been taxed under this section who can dem-  
24 onstrate to the Secretary that the fossil fuel has  
25 been transformed via the manufacture of the



1 product so that the fossil fuel's emissions will  
2 be reduced or eliminated over the product's life-  
3 time shall be entitled to a refund of the tax  
4 paid under this section on the proportion of the  
5 emissions reduced thereby, as determined by  
6 the Secretary.

7 “(B) RULE.—The Secretary, in consulta-  
8 tion with the Administrator, shall establish by  
9 rule the criteria and process by which product  
10 manufacturers can demonstrate that the condi-  
11 tions in subparagraph (A) have been satisfied.

12 “(C) PUBLICATION OF REGULATIONS.—  
13 The Secretary shall publish the regulations re-  
14 quired by this subsection no later than one year  
15 prior to the start of the calendar year referred  
16 to in section 9901(b)(2)(A). The Secretary may  
17 not collect the tax imposed by this section for  
18 any calendar year that begins less than one  
19 year after the regulations are published.

20 “(2) EXEMPTION FOR CARBON CAPTURE AND  
21 STORAGE.—

22 “(A) REFUND FOR SEQUESTERS.—Any  
23 person who sequesters greenhouse gas emissions  
24 resulting from the combustion of fossil fuel that  
25 has passed through a point of taxation shall be

1 entitled to a refund of the tax imposed by this  
2 section. Emissions that are used for enhanced  
3 oil recovery shall be entitled for such refund  
4 provided that these emissions meet all of the  
5 criteria applicable to other emissions that qual-  
6 ify for such refund.

7 “(B) RULE.—The Secretary shall establish  
8 by rule the procedures by which to apply for  
9 such refunds and such refunds shall be paid  
10 within six months of the Secretary receiving an  
11 approvable application.

12 “(C) TIME OF REFUND.—The Secretary  
13 may not refund any amounts under this para-  
14 graph until such time as the Secretary has pub-  
15 lished the regulations described in section  
16 45Q(f)(2).

17 **“SEC. 9902. IMPOSITION OF TAX ON GREENHOUSE GAS**  
18 **EMISSIONS FROM CERTAIN INDUSTRIAL**  
19 **PROCESSES.**

20 “(a) IN GENERAL.—There is hereby imposed a tax  
21 on industrial process greenhouse gas emissions by certain  
22 source categories.

23 “(b) LIST OF SOURCE CATEGORIES.—

1           “(1) INITIAL LIST.—The Congress establishes  
2 for purposes of this section a list of source cat-  
3 egories subject to this section as follows:

4           “(A) Iron and steel production and met-  
5 allurgical coke production.

6           “(B) Underground coal mining.

7           “(C) Coal preparation and processing  
8 plants.

9           “(D) Refineries.

10          “(E) Cement production.

11          “(F) Petrochemical production.

12          “(G) Lime production.

13          “(H) Ammonia production.

14          “(I) Aluminum production.

15          “(J) Soda ash production.

16          “(K) Ferroalloy production.

17          “(L) Phosphoric acid production.

18          “(M) Glass production.

19          “(N) Zinc production.

20          “(O) Lead production.

21          “(P) Magnesium production and proc-  
22 essing.

23          “(Q) Nitric acid production.

24          “(R) Adipic acid production.

25          “(S) Semiconductor manufacture.

1           “(T) Electrical transmission and distribu-  
2           tion.

3           “(2) REVISION OF THE LIST.—The Adminis-  
4           trator shall review the list of source categories estab-  
5           lished by this subsection not less than once every  
6           five years to determine if they should continue to be  
7           listed and publish the results of that review. The Ad-  
8           ministrator may, if appropriate, add any source cat-  
9           egories to this list by rule.

10           “(3) REMOVAL OF A SOURCE CATEGORY FROM  
11           THE LIST.—The Administrator may remove a source  
12           category from this list only if—

13           “(A) the total emissions from the entire  
14           source category which are taxable under this  
15           section have been less than 250,000 metric tons  
16           of carbon dioxide equivalent per year for each  
17           of three consecutive years,

18           “(B) the average emissions from facilities  
19           in the source category which are taxable under  
20           this section have been less than 25,000 metric  
21           tons of carbon dioxide equivalent per year for  
22           each of the years referred in subparagraph (A),  
23           and

24           “(C) the Administrator determines that  
25           there is no reasonable possibility that the total

1 emissions from the entire source category which  
2 are taxable under this section will exceed  
3 250,000 metric tons per year of carbon dioxide  
4 equivalent within any of the five years following  
5 such determination.

6 “(4) ADDITION OF A SOURCE CATEGORY TO  
7 THE LIST.—The Administrator may add a source  
8 category to this list only if the Administrator deter-  
9 mines that—

10 “(A) the total emissions from the entire  
11 source category which are taxable under this  
12 section have been greater than 250,000 metric  
13 tons per year of carbon dioxide equivalent in  
14 any two years out of the preceding five years,

15 “(B) the average emissions from facilities  
16 in the source category which are taxable under  
17 this section have been greater than 25,000 met-  
18 ric tons per year of carbon dioxide equivalent in  
19 the years in which emissions from the entire  
20 source category have been greater than 250,000  
21 tons per year, and

22 “(C) there is a reasonable possibility that  
23 the total emissions from the entire source cat-  
24 egory which are taxable under this section will  
25 be greater than 250,000 metric tons per year of

1 carbon dioxide equivalent in any year within the  
2 next five years following such determination.

3 “(c) RATE OF TAX.—The rate of tax shall be the  
4 same as the rate given in section 9901(b)(2).

5 “(d) BY WHOM PAID.—The tax imposed by sub-  
6 section (a) shall be paid by the owner or operator of the  
7 point of taxation.

8 “(e) POINT OF TAXATION.—The point of taxation  
9 shall be any facility in a source category which emits more  
10 than 25,000 metric tons of carbon dioxide equivalent sub-  
11 ject to taxation under this section in any calendar year.

12 **“SEC. 9903. IMPOSITION OF TAX ON GREENHOUSE GAS**  
13 **EMISSIONS FROM CERTAIN PRODUCT USES.**

14 “(a) IN GENERAL.—There is hereby imposed a tax  
15 on non-fossil-fuel-greenhouse-gas emissions by certain  
16 manufactured products when used for their intended pur-  
17 poses that are manufactured within or imported into, the  
18 United States.

19 “(b) LIST OF PRODUCTS.—

20 “(1) INITIAL LIST.—The Congress establishes  
21 for purposes of this section a list of products subject  
22 to this section as follows:

23 “(A) Fuel ethanol.

24 “(B) Industrial carbonates.

25 “(C) Carbon dioxide urea.

1 “(D) Soda ash.

2 “(E) Nitrous oxide.

3 “(F) Ozone depleting substances, but not  
4 if the United States has ratified the Kigali  
5 Amendment to the Montreal Protocol and is  
6 subject to Article 2J, paragraph 1 of the  
7 Amended Montreal Protocol.

8 “(G) Biodiesel.

9 “(H) Solid biomass fuels.

10 “(2) REVISION OF THE LIST.—The Adminis-  
11 trator shall review the list of products established by  
12 this subsection not less than once every five years to  
13 determine if they should continue to be listed and  
14 publish the results of that review. The Administrator  
15 may, if appropriate, add any product to this list by  
16 rule.

17 “(3) REMOVAL OF A PRODUCT FROM THE  
18 LIST.—The Administrator may remove a product  
19 from this list only if—

20 “(A) the total emissions from all of the  
21 product used within the United States has been  
22 less than 250,000 metric tons per year of car-  
23 bon dioxide equivalent for each of three con-  
24 secutive years, and

1           “(B) the Administrator determines that  
2           there is no reasonable possibility that the total  
3           emissions from all of the product used in the  
4           United States will exceed 250,000 metric tons  
5           per year of carbon dioxide equivalent within any  
6           of the five years following such determination.

7           “(4) ADDITION OF A PRODUCT TO THE LIST.—  
8           The Administrator may add a product to this list  
9           only if the Administrator determines that—

10           “(A) the total emissions from all of the  
11           product used within the United States has been  
12           greater than 250,000 metric tons per year of  
13           carbon dioxide equivalent in any two years out  
14           of the preceding five years, and

15           “(B) there is a reasonable possibility that  
16           the total emissions from all of the product used  
17           within the United States will be greater than  
18           250,000 metric tons per year of carbon dioxide  
19           equivalent in any year within the next five years  
20           following such determination.

21           “(c) RATE OF TAX.—The rate of tax shall be the  
22           same as the rate given in section 9901(b)(2).

23           “(d) BY WHOM PAID.—The tax imposed by sub-  
24           section (a) shall be paid—



1           “(1) for products manufactured in the United  
2 States, by the owner or operator of the point of tax-  
3 ation, and

4           “(2) for products imported into the United  
5 States, by the owner of the product when it enters  
6 the United States.

7           “(e) POINT OF TAXATION.—The point of taxation  
8 shall be—

9           “(1) for products manufactured in the United  
10 States, the manufacturing facility,

11           “(2) for products imported into the United  
12 States, the point at which it first enters the United  
13 States, and

14           “(3) for domestically produced biomass fuel by  
15 a facility that emits from combusted biomass fuel  
16 more than 25,000 metric tons of carbon dioxide  
17 equivalent greenhouse gases in a year, the facility  
18 that combusts the biomass fuel.

19 **“SEC. 9904. CALCULATION OF TAXABLE EMISSIONS.**

20           “(a) HOW TO CALCULATE TAXABLE EMISSIONS.—In  
21 consultation with the Department of Energy, the Adminis-  
22 trator shall establish by rule (and may, from time to time,  
23 revise) the method by which taxable emissions under this  
24 part shall be calculated.

1       “(b) CATEGORIES AND SUBCATEGORIES CONSID-  
2 ERED.—For purposes of calculating emissions taxable  
3 under—

4           “(1) section 9901, the Administrator shall de-  
5 termine by rule the amount of carbon dioxide equiv-  
6 alent that would be emitted if each fossil fuel were  
7 combusted, and the Administrator may establish by  
8 rule such subcategories of each fuel and the means  
9 by which it is combusted as the Administrator deems  
10 appropriate,

11           “(2) section 9902, the Administrator may de-  
12 termine by rule such subcategories of any industrial  
13 process category listed in subsection 9902(b) as the  
14 Administrator deems appropriate, and

15           “(3) section 9903, for fuel ethanol, biodiesel,  
16 and solid biomass fuels the Administrator shall de-  
17 termine by rule the amount of carbon dioxide equiv-  
18 alent that would be emitted based on the lifecycle  
19 greenhouse gas emissions of the product (excluding  
20 emissions from fossil fuels that have passed through  
21 a point of taxation), and the Administrator may de-  
22 termine by rule such subcategories of manufactured  
23 products listed in subsection 9903(b) as the Admin-  
24 istrator deems appropriate.

1           “(c) METHODS.—Where greenhouse gas emissions  
2 subject to taxation under any section of this part are com-  
3 bined with greenhouse gas emissions subject to taxation  
4 under any other section of this part, the Administrator  
5 shall ensure, to the greatest degree possible, that the  
6 methods required to determine the emissions taxable  
7 under any section of this part do not include any emissions  
8 taxable under any other section of this part.

9           “(d) METHOD COST DIFFERENCES.—The Adminis-  
10 trator shall not require the use of any method to calculate  
11 taxable emissions whereby the difference in cost of the  
12 method compared to the next cheapest alternative method  
13 is greater than the amount of the tax that would be paid  
14 on the additional emissions determined by the more expen-  
15 sive method.

16           “(e) PUBLICATION OF REGULATIONS.—The Adminis-  
17 trator shall publish the regulations required by this section  
18 no later than one year prior to the start of the calendar  
19 year referred to in section 9901(b)(2)(A). The Secretary  
20 may not collect the tax imposed by any section in this part  
21 for any calendar year that begins less than one year after  
22 the regulations applicable to each such section are pub-  
23 lished.

1 **“SEC. 9905. CREDIT FOR STATE PAYMENTS.**

2 “(a) CREDIT FOR PAYMENTS.—The Secretary shall  
3 allow any person who is required to make payment for  
4 greenhouse gas emissions under this part a credit for pay-  
5 ments made on those emissions required under any State  
6 law in the following manner:

7 “(1) For the year given in section 9901(b)(2),  
8 a credit equal to 100 percent of the amount paid  
9 pursuant to requirements of State law.

10 “(2) For the first year following the year used  
11 in paragraph (1), a credit equal to 80 percent of the  
12 amount paid pursuant to requirements of State law.

13 “(3) For the second year following the year  
14 used in paragraph (1), a credit equal to 60 percent  
15 of the amount paid pursuant to requirements of  
16 State law.

17 “(4) For the third year following the year used  
18 in paragraph (1), a credit equal to 40 percent of the  
19 amount paid pursuant to requirements of State law.

20 “(5) For the fourth year following the year  
21 used in paragraph (1), a credit equal to 20 percent  
22 of the amount paid pursuant to requirements of  
23 State law.

24 “(b) NO CREDIT.—For all years following the year  
25 used in paragraph (5), no credit shall be allowed.

1 **“SEC. 9906. PENALTIES FOR NONPAYMENT.**

2 “Any person who fails to comply with the require-  
3 ments of section 9901, 9902, or 9903 shall be liable for  
4 payment to the Secretary, without demand, of a penalty  
5 in the amount equal to 3 times the applicable amount  
6 specified by those sections for the same tax year as the  
7 year in which the person failed to comply with such re-  
8 quirements.

9 **“SEC. 9907. DEFINITIONS.**

10 “Unless otherwise provided, the definitions provided  
11 herein are applicable to all provisions of this subtitle.

12 “(1) ADMINISTRATOR.—The term ‘Adminis-  
13 trator’ means the Administrator of the Environ-  
14 mental Protection Agency.

15 “(2) CARBON DIOXIDE EQUIVALENT.—The  
16 term ‘carbon dioxide equivalent’ means the number  
17 of metric tons of CO<sub>2</sub> emissions with the same global  
18 warming potential over a 100-year period as one  
19 metric ton of another greenhouse gas.

20 “(3) COAL.—The term ‘coal’ means any of the  
21 recognized classifications and ranks of coal, includ-  
22 ing anthracite, bituminous, semibituminous, subbitu-  
23 minous, lignite, and peat.

24 “(4) COAL PREPARATION AND PROCESSING  
25 PLANT.—The term ‘coal preparation and processing  
26 plant’ means any facility (excluding underground

1 mining operations) which prepares coal by one or  
2 more of the following processes: breaking, crushing,  
3 screening, wet or dry cleaning, and thermal drying.

4 “(5) ENHANCED OIL RECOVERY.—The term  
5 ‘enhanced oil recovery’ has the meaning defined at  
6 section 1.193–1(b)(2) of title 26, Code of Federal  
7 Regulations, as in effect on the date of enactment of  
8 this section.

9 “(6) FACILITY.—The term ‘facility’ means any  
10 physical property, plant, building, structure, source,  
11 or stationary equipment located on one or more con-  
12 tiguous or adjacent properties in actual physical con-  
13 tact or separated solely by a public roadway or other  
14 public right-of-way and under common ownership or  
15 common control, that emits or may emit any green-  
16 house gas.

17 “(7) FOSSIL FUEL.—The term ‘fossil fuel’  
18 means coal, petroleum products, or natural gas.

19 “(8) GREENHOUSE GAS.—The term ‘greenhouse  
20 gas’ means carbon dioxide, nitrous oxide, methane,  
21 hydrofluorocarbons, perfluorocarbons, and sulfur  
22 hexafluoride.

23 “(9) GREENHOUSE GAS EFFECTS.—The term  
24 ‘greenhouse gas effects’ means the adverse effects of  
25 greenhouse gasses on health or welfare caused by

1 the greenhouse gas's heat-trapping potential or its  
2 effect on ocean acidification.

3 “(10) LIFECYCLE GREENHOUSE GAS EMIS-  
4 SIONS.—The term ‘lifecycle greenhouse gas emis-  
5 sions’ has the meaning given that term in section  
6 211 of the Clear Air Act.

7 “(11) NATURAL GAS.—The term ‘natural gas’  
8 means any fuel consisting in whole or in part of nat-  
9 ural gas, including components of natural gas such  
10 as methane and ethane; liquid petroleum gas; syn-  
11 thetic gas derived from coal, petroleum, or natural  
12 gas liquids; or any mixture of natural gas and syn-  
13 thetic gas.

14 “(12) PETROLEUM PRODUCTS.—The term ‘pe-  
15 troleum products’ means unfinished oils, liquefied  
16 petroleum gases, pentanes plus, aviation gasoline,  
17 motor gasoline, naphtha-type jet fuel, kerosene-type  
18 jet fuel, kerosene, distillate fuel oil, residual fuel oil,  
19 petrochemical feedstocks, special naphthas, lubri-  
20 cants, waxes, petroleum coke, asphalt, road oil, still  
21 gas, and miscellaneous products obtained from the  
22 processing of crude oil (including lease condensate),  
23 natural gas, and other hydrocarbon compounds. The  
24 term does not include natural gas, liquefied natural

1 gas, biofuels, methanol, and other nonpetroleum  
2 fuels.

3 “(13) PUBLISH.—The term ‘publish’ means  
4 publication in the Federal Register.

5 “(14) REFINERY.—The term ‘refinery’ means  
6 any facility engaged in producing gasoline, kerosene,  
7 distillate fuel oils, residual fuel oils, lubricants, or  
8 other products through distillation of petroleum or  
9 through redistillation, cracking, or reforming of un-  
10 finished petroleum derivatives.

11 “(15) OWNER.—The term ‘owner’ with respect  
12 to any fossil fuel means any person who has legal  
13 title to the fossil fuel.

14 “(16) OWNER OR OPERATOR.—The term ‘owner  
15 or operator’ with respect to any fossil fuel means  
16 any person who has legal title to the fossil fuel.

17 “(17) SEQUESTERS.—The term ‘sequesters’  
18 means the permanent storage of carbon dioxide or  
19 other greenhouse gas such that it does not escape  
20 into the atmosphere, and is in compliance with the  
21 regulations issued pursuant to section 45Q(f)(2).

22 “(18) SOLID BIOMASS.—The term ‘solid bio-  
23 mass’ means nonfossilized and biodegradable organic  
24 material originating from plants, animals, or micro-  
25 organisms, including products, byproducts, residues



1 and waste from agriculture, forestry, and related in-  
2 dustries as well as the nonfossilized and biodegrad-  
3 able organic fractions of industrial and municipal  
4 wastes, but does not include gases and liquids recov-  
5 ered from the decomposition of nonfossilized and  
6 biodegradable organic material.

7 “(19) SOURCE CATEGORY.—The term ‘source  
8 category’ means any category or subcategory regu-  
9 lated under part 60 of title 40, Code of Federal Reg-  
10 ulations, or part 90 of title 40, Code of Federal Reg-  
11 ulations.

12 **“PART 2—TAX ADJUSTMENTS FOR IMPORTS AND**  
13 **EXPORTS OF GREENHOUSE GAS INTENSIVE**  
14 **PRODUCTS**

“Sec. 9911. Purposes.  
“Sec. 9912. Definitions.  
“Sec. 9913. Notification of foreign countries.  
“Sec. 9914. Border tax adjustment rate.

15 **“SEC. 9911. PURPOSES.**

16 “(a) PURPOSES OF PART.—The purposes of this part  
17 are—

18 “(1) to promote a strong global effort to signifi-  
19 cantly reduce greenhouse gas emissions, and

20 “(2) to prevent carbon leakage.

21 “(b) ADDITIONAL PURPOSES OF PART.—The pur-  
22 poses of this part are additionally—

1           “(1) to provide a rebate to exporters in domes-  
2           tic eligible industrial sectors for the greenhouse gas  
3           emission costs of the owners and operators incurred  
4           under this title, but not for costs associated with  
5           other related or unrelated market dynamics,

6           “(2) to ensure that imports from other coun-  
7           tries, and, in particular, fast-growing developing  
8           countries, do not enjoy competitive advantages be-  
9           cause of the carbon tax liability of domestic manu-  
10          facturers, and therefore increase their emissions,

11          “(3) to encourage foreign countries to take sub-  
12          stantial action with respect to their greenhouse gas  
13          emissions, and

14          “(4) to ensure that the measures described in  
15          this subpart are designed and implemented in a  
16          manner consistent with applicable international  
17          agreements to which the United States is a party.

18 **“SEC. 9912. DEFINITIONS.**

19          “In this part:

20                 “(1) CARBON LEAKAGE.—The term ‘carbon  
21                 leakage’ means any substantial increase (as deter-  
22                 mined by the Secretary) in greenhouse gas emissions  
23                 by entities located in other countries caused by a  
24                 cost of production increase in the United States re-  
25                 sulting from implementation of this title.

1           “(2) BORDER TAX ADJUSTMENT.—The term  
2           ‘border tax adjustment’ means the levying of a tax  
3           on imported covered goods equivalent to the amount  
4           of tax paid pursuant to part 1 of this subtitle in the  
5           manufacture of comparable domestic manufactured  
6           goods, and the rebating of the tax paid pursuant to  
7           part 1 of this subtitle that has been paid on covered  
8           goods exported from the United States.

9           “(3) BORDER TAX ADJUSTMENT RATE.—The  
10          term ‘border tax adjustment rate’ means the amount  
11          of tax that would be paid on a covered good pro-  
12          duced in the United States in the current year.

13          “(4) COMMISSIONER.—The term ‘Commis-  
14          sioner’ means the Commissioner of United States  
15          Customs and Border Protection.

16          “(5) COVERED GOOD.—The term ‘covered good’  
17          means a good that is—

18                 “(A) entered under a heading or sub-  
19                 heading of the Harmonized Tariff Schedule of  
20                 the United States that corresponds to the  
21                 NAICS code for an eligible industrial sector, as  
22                 established in the concordance between NAICS  
23                 codes and the Harmonized Tariff Schedule of  
24                 the United States prepared by the United  
25                 States Census Bureau, or

1           “(B) a manufactured item for consump-  
2           tion.

3           “(6) ELIGIBLE INDUSTRIAL SECTOR.—The  
4           term ‘eligible industrial sector’ means an industrial  
5           sector determined by the Secretary under section  
6           9913.

7           “(7) INDUSTRIAL SECTOR.—The term ‘indus-  
8           trial sector’ means any sector that—

9                   “(A) is in the manufacturing sector (as de-  
10                   fined in NAICS codes 31, 32, and 33), or

11                   “(B) is part of, or an entire, sector that  
12                   beneficiates or otherwise processes (including  
13                   agglomeration) metal ores, including iron and  
14                   copper ores, soda ash, and phosphate. The term  
15                   ‘industrial sector’ does not include any part of  
16                   a sector that extracts fossil fuels, metal ores,  
17                   soda ash, or phosphate.

18           “(8) MANUFACTURED ITEM FOR CONSUMP-  
19           TION.—The term ‘manufactured item for consump-  
20           tion’ means any good—

21                   “(A) that includes in substantial quantities  
22                   one or more goods like the goods produced by  
23                   an eligible industrial sector, and

24                   “(B) for which the Secretary has deter-  
25                   mined, with the concurrence of the Commis-

1 sioner, that the application of the border tax  
2 adjustment program pursuant to this part is  
3 technically and administratively feasible and ap-  
4 propriate to achieve the purposes of this part,  
5 taking into account the greenhouse gas inten-  
6 sity, and where appropriate the trade intensity,  
7 of the industrial sector that produces the good,  
8 as measured consistent with section 9913 and  
9 the ability of the producers to recover cost in-  
10 creases in the marketplace and other appro-  
11 priate factors.

12 “(9) NAICS.—The term ‘NAICS’ means the  
13 North American Industrial Classification System of  
14 2002.

15 “(10) OUTPUT.—The term ‘output’ means the  
16 total tonnage or other standard unit of production  
17 (as determined by the Secretary) produced by an en-  
18 tity in an industrial sector.

19 **“SEC. 9913. NOTIFICATION OF FOREIGN COUNTRIES.**

20 “(a) IN GENERAL.—As soon as practicable after the  
21 date of the enactment of the Modernizing America with  
22 Rebuilding to Kickstart the Economy of the Twenty-first  
23 Century with a Historic Infrastructure-Centered Expan-  
24 sion Act, the President shall notify each foreign country—

1           “(1) requesting the foreign country to take ap-  
2           propriate measures to limit the greenhouse gas emis-  
3           sions of the foreign country, and

4           “(2) indicating that a border tax adjustment  
5           may apply to covered goods imported into and ex-  
6           ported from the United States.

7           “(b) LISTS.—

8           “(1) IN GENERAL.—Not later than 1 year after  
9           the date of the enactment of the Modernizing Amer-  
10          ica with Rebuilding to Kickstart the Economy of the  
11          Twenty-first Century with a Historic Infrastructure-  
12          Centered Expansion Act, the Secretary shall promul-  
13          gate a rule designating, based on the criteria under  
14          subsection (c)(2), industrial sectors where covered  
15          products are liable for the border tax adjustment.

16          “(2) CONTENT.—The list shall include the  
17          amount of the border tax adjustment rate for each  
18          covered good in the following calendar year pursuant  
19          to section 9914.

20          “(3) SUBSEQUENT LISTS.—Not later than Jan-  
21          uary 31 of each calendar year after the calendar  
22          year in which the Modernizing America with Re-  
23          building to Kickstart the Economy of the Twenty-  
24          first Century with a Historic Infrastructure-Cen-  
25          tered Expansion Act is enacted, the Secretary shall

1 publish in the Federal Register an updated version  
2 of the list published under paragraph (1).

3 “(c) ELIGIBLE INDUSTRIAL SECTORS.—

4 “(1) PRESUMPTIVELY ELIGIBLE INDUSTRIAL  
5 SECTORS.—

6 “(A) ELIGIBILITY CRITERIA.—

7 “(i) IN GENERAL.—

8 “(I) Imported covered goods are  
9 liable under this part if they are pro-  
10 duced in the United States in an in-  
11 dustrial sector that is included in a 6-  
12 digit classification of the NAICS that  
13 meets the criteria in both clauses (ii)  
14 and (iii).

15 “(II) Exported covered goods are  
16 eligible under this part if they are  
17 produced in the United States in an  
18 industrial sector that is included in a  
19 6-digit classification of the NAICS  
20 that meets the criteria in clauses (ii)  
21 and (iii).

22 “(ii) GREENHOUSE GAS INTENSITY.—

23 As determined by the Secretary, an indus-  
24 trial sector meets the criteria of this clause  
25 if the United States industrial sector has a

1 greenhouse gas intensity of at least 5 per-  
2 cent, calculated by dividing—

3 “(I) the number of metric tons of  
4 carbon dioxide equivalent greenhouse  
5 gas emissions (including direct emis-  
6 sions from fuel combustion, process  
7 emissions, and indirect emissions from  
8 the generation of electricity used to  
9 produce the output of the sector) of  
10 the sector based on data described in  
11 subparagraph (C), multiplied by the  
12 applicable rate in section 9901(b)(2),  
13 by

14 “(II) the value of the shipments  
15 of the sector, based on data described  
16 in subparagraph (C).

17 “(iii) TRADE INTENSITY.—As deter-  
18 mined by the Secretary, an industrial sec-  
19 tor meets the criteria of this clause if the  
20 industrial sector has a trade intensity of at  
21 least 15 percent, calculated by dividing—

22 “(I) the value of the total im-  
23 ports and exports of the sector, by

24 “(II) the value of the shipments  
25 plus the value of imports of the sec-



1                   tor, based on data described in sub-  
2                   paragraph (C).

3                   “(B) METAL AND PHOSPHATE PRODUC-  
4                   TION CLASSIFIED UNDER MORE THAN ONE  
5                   NAICS CODE.—For purposes of this section, the  
6                   Secretary shall—

7                   “(i) aggregate data for the  
8                   beneficiation or other processing (including  
9                   agglomeration) of metal ores, including  
10                  iron and copper ores, soda ash, or phos-  
11                  phate with subsequent steps in the process  
12                  of metal and phosphate manufacturing, re-  
13                  gardless of the NAICS code under which  
14                  the activity is classified, and

15                  “(ii) aggregate data for the manufac-  
16                  turing of steel with the manufacturing of  
17                  steel pipe and tube made from purchased  
18                  steel in a nonintegrated process.

19                  “(C) DATA SOURCES.—

20                  “(i) VALUE OF SHIPMENTS.—

21                  “(I) IN GENERAL.—The Sec-  
22                  retary shall determine the value of  
23                  shipments under this subsection from  
24                  data from the United States Census  
25                  Annual Survey of Manufacturers.

1                   “(II) AVERAGE DATA AVAIL-  
2 ABLE.—The Secretary shall use the  
3 average of data from the most recent  
4 3 years for which the data are avail-  
5 able.

6                   “(III) AVERAGE DATA NOT  
7 AVAILABLE.—If data described in sub-  
8 clause (II) are unavailable, the Sec-  
9 retary shall make a determination  
10 based on—

11                   “(aa) data from the most  
12 detailed industrial classification  
13 level of the Manufacturing En-  
14 ergy Consumption Survey of the  
15 Energy Information Administra-  
16 tion, and

17                   “(bb) data from the most re-  
18 cent Economic Census of the  
19 United States.

20                   “(IV) DATA NOT AVAILABLE FOR  
21 SECTOR.—If data from the Manufac-  
22 turing Energy Consumption Survey or  
23 Economic Census are unavailable for  
24 any sector at the 6-digit classification  
25 level in the NAICS, the Secretary may

1 use available Manufacturing Energy  
2 Consumption Survey or Economic  
3 Census data pertaining to a broader  
4 industrial category classified in the  
5 NAICS.

6 “(V) DATA NOT AVAILABLE FOR  
7 PROCESSING.—If data relating to the  
8 beneficiation or other processing (in-  
9 cluding agglomeration) of metal ores  
10 (including iron and copper ores, soda  
11 ash, or phosphate) are not available  
12 from the specified data sources, the  
13 Secretary—

14 “(aa) shall use the best  
15 available Federal or State gov-  
16 ernment data, and

17 “(bb) may use, to the extent  
18 necessary, representative data  
19 submitted by entities that per-  
20 form the beneficiation or other  
21 processing (including agglomer-  
22 ation), in making a determina-  
23 tion.

24 “(ii) IMPORTS AND EXPORTS.—

1                   “(I) IN GENERAL.—The Sec-  
2                   retary shall base the value of imports  
3                   and exports under this subsection on  
4                   United States International Trade  
5                   Commission data.

6                   “(II) AVERAGE DATA AVAIL-  
7                   ABLE.—The Secretary shall use the  
8                   average of data from the three most  
9                   recent years for which the data are  
10                  available.

11                  “(III) AVERAGE DATA NOT  
12                  AVAILABLE.—If data from the United  
13                  States International Trade Commis-  
14                  sion are unavailable for any sector at  
15                  the 6-digit classification level in the  
16                  NAICS, the Secretary may use United  
17                  States International Trade Commis-  
18                  sion data pertaining to a broader in-  
19                  dustrial category classified in the  
20                  NAICS.

21                  “(iii) PERCENTAGES.—The Secretary  
22                  shall round the greenhouse gas intensity  
23                  and trade intensity percentages under sub-  
24                  paragraph (A) to the nearest whole num-  
25                  ber.

1                   “(iv) GREENHOUSE GAS EMISSION  
2                   CALCULATIONS.—When calculating the  
3                   metric tons of carbon dioxide equivalent  
4                   greenhouse gas emissions for each sector  
5                   under subparagraph (A)(ii)(I), the Sec-  
6                   retary—

7                   “(I) shall use the best available  
8                   data from the three most recent years  
9                   for which the data are available, and

10                   “(II) may, to the extent nec-  
11                   essary with respect to a sector, use  
12                   economic and engineering models and  
13                   the best available information on tech-  
14                   nology performance levels for the sec-  
15                   tor.

16                   “(2) ADMINISTRATIVE DETERMINATION OF AD-  
17                   DITIONAL ELIGIBLE INDUSTRIAL SECTORS.—

18                   “(A) UPDATED TRADE INTENSITY DATA.—  
19                   The Secretary shall designate as liable for the  
20                   border tax adjustment rate on imported prod-  
21                   ucts under this part an industrial sector that—

22                   “(i) met the greenhouse gas intensity  
23                   criteria in paragraph (1)(A)(ii) as of the  
24                   date of promulgation of the rule under  
25                   paragraph (1), and

1           “(ii) meets the trade intensity criteria  
2           established under paragraph (1)(A)(iii),  
3           using data sources described in paragraph  
4           (1)(C) from any year after the passage of  
5           this Act.

6           “(B) INDIVIDUAL SHOWING PETITION.—

7           “(i) PETITION.—In addition to des-  
8           ignation under subparagraph (A), the  
9           owner or operator of an entity or a group  
10          of entities that collectively produce not less  
11          than 80 percent of the average annual  
12          value of shipments from within the sector  
13          of the group consistent with subclause (I),  
14          that manufacture similar products in an  
15          industrial sector may petition the Sec-  
16          retary to designate as eligible industrial  
17          sectors under this part an entity or a  
18          group of entities that—

19                 “(I) represent a sector using a  
20                 standard product classification, and

21                 “(II) meet the respective import  
22                 and/or export eligibility criteria in  
23                 paragraph (1)(A)(i).

1           “(ii) DATA.—In making a determina-  
2           tion under this subparagraph, the Sec-  
3           retary shall consider—

4                   “(I) data submitted by the peti-  
5                   tioner,

6                   “(II) data solicited by the Sec-  
7                   retary from other entities in the sec-  
8                   tor, and

9                   “(III) data specified in para-  
10                  graph (1)(C).

11           “(iii) BASIS OF SUBSECTOR DETER-  
12           MINATION.—

13                   “(I) IN GENERAL.—Except as  
14                   provided in subclause (II), the Sec-  
15                   retary shall determine an entity or  
16                   group of entities to be a subsector of  
17                   a 6-digit section of the NAICS code  
18                   based only on the products manufac-  
19                   tured and not the industrial process  
20                   by which the products are manufac-  
21                   tured.

22                   “(II) TYPE OF MATERIAL.—The  
23                   Secretary may determine an entity or  
24                   group of entities that manufacture a  
25                   product from primarily virgin material

1 to be a separate subsector from an-  
2 other entity or group of entities that  
3 manufacture the same product pri-  
4 marily from recycled material.

5 “(iv) USE OF MOST RECENT DATA.—

6 In determining whether to designate a sec-  
7 tor or subsector as an eligible industrial  
8 sector under this subparagraph, the Sec-  
9 retary shall use the most recent data avail-  
10 able from the sources described in para-  
11 graph (1)(C), rather than the data from  
12 the years specified in paragraph (1)(C), to  
13 determine the trade intensity of the sector  
14 or subsector, but only for determining the  
15 trade intensity.

16 “(v) FINAL ACTION.—The Secretary  
17 shall take final action on a petition de-  
18 scribed in this subparagraph not later than  
19 180 days after the date the completed peti-  
20 tion is received by the Secretary.

21 “(3) CESSATION OF QUALIFYING ACTIVITIES.—

22 If, as determined by the Secretary, an industrial sec-  
23 tor or a covered good within the sector is no longer  
24 liable to be designated under this section, the Com-  
25 missioner shall cease to apply the border tax adjust-



1           ment on the relevant covered goods with effect from  
2           January 1 of the following year.

3   **“SEC. 9914. BORDER TAX ADJUSTMENT RATE.**

4           “(a) ESTABLISHMENT.—The Secretary, with the con-  
5           currence of the Commissioner, shall, no later than the date  
6           that is one year after the date of the enactment of this  
7           section, promulgate regulations—

8                   “(1) establishing the products which are liable  
9                   for, and requiring payment of, the border tax adjust-  
10                  ment rate,

11                   “(2) establishing a general methodology for cal-  
12                  culating the level of the border tax adjustment rate  
13                  that a domestic importer of any covered good must  
14                  submit and the rebate that an exporter will receive,

15                   “(3) establishing an administrative process  
16                  whereby any determination by the Secretary under  
17                  this subsection may be appealed,

18                   “(4) exempting from this section products that  
19                  originate from—

20                           “(A) any country that the United Nations  
21                           has identified as among the least developed of  
22                           developing countries, or

23                           “(B) any country that the President has  
24                           determined to be responsible for less than 0.5  
25                           percent of total global greenhouse gas emissions

1           and less than 5 percent of global production in  
2           the eligible industrial sector,

3           “(5) specifying the procedures that the Com-  
4           missioner will apply for the declaration and entry of  
5           covered goods with respect to the eligible industrial  
6           sector into the customs territory of the United  
7           States, and

8           “(6) establishing procedures that prevent cir-  
9           cumvention of the carbon tax liability for covered  
10          goods that are manufactured or processed in more  
11          than one foreign country.

12          “(b) PRESIDENTIAL DISCRETION.—The President  
13          may elect not to levy the border tax adjustment for an  
14          eligible industrial sector or for specific products within  
15          that sector if the President determines and certifies to  
16          Congress that the program would not be in the national  
17          interest, economic interest, or environmental interest of  
18          the United States.”.

19          (b) CLERICAL AMENDMENT.—The table of subtitles  
20          for the Internal Revenue Code of 1986 is amended by add-  
21          ing at the end the following new item:

22                   **“Subtitle L—Greenhouse Gas**  
23                   **Emissions”.**

24          (c) EFFECTIVE DATE.—The amendments made by  
25          this section shall apply to emissions after the later of De-

1 cember 31, 2023, and the date that is one year after the  
2 date regulations are promulgated under section 9914 of  
3 the Internal Revenue Code of 1986.

4 **TITLE II—DISTRIBUTION OF**  
5 **REVENUES FROM TAXATION**  
6 **OF GREENHOUSE GAS EMIS-**  
7 **SIONS**

8 **Subtitle A—Rebuilding Infrastruc-**  
9 **ture And Solutions For The En-**  
10 **vironment Trust Fund**

11 **SEC. 40201. ESTABLISHMENT OF THE RISE TRUST FUND.**

12 There is hereby created in the Treasury of the United  
13 States a trust fund to be known as the “Rebuilding Infra-  
14 structure and Solutions for the Environment Trust Fund”  
15 (hereafter in this Act referred to as the “RISE Trust  
16 Fund”), consisting of amounts paid into the Treasury pur-  
17 suant to subtitle L of the Internal Revenue Code of 1986  
18 (as added by title I of this Act), and 75 percent of such  
19 amounts are hereby appropriated and transferred to the  
20 RISE Trust Fund.

21 **SEC. 40202. APPROPRIATIONS FROM THE RISE TRUST**  
22 **FUND.**

23 (a) IN GENERAL.—Amounts in the RISE Trust  
24 Fund for a fiscal year shall be available, as provided by  
25 appropriation Acts, as follows:

1           (1) 70 percent for each of the fiscal years 2025  
2 through 2034 to the Highway Trust Fund.

3           (2) 1.5 percent for each of the fiscal years 2025  
4 through 2034 for the weatherization program devel-  
5 oped under part A of title IV of the Energy Con-  
6 servation and Production Act (42 U.S.C. 6861 et  
7 seq.).

8           (3) 3 percent for each of the fiscal years 2025  
9 through 2034 for assistance for displaced energy  
10 workers under section 40321.

11           (4) 2.5 percent for each of the fiscal years 2025  
12 through 2034 to the Airport and Airway Trust Fund  
13 under section 9502 of the Internal Revenue Code of  
14 1986.

15           (5) 0.1 percent for each of the fiscal years 2025  
16 through 2034 to the Leaking Underground Storage  
17 Trust Fund under section 9508 of the Internal Rev-  
18 enue Code of 1986.

19           (6) 1.5 percent for each of the fiscal years 2025  
20 through 2034 to the Abandoned Mine Reclamation  
21 Fund under section 401 of the Surface Mining Con-  
22 trol and Reclamation Act of 1977 (30 U.S.C. 1231).

23           (7) 4 percent for each of the fiscal years 2025  
24 through 2034 for frequent and chronic coastal flood-

1       ing mitigation and adaptation infrastructure projects  
2       under section 40302.

3           (8) 1.5 percent for each of the fiscal years 2025  
4       through 2034 for Advanced Research Projects Agen-  
5       cy-Energy under section 5012 of the America COM-  
6       PETES Act (42 U.S.C. 16538).

7           (9) 0.7 percent for each of the fiscal years 2025  
8       through 2034 for the Carbon Capture Research and  
9       Development Program of the National Energy Tech-  
10      nology Laboratory, Office of Fossil Energy, Depart-  
11      ment of Energy.

12          (10) 0.5 percent for each of the fiscal years  
13      2025 through 2034 for assistance for Carbon Stor-  
14      age DOE Fossil Energy Research, Development, and  
15      Demonstration Program Areas, Coal Program Area  
16      (Carbon Storage).

17          (11) 0.5 percent for each of the fiscal years  
18      2025 through 2034 for assistance to the National  
19      Energy Technology Laboratory of the Office of Fos-  
20      sil Energy for the research and development of car-  
21      bon removal technologies.

22          (12) 0.3 percent for each of the fiscal years  
23      2025 through 2034 to the Secretary of Energy for  
24      research and development to identify and assess  
25      novel uses for carbon oxides, including the conver-

1        sion of carbon dioxide for commercial and industrial  
2        products, such as chemicals, plastics, building mate-  
3        rials, fuels, cement, products of coal use in power  
4        systems or other applications, or other products with  
5        demonstrated market value.

6            (13) 0.2 percent for each of the fiscal years  
7        2025 through 2034 to the Secretary of Energy to  
8        provide grants to entities constructing common car-  
9        rier pipeline infrastructure to transport anthropo-  
10       genic carbon dioxide for the incremental cost of pro-  
11       viding extra capacity for future carbon dioxide trans-  
12       port needs.

13           (14) 0.5 percent for each of the fiscal years  
14        2025 through 2034 for research and development re-  
15        lating to energy storage by battery through the Of-  
16        fice of Electricity, Department of Energy.

17           (15) 10 percent for each of the fiscal years  
18        2025 through 2034 for State grants under section  
19        40203.

20           (16) 1 percent for each of the fiscal years 2025  
21        through 2034 to the Reforestation Trust Fund (16  
22        U.S.C. 1606a).

23           (17) 0.1 percent for each of the fiscal years  
24        2025 through 2034 for assistance through coopera-  
25        tive agreements to decrease the environmental im-

1 pact of energy-related activities pursuant to section  
2 931 of the Energy Policy Act of 2005 (42 U.S.C.  
3 16231).

4 (18) 1.6 percent for each of the fiscal years  
5 2025 through 2034 for the environmental quality in-  
6 centives program under chapter 4 of subtitle D of  
7 title XII of the Food Security Act of 1985 (16  
8 U.S.C. 3839aa et seq.) for payments to producers to  
9 implement practices that promote improvements  
10 identified in subparagraphs (A) and (C) of section  
11 1240B(d)(3) of such Act (16 U.S.C. 3839aa–2).

12 (19) 0.5 percent for each of fiscal years 2025  
13 through 2034 for the regional conservation partner-  
14 ship program under section 1271 of the Food Secu-  
15 rity Act of 1985 (16 U.S.C. 3871) for eligible activi-  
16 ties on eligible land through partnership agreements  
17 with eligible partners and contracts with producers  
18 that address one of the following goals:

19 (A) Soil health.

20 (B) Nutrient management.

21 (C) Forest restoration.

22 (D) Reduction of methane emissions.

23 (E) Other related activities that the Sec-  
24 retary determines will help achieve conservation

1           benefits and increase carbon sequestration or  
2           reduce greenhouse gas emissions.

3           (b) CARBON REMOVAL.—For purposes of subsection  
4 (a)(11), the term “carbon removal technologies” includes:

5           (1) Direct air capture and storage technologies,  
6           which shall not include any equipment which cap-  
7           tures carbon dioxide which is deliberately released  
8           from naturally occurring subsurface springs or using  
9           natural photosynthesis.

10          (2) Bioenergy with carbon capture and seques-  
11          tration.

12          (3) Enhanced geological weathering.

13          (4) Agricultural and grazing practices.

14          (5) Forest management and afforestation.

15          (6) Planned or managed carbon sinks, including  
16          natural and artificial.

17          (c) WAGE RATE REQUIREMENTS.—Notwithstanding  
18 any other provision of law and in a manner consistent with  
19 other provisions in this Act, all laborers and mechanics  
20 employed by contractors and subcontractors on projects  
21 funded directly by or assisted in whole or in part by and  
22 through the Federal Government pursuant to this Act  
23 shall be paid wages at rates not less than those prevailing  
24 on projects of a character similar in the locality as deter-  
25 mined by the Secretary of Labor in accordance with sub-



1 chapter IV of chapter 31 of title 40, United States Code.  
2 With respect to the labor standards specified in this sec-  
3 tion, the Secretary of Labor shall have the authority and  
4 functions set forth in Reorganization Plan Numbered 14  
5 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145  
6 of title 40, United States Code.

7 (d) CONFORMING AMENDMENTS.—

8 (1) LEAKING UNDERGROUND STORAGE TANK  
9 TRUST FUND.—Section 9508(b) of the Internal Rev-  
10 enue Code of 1986 is amended—

11 (A) by striking “and” at the end of para-  
12 graph (3);

13 (B) by striking the period at the end of  
14 paragraph (4) and inserting “, and”; and

15 (C) by inserting after paragraph (4) the  
16 following:

17 “(5) amounts made available to the Leaking  
18 Underground Storage Tank Trust Fund from the  
19 RISE Trust Fund under section 202(a)(5) of the  
20 Modernizing America with Rebuilding to Kickstart  
21 the Economy of the Twenty-first Century with a  
22 Historic Infrastructure-Centered Expansion Act.”.

23 (2) REFORESTATION TRUST FUND.—

24 (A) SOURCE OF FUNDS.—Section 303(a)  
25 of the Act of October 14, 1980 (16 U.S.C.

1           1606a(a)) is amended by striking “subsection  
2           (b)(1)” and inserting “paragraph (1) or (4) of  
3           subsection (b)”.

4                   (B) SPECIAL RULE RELATING TO LIMITA-  
5           TION.—Section 303(b) of the Act of October  
6           14, 1980 (16 U.S.C. 1606a(b)) is amended—

7                   (i) in paragraph (2) by inserting  
8                   “under paragraph (1)” after “transfer”,  
9                   and

10                   (ii) by adding at the end the fol-  
11                   lowing:

12                   “(4) Not later than 9 months after the enact-  
13                   ment of the Modernizing America with Rebuilding to  
14                   Kickstart the Economy of the Twenty-first Century  
15                   with a Historic Infrastructure-Centered Expansion  
16                   Act, the Secretary shall transfer to the Trust Fund  
17                   the amounts made available under section  
18                   202(a)(13) of such Act.”.

19   **SEC. 40203. STATE GRANTS.**

20           (a) IN GENERAL.—From amounts made available  
21           under section 40202(a)(15), the Secretary of the Treasury  
22           shall make a annual grant to each State (hereafter in this  
23           section referred to as “State grant”) to distribute to eligi-  
24           ble low-income households in accordance with this section.

1 (b) ELIGIBLE LOW-INCOME HOUSEHOLD.—A house-  
2 hold shall be considered to be an eligible low-income house-  
3 hold for purposes of this section if—

4 (1) except as provided in subsection (d)(4), the  
5 gross income of the household does not exceed 150  
6 percent of the poverty line;

7 (2) the appropriate State agency for the State  
8 in which the household is located determines that  
9 the household is participating in—

10 (A) the Supplemental Nutrition Assistance  
11 Program authorized by the Food and Nutrition  
12 Act of 2008 (7 U.S.C. 2011 et seq.);

13 (B) the Food Distribution Program on In-  
14 dian Reservations authorized by section 4(b) of  
15 such Act (7 U.S.C. 2013(b)); or

16 (C) the program for nutrition assistance in  
17 Puerto Rico or American Samoa under section  
18 19 of such Act (7 U.S.C. 2028);

19 (3) the household consists of a single individual  
20 or a married couple, and—

21 (A) receives the subsidy described in sec-  
22 tion 1860D–14 of the Social Security Act (42  
23 U.S.C. 1395w–114); or

24 (B)(i) participates in the program under  
25 title XVIII of the Social Security Act; and

1 (ii) meets the income requirements de-  
2 scribed in section 1860D–14(a)(1) or  
3 (a)(2) of the Social Security Act (42  
4 U.S.C. 1395w–114(a)(1) or (a)(2)); or

5 (4) the household consists of a single individual  
6 or a married couple, and receives benefits under the  
7 supplemental security income program under title  
8 XVI of the Social Security Act (42 U.S.C. 1381–  
9 1383f).

10 (c) AMOUNT.—The Secretary of the Treasury, in con-  
11 sultation with the Secretary of Energy and the Adminis-  
12 trator of the Environmental Protection Agency, shall de-  
13 termine the amount of each State grant in proportion to  
14 the percentage of total United States greenhouse gas emis-  
15 sions attributable to electricity, natural gas, gasoline, die-  
16 sel, and fuel ethanol sold in such State during the pre-  
17 ceding calendar year.

18 (d) RULE RELATING TO PROCESS.—Not later than  
19 1 year after the enactment of this Act, the Secretary of  
20 the Treasury shall establish by rule a date in each year  
21 by which each State shall notify the Secretary how the  
22 State intends to distribute the State Grant. The Secretary  
23 shall transfer the State Grant to each State only upon  
24 the State demonstrating to the Secretary’s satisfaction

1 that the State intends to distribute the State Grant in ac-  
2 cordance with this section.

3 (e) STATE.—For the purposes of this section, the  
4 term “State” includes the District of Columbia and any  
5 territory of possession of the United States.

## 6 **Subtitle B—Certain Manufacturers** 7 **Excise Taxes**

### 8 **SEC. 40211. REPEAL OF FEDERAL MOTOR VEHICLE AND** 9 **AVIATION FUEL TAXES.**

10 (a) IN GENERAL.—Subpart A of part III of sub-  
11 chapter A of chapter 32 of the Internal Revenue Code of  
12 1986 is hereby repealed.

13 (b) EFFECTIVE DATE.—The repeal made by sub-  
14 section (a) shall apply to transactions after December 31,  
15 2023.

### 16 **SEC. 40212. MODIFICATIONS OF QUALIFYING ADVANCED** 17 **COAL PROJECT CREDIT.**

18 (a) SEQUESTRATION REQUIREMENT FOR CERTAIN  
19 EQUIPMENT.—Section 48A(e)(1)(G) of the Internal Rev-  
20 enue Code of 1986 is amended by inserting “and 60 per-  
21 cent in the case of an application for a reallocation of cred-  
22 its under subsection (d)(4) with respect to an electrical  
23 generating unit in existence on October 3, 2008” after  
24 “under subsection (d)(4)”.

1 (b) NAMEPLATE GENERATING CAPACITY REQUIRE-  
2 MENT.—Section 48A(e)(1)(C) of such Code is amended by  
3 striking “400 megawatts” and inserting “200  
4 megawatts”.

5 (c) ADVANCED COAL-BASED GENERATION TECH-  
6 NOLOGY REQUIREMENTS.—

7 (1) IN GENERAL.—Section 48A(f)(1) of such  
8 Code is amended by striking “generation technology  
9 if—” and all that follows through “the unit is de-  
10 signed” and inserting “generation technology if the  
11 unit is designed”.

12 (2) CONFORMING AMENDMENTS.—Section  
13 48A(f) is amended—

14 (A) by striking all that precedes “the pur-  
15 pose of this section” and inserting the fol-  
16 lowing:

17 “(f) ADVANCED COAL-BASED GENERATION TECH-  
18 NOLOGY.—For”;

19 (B) by striking “in subparagraph (B)” in  
20 the second sentence and inserting “in this sub-  
21 section”; and

22 (C) by striking paragraphs (2) and (3).

23 (d) PERFORMANCE REQUIREMENTS IN CASE OF  
24 BEST AVAILABLE CONTROL TECHNOLOGY.—Section  
25 48A(f) of such Code, as amended by this Act, is amended

1 by adding at the end the following: “In the case of a ret-  
2 rofit of a unit which has undergone a best available control  
3 technology analysis after August 8, 2005, with respect to  
4 the removal or emissions of any pollutant which is SO<sub>2</sub>  
5 or NO<sub>x</sub>, the removal or emissions design level with respect  
6 to such pollutant shall be the level determined in such  
7 analysis.”.

8 (e) CLARIFICATION OF REALLOCATION AUTHOR-  
9 ITY.—Section 48A(d)(4) of the Internal Revenue Code of  
10 1986 is amended—

11 (1) in subparagraph (A)—

12 (A) by striking “Not later than 6 years  
13 after the date of enactment of this section, the”  
14 and inserting “The”; and

15 (B) by inserting “and every 6 months  
16 thereafter until all credits available under this  
17 section have been allowed” after “the date  
18 which is 6 years after the date of enactment of  
19 this section”;

20 (2) in subparagraph (B)—

21 (A) by striking “may reallocate credits  
22 available under clauses (i) and (ii) of paragraph  
23 (3)(B)” and inserting “shall reallocate credits  
24 remaining available under paragraph (3)”;

1 (B) by striking “or” at the end of clause  
2 (i); and

3 (C) by striking clause (ii) and inserting the  
4 following:

5 “(ii) any applicant for certification  
6 which submitted an accepted application  
7 has subsequently failed to satisfy the re-  
8 quirements under paragraph (2)(D), or

9 “(iii) any certification made pursuant  
10 to paragraph (2) has been revoked pursu-  
11 ant to paragraph (2)(E).”; and

12 (3) in subparagraph (C)—

13 (A) by striking “clause (i) or (ii) of para-  
14 graph (3)(B)” and inserting “paragraph (3)”;

15 (B) by striking “is authorized to” and in-  
16 serting “shall”; and

17 (C) by striking “an additional program”  
18 and inserting “additional programs”.

19 (f) EFFECTIVE DATE.—

20 (1) IN GENERAL.—Except as provided in para-  
21 graph (2), the amendments made by this section  
22 shall apply to allocations and reallocations after the  
23 date of the enactment of this Act.

24 (2) REALLOCATION.—The amendments made  
25 by subsection (e) shall apply to credits remaining



1 available under section 48A(d)(3) of the Internal  
2 Revenue Code of 1986 on the date of the enactment  
3 of this Act.

## 4 **TITLE III—AMENDMENTS TO** 5 **OTHER LAWS**

### 6 **Subtitle A—Amendments to** 7 **Federal Environmental Statutes**

#### 8 **SEC. 40301. AMENDMENTS TO THE CLEAN AIR ACT.**

9 (a) IN GENERAL.—Title III of the Clean Air Act (42  
10 U.S.C. 7601) is amended by adding at the end the fol-  
11 lowing:

#### 12 **“SEC. 330. MORATORIUM AGAINST CERTAIN REGULATIONS** 13 **BASED ON GREENHOUSE GAS EFFECTS.**

14 “(a) FUELS.—Unless specifically authorized in sec-  
15 tion 202, 211, 213, 231, or this section, after a fossil fuel  
16 has passed through a point of taxation as provided in sec-  
17 tion 9901(d) of the Internal Revenue Code of 1986, sub-  
18 ject to subsection (g), the Administrator shall not issue  
19 or enforce any rule limiting the emission of greenhouse  
20 gases from the combustion of that fuel under this Act (or  
21 impose any requirement on any State to limit such emis-  
22 sion) on the basis of the emission’s greenhouse gas effects.

23 “(b) EMISSIONS.—Unless specifically authorized in  
24 section 202, 211, 213, 231, or this section, if emission  
25 of any greenhouse gas is subject to taxation pursuant to

1 section 9902 or 9903 of the Internal Revenue Code of  
2 1986, the Administrator shall not issue or enforce any rule  
3 limiting such emission under this Act (or impose any re-  
4 quirement on any State to limit such emission) on the  
5 basis of the emission's greenhouse gas effects.

6 “(c) AUTHORIZED REGULATION.—Notwithstanding  
7 subsections (a) and (b), nothing in this section limits the  
8 Administrator's authority pursuant to any other provision  
9 of this Act—

10 “(1) to limit the emission of any greenhouse  
11 gas because of any adverse impact on health or wel-  
12 fare other than its greenhouse gas effects;

13 “(2) in limiting emissions as described in para-  
14 graph (1), to consider the collateral benefits of lim-  
15 iting the emissions because of greenhouse gas ef-  
16 fects;

17 “(3) to limit the emission of any other pollutant  
18 that is not a greenhouse gas that the Administrator  
19 determines by rule has heat-trapping properties; or

20 “(4) to take any action with respect to any  
21 greenhouse gas other than limiting its emission, in-  
22 cluding—

23 “(A) monitoring, reporting, and record-  
24 keeping requirements;

1                   “(B) conducting or supporting investiga-  
2                   tions; and

3                   “(C) information collection.

4           “(d) EXCEPTION FOR CERTAIN GREENHOUSE GAS  
5 EMISSIONS.—Notwithstanding subsections (a) and (b),  
6 nothing in this section limits the Administrator’s authority  
7 to regulate greenhouse gas emissions from—

8                   “(1) facilities that—

9                   “(A) are subject to subpart OOOO or  
10                   OOOOa of part 60 of title 40, Code of Federal  
11                   Regulations, as in effect on January 1, 2018, or

12                   “(B) would be subject to either subpart  
13                   OOOO or OOOOa if those subparts applied to  
14                   facilities without regard to the date on which  
15                   construction, modification, or reconstruction  
16                   commenced, and

17                   “(2) POTW Treatment Plants (as defined in  
18                   section 403.3(r) of title 40, Code of Federal Regula-  
19                   tions (as in effect on the date of enactment of this  
20                   section)).

21           “(e) DEFINITIONS.—In this section, the terms  
22 ‘greenhouse gas’ and ‘greenhouse gas effects’ have the  
23 meanings given to those terms in section 9907 of the In-  
24 ternal Revenue Code of 1986.

1 “(f) MORATORIUM EXPIRATION.—Subsections (a)  
2 and (b) shall cease to apply beginning on January 1, 2037.

3 “(g) EXCEPTIONS.—

4 “(1) 2028.—Notwithstanding subsections (a)  
5 and (b) of this section and section 211(c)(5) of this  
6 Act, if the Administrator determines by March 30,  
7 2029, pursuant to the report required by section  
8 9901(b)(3)(A) of the Internal Revenue Code of  
9 1986, that total greenhouse gas emissions from  
10 sources subject to taxation under sections 9901  
11 through 9903 of such Code during the period of cal-  
12 endar years 2025 through 2028 exceed the emission  
13 level specified in section 9901(b)(3)(A) of such Code  
14 for calendar year 2028, then beginning on October  
15 1, 2029, subsections (a) and (b) shall cease to apply.

16 “(2) 2032.—Notwithstanding subsections (a)  
17 and (b) of this section and section 211(c)(5) of this  
18 Act, if the Administrator determines by March 30,  
19 2033, pursuant to the report required by section  
20 9901(b)(3)(A) of the Internal Revenue Code of  
21 1986, that total greenhouse gas emissions from  
22 sources subject to taxation under sections 9901  
23 through 9903 of such Code during the period of cal-  
24 endar years 2025 through 2032 exceed the emission  
25 level specified in section 9901(b)(3)(A) of such Code

1 for calendar year 2032, then beginning on October  
2 1, 2033, subsections (a) and (b) shall cease to  
3 apply.”.

4 (b) NEW MOTOR VEHICLES AND NEW MOTOR VEHI-  
5 CLE ENGINES.—Section 202(b) of the Clean Air Act (42  
6 U.S.C. 7521(b)) is amended—

7 (1) by redesignating the second paragraph (3)  
8 (as redesignated by section 230(4)(C) of Public Law  
9 101–549 (104 Stat. 2529)) as paragraph (4); and  
10 (2) by adding at the end the following:

11 “(5) Notwithstanding section 330(a), the Ad-  
12 ministrator may—

13 “(A) limit the emission of any greenhouse  
14 gas (as defined in section 9907 of the Internal  
15 Revenue Code of 1986) on the basis of the  
16 emission’s greenhouse gas effects (as defined in  
17 section 9907 of the Internal Revenue Code of  
18 1986) from any class or classes of new motor  
19 vehicles or new motor vehicle engines subject to  
20 regulation under subsection (a)(1); and

21 “(B) grant a waiver under section  
22 209(b)(1) for standards for the control of  
23 greenhouse gas emissions.”.

1 (c) FUELS.—Section 211(c) of the Clean Air Act (42  
2 U.S.C. 7545(c)) is amended by adding at the end the fol-  
3 lowing new paragraph:

4 “(5) Except as required in subsection (o), the  
5 Administrator shall not, pursuant to this subsection,  
6 impose on any manufacturer, processor, or dis-  
7 tributor of fuel any requirement for the purpose of  
8 reducing the emission of any greenhouse gas (as de-  
9 fined in section 9907 of the Internal Revenue Code  
10 of 1986) produced by combustion of the fuel on the  
11 basis of the emission’s greenhouse gas effects (as de-  
12 fined in section 9907 of the Internal Revenue Code  
13 of 1986).”.

14 (d) NONROAD ENGINES AND VEHICLES EMISSIONS  
15 STANDARDS.—Section 213 of the Clean Air Act (42  
16 U.S.C. 7547) is amended by adding at the end the fol-  
17 lowing:

18 “(e) GREENHOUSE GAS EMISSIONS.—Notwith-  
19 standing subsections (a) and (b) of section 330, the Ad-  
20 ministrator may limit the emission of any greenhouse gas  
21 (as defined in section 9907 of the Internal Revenue Code  
22 of 1986) on the basis of the emission’s greenhouse gas  
23 effects (as defined in section 9907 of the Internal Revenue  
24 Code of 1986) from any nonroad engines and nonroad ve-  
25 hicles subject to regulation under this section.”.

1 (e) AIRCRAFT EMISSION STANDARDS.—Section 231  
2 of the Clean Air Act (42 U.S.C. 757) is amended by add-  
3 ing at the end the following new subsection:

4 “(d) Notwithstanding subsections (a) and (b) of sec-  
5 tion 330, the Administrator may limit the emission of any  
6 greenhouse gas (as defined in section 9907 of the Internal  
7 Revenue Code of 1986) on the basis of the emission’s  
8 greenhouse gas effects (as defined in section 9907 of the  
9 Internal Revenue Code of 1986) from any class or classes  
10 of aircraft engines, so long as any such limitation is not  
11 more stringent than the standards adopted by the Inter-  
12 national Civil Aviation Organization.”.

13 **SEC. 40302. FREQUENT AND CHRONIC FLOODING MITIGA-**  
14 **TION AND ADAPTATION INFRASTRUCTURE**  
15 **PROJECTS.**

16 (a) IN GENERAL.—The Secretary of Commerce and  
17 the Secretary of the Army (hereinafter referred to as “the  
18 Secretaries”), in consultation with the Secretary of Home-  
19 land Security, may make grants to State and local govern-  
20 ments and federally recognized Indian Tribes for frequent  
21 and chronic flooding mitigation and adaptation infrastruc-  
22 ture projects.

23 (b) AUTHORIZED USES.—Amounts provided as a  
24 grant under this section may be used for any of the fol-  
25 lowing:

1           (1) Adaptation of existing infrastructure to  
2 mitigate impacts of climate change, including en-  
3 hancements to both built and natural environments.

4           (2) Maintenance and updating of existing flood  
5 risk reduction infrastructure, such as gravity drain-  
6 age structures, road elevation, bulkheads, gates, and  
7 floodwalls.

8           (3) Increasing resilience to frequent and chronic  
9 flooding, including (as combined or separate  
10 projects)—

11           (A) the creation of bulkheads, levees, and  
12 other hard infrastructure alone or in combina-  
13 tion with natural infrastructure described in  
14 subparagraph (B); and

15           (B) habitat restoration work, including  
16 dune enhancement, vegetative restoration,  
17 beach renourishment, coral and oyster reef res-  
18 toration, floodplain restoration, and other ac-  
19 tions to restore the function of the natural eco-  
20 logical function and processes to provide flood  
21 risk reduction benefits.

22           (4) Improvements to conveyance, diversion, re-  
23 moval, and storage infrastructure to reduce risks  
24 caused by frequent and chronic flooding.



1           (5) Innovative methods to reduce risks caused  
2           by chronic flooding along street infrastructure sys-  
3           tems, including canal streets, absorbent streets,  
4           floodable parks, bioswales, rain gardens, permeable  
5           pavement, and underground cisterns.

6           (6) Deployment of technologies designed to  
7           mitigate power outages, continue delivery of vital  
8           electricity services, and maintain the flow of power  
9           to facilities critical to public health, safety and wel-  
10          fare, including distributed generation, energy stor-  
11          age, and microgrids.

12          (c) LIMITATION ON PROJECT ELIGIBILITY.—A  
13          project shall not be eligible for funding under this section  
14          if it will have any long-term negative impact on important  
15          ecological functions and habitat or existing natural protec-  
16          tion features and functions.

17          (d) PRIORITY.—In making grants under this section  
18          the Secretaries shall give priority to the following:

19               (1) Protecting areas designated as special flood  
20               hazard areas for purposes of the national flood in-  
21               surance program under the National Flood Insur-  
22               ance Act of 1968 (42 U.S.C. 4001 et seq.) and the  
23               Flood Disaster Protection Act of 1973 (42 U.S.C.  
24               4001 et seq.), hazard areas that incorporate at least

1       2 feet of additional freeboard, or 3 feet in the case  
2       of critical infrastructure, above base flood elevation.

3           (2) Protecting critical infrastructure, as that  
4       term is defined in section 1016(e) of the USA PA-  
5       TRIOT Act of 2001 (42 U.S.C. 5195c(e)).

6           (3) Projects that yield flood risk reduction ben-  
7       efits and additional environmental, social, and eco-  
8       nomic benefits.

9       (e) JOINT APPLICATION.—Two or more contiguous  
10      local governments or Tribes may jointly apply for, and re-  
11      ceive, a grant under this section.

12      (f) COST SHARING.—

13           (1) LIMITATION ON FEDERAL SHARE.—The  
14      Federal share of the cost of any activity carried out  
15      with a grant under this section shall not exceed 90  
16      percent of the cost of such activity.

17           (2) NON-FEDERAL SHARE.—The Secretary  
18      shall apply to the non-Federal share of an activity  
19      carried out with a grant under this section the  
20      amount of funds, and the fair market value of prop-  
21      erty and services, provided by non-Federal sources  
22      and used for the activity.

23      (g) REPORTS.—Each recipient of a grant under this  
24      section shall report annually to the Secretaries on the  
25      progress made on the project carried out with the grant.

1 **SEC. 40303. NO PREEMPTION OF STATE LAW.**

2 Nothing in this act shall preempt or supersede, or  
3 be interpreted to preempt or supersede, any State law or  
4 regulation.

5 **Subtitle B—Assistance To Dis-**  
6 **placed Workers In The Energy**  
7 **Sector**

8 **SEC. 40321. ASSISTANCE TO DISPLACED WORKERS IN THE**  
9 **ENERGY SECTOR.**

10 (a) IN GENERAL.—For a period of 10 years after the  
11 enactment of the Modernizing America with Rebuilding to  
12 Kickstart the Economy of the Twenty-first Century with  
13 a Historic Infrastructure-Centered Expansion Act, from  
14 amounts made available under section 40202 of this Act,  
15 the Secretary of Labor shall carry out a program to assist  
16 workers in the energy sector.

17 (b) WORKERS IN THE ENERGY SECTOR.—For pur-  
18 poses of this section, the term “workers in the energy sec-  
19 tor” means—

20 (1) workers in fossil energy sectors that may be  
21 displaced as a result of the enactment of this Act;  
22 and

23 (2) workers in the nuclear power sector that  
24 work at a nuclear power plant—

25 (A) that ceased operation in the two years  
26 preceding the date of enactment of this Act; or

1 (B) the owner of which announced prior to  
2 the date of enactment of this Act its intent to  
3 cease the operation of the plant at a future  
4 date.

5 (c) ELIGIBLE ACTIVITIES.—Such assistance may  
6 take the form of the following:

7 (1) Worker retraining.

8 (2) Relocation expenses for those who move to  
9 find new employment.

10 (3) Early retirement.

11 (4) Health benefits.

12 (5) Block grants to affected communities for  
13 economic redevelopment and infrastructure invest-  
14 ments.

15 (6) Transfers to the trustees of the 1974  
16 United Mine Workers of America Pension Plan to  
17 pay benefits required under that plan. No such  
18 transfer shall be made in a first fiscal year begin-  
19 ning after a plan year for which the funded percent-  
20 age (as defined in section 432(j)(2) of the Internal  
21 Revenue Code of 1986) of the 1974 United Mine  
22 Workers of America Pension Plan is at least 100  
23 percent.

1     **TITLE IV—NATIONAL CLIMATE**  
2                     **COMMISSION**

3     **SEC. 40401. ESTABLISHMENT OF COMMISSION.**

4             (a) ESTABLISHMENT.—There is established a bipar-  
5 tisan commission to be known as the “National Climate  
6 Commission” (in this title referred to as the “Commis-  
7 sion”).

8             (b) MEMBERSHIP.—

9                 (1) COMPOSITION.—The Commission shall be  
10 composed of 10 members, appointed as follows:

11                     (A) One cochair appointed by the Presi-  
12 dent.

13                     (B) One cochair appointed by the majority  
14 or minority leader of the Senate, whoever is of  
15 the opposite party as the President, in consulta-  
16 tion with the Speaker or minority leader of the  
17 House of Representatives, whoever is of the op-  
18 posite party as the President.

19                     (C) Two members appointed by the major-  
20 ity leader of the Senate.

21                     (D) Two members appointed by the minor-  
22 ity leader of the Senate.

23                     (E) Two members appointed by the Speak-  
24 er of the House of Representatives.

1 (F) Two members appointed by the minor-  
2 ity leader of the House of Representatives.

3 (2) QUALIFICATIONS.—

4 (A) IN GENERAL.—To be considered for  
5 membership on the Commission, an individual  
6 shall demonstrate expertise in the economy, en-  
7 ergy, climate, or public health, and be a rep-  
8 resentative from—

9 (i) an academic, scientific, or other  
10 non-governmental organization; or

11 (ii) an industry organization or small  
12 business in a relevant sector such as—

13 (I) energy supply and trans-  
14 mission, including fossil fuels and re-  
15 newable energy;

16 (II) energy exploration and pro-  
17 duction, including fossil fuels and re-  
18 newable energy;

19 (III) solid waste and wastewater;

20 (IV) transportation;

21 (V) chemical manufacturing;

22 (VI) agriculture;

23 (VII) construction; and

24 (VIII) forestry.

1           (B) CERTAIN PERSONS INELIGIBLE.—No  
2           employee, owner, director, or other person affili-  
3           ated with an entity that has donated funding  
4           for the activities of the Commission pursuant to  
5           section 40404(a) may be appointed to the Com-  
6           mission.

7           (C) APPOINTMENT DEADLINE.—Members  
8           of the Commission shall be appointed not later  
9           than 180 days after the date of the enactment  
10          of this Act.

11          (D) PERIOD OF APPOINTMENT.—Members  
12          of the Commission shall be appointed for a  
13          term of 6 years, which may be renewed.

14          (E) VACANCY.—A vacancy in the Commis-  
15          sion shall not affect the powers of the Commis-  
16          sion and shall be filled in the same manner in  
17          which the original appointment was made.

18          (3) COMPENSATION OF EMPLOYEES.—Each  
19          member of the Commission may be compensated at  
20          a rate not to exceed the daily equivalent of the an-  
21          nual rate of basic pay in effect for a position at level  
22          IV of the Executive Schedule under section 5315 of  
23          title 5, United States Code, for each day during  
24          which that member is engaged in the performance of  
25          the duties of the Commission.

1           (4) TRAVEL EXPENSES.—Each member shall  
2 receive travel expenses to perform the duties of the  
3 Commission, including per diem in lieu of subsist-  
4 ence, at rates authorized under subchapter I of  
5 chapter 57 of title 5, United States Code.

6           (c) MEETINGS.—

7           (1) INITIAL MEETING.—The Commission shall  
8 hold its first meeting not later than 2 years after the  
9 date of enactment of this Act.

10          (2) MEETING.—The Commission shall meet not  
11 less than once every 3 years.

12          (3) QUORUM.—Six members of the Commission  
13 shall constitute a quorum.

14 **SEC. 40402. DUTIES OF COMMISSION.**

15          (a) GOALS.—The Commission shall set goals for  
16 emissions reduction to be achieved by 2029 and every five  
17 years thereafter through 2054, using such estimated rates  
18 of reduction as the Commission determines reflect the lat-  
19 est scientific findings of what is necessary to avoid the  
20 serious human health and environmental consequences of  
21 climate change.

22          (b) REVIEW.—The Commission shall assess the effect  
23 of existing policies and programs of the Federal govern-  
24 ment with the aim of achieving the emissions reduction  
25 goals in subsection (a).



1 (c) REPORT.—Beginning in 2030, and every 5 years  
2 thereafter, the Commission shall issue a report to the  
3 President, Congress, and the States, which shall include—

4 (1) an analysis of whether the policies and pro-  
5 grams assessed under subsection (b) are on pace to  
6 achieving the emissions reduction goals set under  
7 subsection (a);

8 (2) recommendations, if any, for reducing  
9 greenhouse gas emissions; and

10 (3) a minority report with dissenting views, if  
11 applicable.

12 **SEC. 40403. POWERS OF COMMISSION.**

13 (a) OBTAINING OFFICIAL DATA.—

14 (1) IN GENERAL.—The Commission may secure  
15 directly from any executive department, bureau,  
16 agency, board, commission, office, independent es-  
17 tablishment, or instrumentality of the Government,  
18 unrestricted information, suggestions, estimates, and  
19 statistics for the purpose of carrying out this title.  
20 Each department, bureau, agency, board, commis-  
21 sion, office, independent establishment, or instru-  
22 mentality shall, to the extent authorized by provi-  
23 sions of law other than this section, furnish such un-  
24 restricted information, suggestions, estimates, and  
25 statistics directly to the Commission, upon request

1       made by a cochair or any member designated by a  
2       majority of the Commission.

3           (2) RECEIPT, HANDLING, STORAGE, AND DIS-  
4       SEMINATION.—Unrestricted information provided to  
5       the Commission under paragraph (1) shall be re-  
6       ceived, handled, stored, and disseminated only by  
7       members and staff of the Commission, consistent  
8       with any applicable statutes, regulations, or Execu-  
9       tive orders.

10       (b) ASSISTANCE FROM FEDERAL AGENCIES.—

11           (1) GENERAL SERVICES ADMINISTRATION.—  
12       The Administrator of General Services shall provide  
13       to the Commission, on a reimbursable basis, admin-  
14       istrative support and other services for the perform-  
15       ance of the functions of the Commission.

16           (2) OTHER DEPARTMENTS AND AGENCIES.—In  
17       addition to the assistance prescribed in paragraph  
18       (1), departments and agencies of the United States  
19       may provide to the Commission such services, funds,  
20       facilities, staff, and other support services as they  
21       may determine advisable and as may be authorized  
22       by law.

23       (c) POSTAL SERVICES.—The Commission may use  
24       the United States mail in the same manner and under the

1 same conditions as other departments and agencies of the  
2 United States.

3 **SEC. 40404. FUNDING FOR THE ACTIVITIES OF THE COM-**  
4 **MISSION.**

5 (a) PRIVATE SECTOR DONATIONS.—The Secretary of  
6 Commerce may collect private sector donations for the  
7 purpose of carrying out this title, to be deposited in the  
8 Treasury and made available consistent with the author-  
9 ization of appropriations in subsection (c).

10 (b) TRANSPARENCY.—The amounts and sources of  
11 all funds donated under subsection (a) and all spending  
12 by the Commission shall be made publicly available on the  
13 website of the Commission.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to the Commission, for the  
16 purpose of carrying out the activities of this title,  
17 \$5,000,000 for each of fiscal years 2025 through 2034.

18 **SEC. 40405. STAFF OF THE COMMISSION.**

19 (a) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
20 Federal Government employee may be detailed to the  
21 Commission without reimbursement from the Commission,  
22 and such detail shall be without interruption or loss of  
23 civil service status or privilege.

24 (b) EXPERT AND CONSULTANT SERVICES.—The  
25 Commission may procure the services of experts and con-

1 sultants in accordance with section 3109 of title 5, United  
2 States Code, at rates not to exceed the daily equivalent  
3 of the annual rate of basic pay in effect for a position  
4 at level IV of the Executive Schedule under section 5315  
5 of title 5, United States Code.

