

# 1      **TITLE XIV—MISCELLANEOUS**

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## 2                      **Subtitle A—In General**

### 3      **SEC. 1401. SENSE OF CONGRESS ON RISK ASSESSMENTS.**

4              Subtitle B of title XXX of the Energy Policy Act of  
5 1992 is amended by adding at the end the following new  
6 section:

#### 7      **“SEC. 3022. SENSE OF CONGRESS ON RISK ASSESSMENTS.**

8              “It is the sense of Congress that Federal agencies  
9 conducting assessments of risks to human health and the  
10 environment from energy technology, production, trans-  
11 port, transmission, distribution, storage, use, or conserva-  
12 tion activities shall use sound and objective scientific prac-  
13 tices in assessing such risks, shall consider the best avail-  
14 able science (including peer reviewed studies), and shall



1 include a description of the weight of the scientific evi-  
2 dence concerning such risks.”.

3 **SEC. 1402. [ATTAINMENT DATES FOR DOWNWIND OZONE**  
4 **NONATTAINMENT AREAS].**

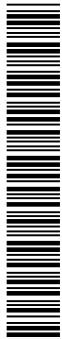
5 **SEC. 1403. [ENERGY PRODUCTION INCENTIVES].**

6 **SEC. 1404. REGULATION OF CERTAIN OIL USED IN TRANS-**  
7 **FORMERS.**

8 Notwithstanding any other provision of law, or rule  
9 promulgated by the Environmental Protection Agency,  
10 vegetable oil made from soybeans and used in electric  
11 transformers as thermal insulation shall not be regulated  
12 as an oil identified under section 2(a)(1)(B) of the Edible  
13 Oil Regulatory Reform Act (33 U.S.C. 2720(a)(1)(B)).

14 **SEC. 1405. PETROCHEMICAL AND OIL REFINERY FACILITY**  
15 **HEALTH ASSESSMENT.**

16 (a) ESTABLISHMENT.—The Secretary shall conduct  
17 a study of direct and significant health impacts to persons  
18 resulting from living in proximity to petrochemical and oil  
19 refinery facilities. The Secretary shall consult with the Di-  
20 rector of the National Cancer Institute and other Federal  
21 Government bodies with expertise in the field it deems ap-  
22 propriate in the design of such study. The study shall be  
23 conducted according to sound and objective scientific prac-  
24 tices and present the weight of the scientific evidence. The



1 Secretary shall obtain scientific peer review of the draft  
2 study.

3 (b) REPORT TO CONGRESS.—The Secretary shall  
4 transmit the results of the study to Congress within 6  
5 months of the enactment of this section.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to the Secretary for ac-  
8 tivities under this section such sums as are necessary for  
9 the completion of the study.

10 **SEC. 1406. NATIONAL PRIORITY PROJECT DESIGNATION.**

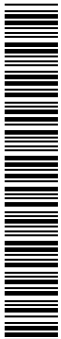
11 (a) DESIGNATION OF NATIONAL PRIORITY  
12 PROJECTS.—

13 (1) IN GENERAL.—There is established the Na-  
14 tional Priority Project Designation (referred to in  
15 this section as the “Designation”), which shall be  
16 evidenced by a medal bearing the inscription “Na-  
17 tional Priority Project”.

18 (2) DESIGN AND MATERIALS.—The medal shall  
19 be of such design and materials and bear such addi-  
20 tional inscriptions as the President may prescribe.

21 (b) MAKING AND PRESENTATION OF DESIGNA-  
22 TION.—

23 (1) IN GENERAL.—The President, on the basis  
24 of recommendations made by the Secretary, shall an-  
25 nually designate organizations that have—



1 (A) advanced the field of renewable energy  
2 technology and contributed to North American  
3 energy independence; and

4 (B) been certified by the Secretary under  
5 subsection (e).

6 (2) PRESENTATION.—The President shall des-  
7 ignate projects with such ceremonies as the Presi-  
8 dent may prescribe.

9 (3) USE OF DESIGNATION.—An organization  
10 that receives a Designation under this section may  
11 publicize the Designation of the organization as a  
12 National Priority Project in advertising.

13 (4) CATEGORIES IN WHICH THE DESIGNATION  
14 MAY BE GIVEN.—Separate Designations shall be  
15 made to qualifying projects in each of the following  
16 categories:

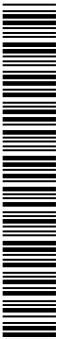
17 (A) Wind and biomass energy generation  
18 projects.

19 (B) Photovoltaic and fuel cell energy gen-  
20 eration projects.

21 (C) Energy efficient building and renew-  
22 able energy projects.

23 (D) First-in-Class projects.

24 (c) SELECTION CRITERIA.—



1           (1) IN GENERAL.—Certification and selection of  
2           the projects to receive the Designation shall be based  
3           on criteria established under this subsection.

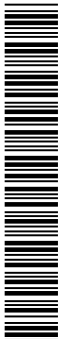
4           (2) WIND, BIOMASS, AND BUILDING  
5           PROJECTS.—In the case of a wind, biomass, or  
6           building project, the project shall demonstrate that  
7           the project will install not less than 30 megawatts  
8           of renewable energy generation capacity.

9           (3) SOLAR PHOTOVOLTAIC AND FUEL CELL  
10          PROJECTS.—In the case of a solar photovoltaic or  
11          fuel cell project, the project shall demonstrate that  
12          the project will install not less than 3 megawatts of  
13          renewable energy generation capacity.

14          (4) ENERGY EFFICIENT BUILDING AND RENEW-  
15          ABLE ENERGY PROJECTS.—In the case of an energy  
16          efficient building or renewable energy project, in ad-  
17          dition to meeting the criteria established under para-  
18          graph (2), each building project shall demonstrate  
19          that the project will—

20                 (A) comply with third-party certification  
21                 standards for high-performance, sustainable  
22                 buildings;

23                 (B) use whole-building integration of en-  
24                 ergy efficiency and environmental performance



1 design and technology, including advanced  
2 building controls;

3 (C) use renewable energy for at least 50  
4 percent of the energy consumption of the  
5 project;

6 (D) comply with applicable Energy Star  
7 standards; and

8 (E) include at least 5,000,000 square feet  
9 of enclosed space.

10 (5) FIRST-IN-CLASS USE.—Notwithstanding  
11 paragraphs (2) through (4), a new building project  
12 may qualify under this section if the Secretary deter-  
13 mines that the project—

14 (A) represents a First-In-Class use of re-  
15 newable energy; or

16 (B) otherwise establishes a new paradigm  
17 of building integrated renewable energy use or  
18 energy efficiency.

19 (d) APPLICATION.—

20 (1) INITIAL APPLICATIONS.—No later than 120  
21 days after the date of enactment of this Act, and an-  
22 nually thereafter, the Secretary shall publish in the  
23 Federal Register an invitation and guidelines for  
24 submitting applications, consistent with this section.



1           (2) CONTENTS.—The application shall describe  
2           the project, or planned project, and the plans to  
3           meet the criteria established under subsection (c).

4           (e) CERTIFICATION.—

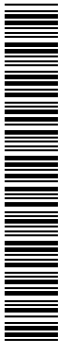
5           (1) IN GENERAL.—Not later than 60 days after  
6           the application period described in subsection (d),  
7           and annually thereafter, the Secretary shall certify  
8           projects that are reasonably expected to meet the  
9           criteria established under subsection (c).

10          (2) CERTIFIED PROJECTS.—The Secretary shall  
11          designate personnel of the Department to work with  
12          persons carrying out each certified project and en-  
13          sure that the personnel—

14                (A) provide each certified project with  
15                guidance in meeting the criteria established  
16                under subsection (c);

17                (B) identify programs of the Department,  
18                including National Laboratories and Technology  
19                Centers, that will assist each project in meeting  
20                the criteria established under subsection (c);  
21                and

22                (C) ensure that knowledge and transfer of  
23                the most current technology between the appli-  
24                cable resources of the Federal Government (in-  
25                cluding the National Laboratories and Tech-



1 nology Centers, the Department, and the Envi-  
2 ronmental Protection Agency) and the certified  
3 projects is being facilitated to accelerate com-  
4 mercialization of work developed through those  
5 resources.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated such sums as are nec-  
8 essary to carry out this section for each of fiscal years  
9 2006 through 2010.

## 10 **Subtitle B—Set America Free**

### 11 **SEC. 1421. SHORT TITLE.**

12 This subtitle may be cited as the “Set America Free  
13 Act of 2005” or the “SAFE Act”.

### 14 **SEC. 1422. PURPOSE.**

15 The purpose of this subtitle is to establish a United  
16 States commission to make recommendations for a coordi-  
17 nated and comprehensive North American energy policy  
18 that will achieve energy self-sufficiency by 2025 within the  
19 three contiguous North American nation area of Canada,  
20 Mexico, and the United States.

### 21 **SEC. 1423. UNITED STATES COMMISSION ON NORTH AMER- 22 ICAN ENERGY FREEDOM.**

23 (a) ESTABLISHMENT.—There is hereby established  
24 the United States Commission on North American Energy  
25 Freedom (in this subtitle referred to as the “Commis-





1 sion”). The Federal Advisory Committee Act (5 U.S.C.  
2 App.), except sections 3, 7, and 12, does not apply to the  
3 Commission.

4 (b) MEMBERSHIP.—

5 (1) APPOINTMENT.—The Commission shall be  
6 composed of 16 members appointed by the President  
7 from among individuals described in paragraph (2)  
8 who are knowledgeable on energy issues, including  
9 oil and gas exploration and production, crude oil re-  
10 fining, oil and gas pipelines, electricity production  
11 and transmission, coal, unconventional hydrocarbon  
12 resources, fuel cells, motor vehicle power systems,  
13 nuclear energy, renewable energy, biofuels, energy  
14 efficiency, and energy conservation. The membership  
15 of the Commission shall be balanced by area of ex-  
16 pertise to the extent consistent with maintaining the  
17 highest level of expertise on the Commission. Mem-  
18 bers of the Commission may be citizens of Canada,  
19 Mexico, or the United States, and the President  
20 shall ensure that citizens of all three nations are ap-  
21 pointed to the Commission.

22 (2) NOMINATIONS.—The President shall ap-  
23 point the members of the Commission within 60  
24 days after the effective date of this Act, including in-  
25 dividuals nominated as follows:



1 (A) Four members shall be appointed from  
2 amongst individuals independently determined  
3 by the President to be qualified for appoint-  
4 ment.

5 (B) Four members shall be appointed from  
6 a list of eight individuals who shall be nomi-  
7 nated by the majority leader of the Senate in  
8 consultation with the chairman of the Com-  
9 mittee on Energy and Natural Resources of the  
10 Senate.

11 (C) Four members shall be appointed from  
12 a list of eight individuals who shall be nomi-  
13 nated by the Speaker of the House of Rep-  
14 resentatives in consultation with the chairmen  
15 of the Committees on Energy and Commerce  
16 and Resources of the House of Representatives.

17 (D) Two members shall be appointed from  
18 a list of four individuals who shall be nominated  
19 by the minority leader of the Senate in con-  
20 sultation with the ranking Member of the Com-  
21 mittee on Energy and Natural Resources of the  
22 Senate.

23 (E) Two members shall be appointed from  
24 a list of four individuals who shall be nominated  
25 by the minority leader of the House in consulta-



1           tion with the ranking Members of the Commit-  
2           tees on Energy and Commerce and Resources  
3           of the House of Representatives.

4           (3) CHAIRMAN.—The chairman of the Commis-  
5           sion shall be selected by the President. The chair-  
6           man of the Commission shall be responsible for—

7                   (A) the assignment of duties and respon-  
8                   sibilities among staff personnel and their con-  
9                   tinuing supervision; and

10                   (B) the use and expenditure of funds avail-  
11                   able to the Commission.

12           (4) VACANCIES.—Any vacancy on the Commis-  
13           sion shall be filled in the same manner as the origi-  
14           nal incumbent was appointed.

15           (c) RESOURCES.—In carrying out its functions under  
16 this section, the Commission—

17                   (1) is authorized to secure directly from any  
18           Federal agency or department any information it  
19           deems necessary to carry out its functions under this  
20           Act, and each such agency or department is author-  
21           ized to cooperate with the Commission and, to the  
22           extent permitted by law, to furnish such information  
23           (other than information described in section  
24           552(b)(1)(A) of title 5, United States Code) to the  
25           Commission, upon the request of the Commission;



1           (2) may enter into contracts, subject to the  
2           availability of appropriations for contracting, and  
3           employ such staff experts and consultants as may be  
4           necessary to carry out the duties of the Commission,  
5           as provided by section 3109 of title 5, United States  
6           Code; and

7           (3) shall establish a multidisciplinary science  
8           and technical advisory panel of experts in the field  
9           of energy to assist the Commission in preparing its  
10          report, including ensuring that the scientific and  
11          technical information considered by the Commission  
12          is based on the best scientific and technical informa-  
13          tion available.

14          (d) STAFFING.—The chairman of the Commission  
15          may, without regard to the civil service laws and regula-  
16          tions, appoint and terminate an executive director and  
17          such other additional personnel as may be necessary for  
18          the Commission to perform its duties. The executive direc-  
19          tor shall be compensated at a rate not to exceed the rate  
20          payable for Level IV of the Executive Schedule under  
21          chapter 5136 of title 5, United States Code. The chairman  
22          shall select staff from among qualified citizens of Canada,  
23          Mexico, and the United States of America.

24          (e) MEETINGS.—



1           (1) ADMINISTRATION.—All meetings of the  
2 Commission shall be open to the public, except that  
3 a meeting or any portion of it may be closed to the  
4 public if it concerns matters or information de-  
5 scribed in section 552b(c) of title 5, United States  
6 Code. Interested persons shall be permitted to ap-  
7 pear at open meetings and present oral or written  
8 statements on the subject matter of the meeting.  
9 The Commission may administer oaths or affirma-  
10 tions to any person appearing before it.

11           (2) NOTICE; MINUTES; PUBLIC AVAILABILITY  
12 OF DOCUMENTS.—

13           (A) NOTICE.—All open meetings of the  
14 Commission shall be preceded by timely public  
15 notice in the Federal Register of the time,  
16 place, and subject of the meeting.

17           (B) MINUTES.—Minutes of each meeting  
18 shall be kept and shall contain a record of the  
19 people present, a description of the discussion  
20 that occurred, and copies of all statements filed.  
21 Subject to section 552 of title 5, United States  
22 Code, the minutes and records of all meetings  
23 and other documents that were made available  
24 to or prepared for the Commission shall be



1 available for public inspection and copying at a  
2 single location in the offices of the Commission.

3 (3) INITIAL MEETING.—The Commission shall  
4 hold its first meeting within 30 days after all 16  
5 members have been appointed.

6 (f) REPORT.—Within 12 months after the effective  
7 date of this Act, the Commission shall submit to Congress  
8 and the President a final report of its findings and rec-  
9 ommendations regarding North American energy freedom.

10 (g) ADMINISTRATIVE PROCEDURE FOR REPORT AND  
11 REVIEW.—Chapter 5 and chapter 7 of title 5, United  
12 States Code, do not apply to the preparation, review, or  
13 submission of the report required by subsection (f).

14 (h) TERMINATION.—The Commission shall cease to  
15 exist 90 days after the date on which it submits its final  
16 report.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this chapter  
19 a total of \$10,000,000 for the 2 fiscal-year period begin-  
20 ning with fiscal year 2005, such sums to remain available  
21 until expended.

22 **SEC. 1424. NORTH AMERICAN ENERGY FREEDOM POLICY.**

23 Within 90 days after receiving and considering the  
24 report and recommendations of the Commission under sec-  
25 tion 1423, the President shall submit to Congress a state-



1 ment of proposals to implement or respond to the Commis-  
2 sion's recommendations for a coordinated, comprehensive,  
3 and long-range national policy to achieve North American  
4 energy freedom by 2025.

