

110TH CONGRESS
1ST SESSION

H. R. 2420

To declare United States policy on international climate cooperation, to authorize assistance to promote clean and efficient energy technologies in foreign countries, and to establish the International Clean Energy Foundation.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2007

Mr. LANTOS (for himself, Mr. SMITH of New Jersey, Mr. MARKEY, Mr. MEEKS of New York, Mr. SIRES, Ms. WATSON, Mr. DELAHUNT, Mr. BERMAN, Mr. CROWLEY, Mr. WEXLER, Mr. ENGEL, Mr. FALCOMA, Mr. ACKERMAN, Mr. SHERMAN, Ms. WOOLSEY, Mr. MILLER of North Carolina, Mr. KLEIN of Florida, Mr. PAYNE, Mr. SMITH of Washington, Mr. CARNAHAN, Ms. LINDA T. SÁNCHEZ of California, Mr. WU, Mr. HINOJOSA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, and Ms. GIFFORDS) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To declare United States policy on international climate cooperation, to authorize assistance to promote clean and efficient energy technologies in foreign countries, and to establish the International Clean Energy Foundation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “International Climate Cooperation Re-engagement Act of
 4 2007”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title and table of contents.
 Sec. 2. Definitions.

TITLE I—UNITED STATES POLICY ON GLOBAL CLIMATE CHANGE

Sec. 101. Congressional findings.
 Sec. 102. Congressional statement of policy.
 Sec. 103. Office on Global Climate Change.

**TITLE II—ASSISTANCE TO PROMOTE CLEAN AND EFFICIENT
 ENERGY TECHNOLOGIES IN FOREIGN COUNTRIES**

Sec. 201. Congressional findings.
 Sec. 202. United States assistance for developing countries.
 Sec. 203. United States exports and outreach programs for India and China.
 Sec. 204. United States trade missions to encourage private sector trade and
 investment.
 Sec. 205. Actions by Overseas Private Investment Corporation.
 Sec. 206. Actions by United States Trade and Development Agency.
 Sec. 207. Global Climate Change Exchange program.
 Sec. 208. Interagency Working Group to support a Clean Energy Technology
 Exports Initiative.

TITLE III—INTERNATIONAL CLEAN ENERGY FOUNDATION

Sec. 301. Definitions.
 Sec. 302. Establishment and management of Foundation.
 Sec. 303. Duties of foundation.
 Sec. 304. Annual report.
 Sec. 305. Powers of the foundation; related provisions.
 Sec. 306. General personnel authorities.
 Sec. 307. Authorization of appropriations.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
 10 **TEES.**—The term “appropriate congressional com-
 11 mittees” means the Committee on Foreign Affairs of

1 the House of Representatives and the Committee on
2 Foreign Relations of the Senate.

3 (2) CLEAN AND EFFICIENT ENERGY TECH-
4 NOLOGY.—The term “clean and efficient energy
5 technology” means an energy supply or end-use
6 technology—

7 (A) such as—

8 (i) solar technology;

9 (ii) wind technology;

10 (iii) geothermal technology;

11 (iv) hydroelectric technology; and

12 (v) carbon capture technology; and

13 (B) that, over its life cycle and compared
14 to a similar technology already in commercial
15 use—

16 (i) is reliable, affordable, economically
17 viable, socially acceptable, and compatible
18 with the needs and norms of the country
19 involved;

20 (ii) results in—

21 (I) reduced emissions of green-
22 house gases; or

23 (II) increased geological seques-
24 tration; and

25 (iii) may—

1 (I) substantially lower emissions
2 of air pollutants; or

3 (II) generate substantially small-
4 er or less hazardous quantities of solid
5 or liquid waste.

6 (3) GEOLOGICAL SEQUESTRATION.—The term
7 “geological sequestration” means the capture and
8 long-term storage in a geological formation of a
9 greenhouse gas from an energy producing facility,
10 which prevents the release of greenhouse gases into
11 the atmosphere.

12 (4) GREENHOUSE GAS.—The term “greenhouse
13 gas” means—

14 (A) carbon dioxide;

15 (B) methane;

16 (C) nitrous oxide;

17 (D) hydrofluorocarbons;

18 (E) perfluorocarbons; or

19 (F) sulfur hexafluoride.

20 **TITLE I—UNITED STATES POL-**
21 **ICY ON GLOBAL CLIMATE**
22 **CHANGE**

23 **SEC. 101. CONGRESSIONAL FINDINGS.**

24 Congress makes the following findings:

1 (1) There is a global scientific consensus, as es-
2 tablished by the Intergovernmental Panel on Climate
3 Change (IPCC) and confirmed by the National
4 Academy of Sciences, that the continued build-up of
5 anthropogenic greenhouse gases in the atmosphere
6 has been, and is now warming the earth and threat-
7 ens the stability of the global climate. By the esti-
8 mate of the IPCC, unmitigated global greenhouse
9 gas emissions could drive up global temperatures by
10 as much as 7 to 11 degrees Fahrenheit by 2100.

11 (2) Climate change is already having significant
12 impacts in certain regions of the world and on many
13 ecosystems, with poor populations being most vul-
14 nerable.

15 (3) Climate change is a global problem that can
16 only be managed by a coordinated global response
17 that reduces global emissions of greenhouse gases to
18 a level that stabilizes their concentration in the
19 Earth's atmosphere.

20 (4) The United Nations Framework Convention
21 on Climate Change (hereinafter in this section re-
22 ferred to as the "Convention") establishes a viable
23 foundation to construct a global regime to combat
24 global warming and manage its impacts.

1 (5) The United States, along with 189 other
2 countries, is a party to the Convention, done at New
3 York May 9, 1992, and entered into force in 1994.
4 The Convention’s stated objective is “to achieve sta-
5 bilization of greenhouse gas concentrations in the at-
6 mosphere at a level that would prevent dangerous
7 anthropogenic interference with the climate system”.

8 (6) The Kyoto Protocol to the Convention was
9 adopted by the third Convention Conference of the
10 Parties (COP-3) in December 1997, in Kyoto,
11 Japan, and stipulated legally binding reductions in
12 greenhouse gas emissions at an average of 5.2 per-
13 cent below 1990 levels for industrialized countries,
14 but it did not specify policies for its implementation.
15 The Kyoto Protocol also did not stipulate binding re-
16 ductions in greenhouse gas emissions for rapidly in-
17 dustrializing countries like China, India, and Brazil.

18 (7) Before negotiations were completed on the
19 mechanisms for implementing Kyoto Protocol com-
20 mitments on greenhouse gas emissions, George W.
21 Bush took office as President of the United States,
22 and in March 2001, announced opposition to contin-
23 ued negotiations over implementation of the Pro-
24 tocol, stating that the Protocol was “fatally flawed”
25 from the Administration’s point of view.

1 (8) President Bush unveiled an “alternative”
2 strategy to the Kyoto Protocol for halting global
3 warming on February 14, 2002. The President’s
4 plan did not contain any international component to
5 amend or supplant the Kyoto Protocol or any kind
6 of blueprint for committing major developing econo-
7 mies such as China, India, and Brazil to reduce fu-
8 ture greenhouse gas emission. The President’s plan
9 set a voluntary “greenhouse gas intensity” target for
10 the United States that specified an 18 percent re-
11 duction in “emissions intensity” by 2012. This re-
12 duction which would allow actual emissions to in-
13 crease by at least 12 percent over the same period.

14 (9) On February 16, 2005, after Russia’s ratifi-
15 cation, the Kyoto Protocol entered into force. With
16 entry into force, the emissions targets of the Pro-
17 tocol became legally binding commitments for those
18 industrialized countries that ratified the Protocol.
19 Because the United States and Australia did not
20 ratify the Protocol, and because developing countries
21 are not subject to its limits, the Protocol currently
22 restricts the emissions of countries accounting for
23 only 32 percent of global greenhouse gas emissions.

24 (10) The Kyoto Protocol required that parties
25 to the Protocol begin negotiating in 2005 toward a

1 second round of commitments to begin after the ex-
2 piration of the first emissions budget period in 2012.
3 The eleventh Convention Conference of the Parties
4 (COP–11) in November and December 2005 in
5 Montreal, Canada launched the negotiations on the
6 second round of commitments by parties to the Pro-
7 tocol and initiated a dialogue (a “parallel process”)
8 under the Convention that engaged both the United
9 States and developing countries in discussions on fu-
10 ture efforts.

11 (11) At the twelfth Convention Conference of
12 the Parties (COP–12) in November 2006 in Nairobi,
13 Kenya, parties continued discussions on a second
14 round of commitments under the Kyoto Protocol as
15 a successor to the first commitment period (2008
16 through 2012) and, in the parallel process, discussed
17 enhanced cooperation under the Convention that
18 would engage countries that did not have commit-
19 ments under the Protocol.

20 (12) At a summit in Brussels, Belgium in
21 March 2007, the head of governments of the Euro-
22 pean Union committed its Member States to cut
23 greenhouse gas emissions 20 percent below 1990 lev-
24 els by 2020 and committed to move this target up

1 to 30 percent if the United States and other major
2 emitters joined the commitment.

3 (13) On April 17, 2007, the United Nations Se-
4 curity Council held its first ever “open meeting” on
5 the impact of climate change on international secu-
6 rity. British Foreign Secretary Margaret Beckett, in
7 her capacity as President of the Security Council,
8 declared in her opening statement that the Council
9 has a “security imperative” to tackle climate change
10 because it can exacerbate problems that cause con-
11 flicts and because it threatens the entire planet.
12 United Nations Secretary-General Ban Ki-moon told
13 the Council that “issues of energy and climate
14 change have implications for peace and security”.

15 (14) Working Group III of the IPCC met from
16 April 30 through May 4, 2007, in Bangkok, Thai-
17 land to assess technologies and policies needed to
18 avert dangerous climate change and to provide back-
19 ground for negotiations on a post-2012 climate
20 change regime. The draft report by the IPCC Work-
21 ing Group III concludes that by quickly adopting
22 technological options that are available or are being
23 developed, the global concentration of greenhouse
24 gases in the atmosphere can be stabilized at 450–
25 550 parts per million (ppm). The IPCC scientists

1 believe that a 450 to 550 ppm ceiling might limit
2 the global rise in temperatures to no more than 3.6
3 degrees Fahrenheit and avert impacts of escalating
4 scale, scope, and costs, potentially including the de-
5 stabilization of large polar ice sheets that could con-
6 tribute to long-term, catastrophic sea level rise at
7 higher temperatures.

8 (15) At the Group of Eight (G-8) Summit
9 scheduled to be held in Heiligendamm, Germany in
10 June 2007, climate change and energy have been
11 placed at the top of the policy agenda and during
12 the Summit, the G-8 is scheduled to have a dialogue
13 with China, India, South Africa, Mexico, and Brazil
14 on the issue.

15 (16) The United Nations Secretary-General
16 Ban ki-Moon has indicated that one of his top goals
17 is to forge a more comprehensive agreement under
18 the Convention to ensure there is no gap when the
19 first commitment period under the Kyoto Protocol
20 ends in 2012. In order to reach this goal, critical ne-
21 gotiations involving all of the major greenhouse gas
22 emitters, along with the vulnerable countries, must
23 be initiated immediately and be completed by 2009.
24 On May 1, 2007, the Secretary-General named three
25 Special Envoys on Climate Change to assist in “con-

1 sultations with Governments”. The Secretary-Gen-
2 eral will host a “high-level meeting” on climate
3 change at the United Nations General Assembly in
4 September 2007 to give “political direction” to the
5 thirteenth Convention Conference of the Parties
6 (COP-13) to take place in December 2007 in Bali,
7 Indonesia.

8 **SEC. 102. CONGRESSIONAL STATEMENT OF POLICY.**

9 Congress declares the following to be the policy of the
10 United States:

11 (1) To promote United States and global secu-
12 rity through leadership in cooperation with other na-
13 tions of the global effort to reduce and stabilize
14 global greenhouse gas emissions and stabilize atmos-
15 pheric concentration of such gases. As such, the
16 United States will seek to obtain mitigation commit-
17 ments from all major greenhouse gas emitting coun-
18 tries under the institutional framework provided by
19 the United Nations Framework Convention on Cli-
20 mate Change (hereinafter in this section referred to
21 as the “Convention”).

22 (2) To facilitate progress in global negotiations
23 toward a comprehensive agreement under the Con-
24 vention, and in service of this goal, the United
25 States will, during the course of 2007, engage in

1 high level dialogue on climate change within the
2 Group of Eight (G-8), with the European Union,
3 with Japan and other industrialized countries, and
4 with China, India, Brazil, and other major devel-
5 oping countries. The United States will also partici-
6 pate in the initiative of the United Nations Sec-
7 retary-General to build consensus among govern-
8 ments on enhanced international cooperation on
9 these matters.

10 (3) To participate more actively and construc-
11 tively in the intergovernmental climate change proc-
12 ess, including at the thirteenth Convention Con-
13 ference of the Parties (COP-13) to take place in De-
14 cember 2007 in Bali, Indonesia. As such, at the
15 COP-13 meeting, the United States will be rep-
16 resented by a high-level delegation composed of cli-
17 mate experts and career foreign service officers with
18 extensive diplomatic experience, including experience
19 in multi-lateral negotiations, headed by the Sec-
20 retary of State, the Secretary's Deputy, or the Un-
21 dersecretary for Global Affairs of the Department of
22 State.

23 (4) To engage in serious discussion of possible
24 future commitments under the Convention. These
25 discussions will seek to develop a plan of action and

1 time-table with the goal of adopting a new inter-
2 national agreement under the Convention that stipu-
3 lates commitments from all major greenhouse gas
4 emitters, including the United States and other
5 countries listed in Annex 1 to the Convention,
6 China, India, and Brazil, at the fifteenth Convention
7 Conference of the Parties (COP-15) to take place in
8 2009. This process will seek as its objective that a
9 new instrument will come into force by the time the
10 first commitment period under the Kyoto Protocol
11 ends in 2012.

12 (5) To protect United States national and eco-
13 nomic interests and United States competitiveness in
14 all sectors by negotiating a new agreement under the
15 Convention that is cost effective, comprehensive,
16 flexible, and equitable. Such an agreement shall, at
17 a minimum—

18 (A) require binding mitigation commit-
19 ments from all major emitting countries based
20 on their level of development;

21 (B) provide for different forms of commit-
22 ments, including economy-wide emissions tar-
23 gets, policy-based commitments, sectoral agree-
24 ments, and no-regrets targets;

1 (C) increase cooperation on clean and effi-
2 cient energy technologies and practices;

3 (D) target all greenhouse gases, including
4 sources, sinks, and reservoirs of greenhouse
5 gases, and should expand the current scope of
6 the Kyoto Protocol and Convention to sectors
7 not covered, such as the international aviation
8 and maritime sectors;

9 (E) include mechanisms to harness mar-
10 ket-based solutions, building upon the joint im-
11 plementation, clean development mechanism,
12 and international emissions trading developed
13 under the Protocol;

14 (F) include incentives for sustainable for-
15 estry management that reflect the value of
16 avoided deforestation; and

17 (G) address the need for adaptation, espe-
18 cially for the most vulnerable and poorest coun-
19 tries on the planet.

20 (6) To seek international consensus on long-
21 term objectives including a target range for stabi-
22 lizing greenhouse gas concentrations. The target
23 range should reflect the consensus recommendations
24 of Intergovernmental Panel on Climate Change
25 (IPCC) scientists, who believe that concentrations of

1 greenhouse gases in the Earth’s atmosphere must be
2 stabilized to provide a reasonable chance of limiting
3 the rise in global temperatures to a level that might
4 avert the most damaging impacts of climate change.

5 **SEC. 103. OFFICE ON GLOBAL CLIMATE CHANGE.**

6 (a) ESTABLISHMENT OF OFFICE.—There is estab-
7 lished within the Department of State an Office on Global
8 Climate Change (hereinafter in this section referred to as
9 the “Office”).

10 (b) HEAD OF OFFICE.—

11 (1) IN GENERAL.—The head of the Office shall
12 be the Ambassador-at-Large for Global Climate
13 Change (hereinafter in this section referred to as the
14 “Ambassador-at-Large”).

15 (2) APPOINTMENT.—The Ambassador-at-Large
16 shall be appointed by the President, by and with the
17 advice and consent of the Senate.

18 (c) DUTIES.—

19 (1) IN GENERAL.—The primary responsibility
20 of the Ambassador-at-Large shall be to advance the
21 goals of the United States with respect to reducing
22 the emissions of global greenhouse gases and ad-
23 dressing the challenges posed by global climate
24 change.

1 (2) ADVISORY ROLE.—The Ambassador-at-
2 Large—

3 (A) shall be a principal adviser to the
4 President and the Secretary of State on matters
5 relating to global climate change; and

6 (B) shall make recommendations to the
7 President and the Secretary of State on policies
8 of the United States Government with respect
9 to international cooperation on reducing the
10 emission of global greenhouse gases and ad-
11 dressing the challenges posed by global climate
12 change.

13 (3) DIPLOMATIC REPRESENTATION.—Subject to
14 the direction of the President and the Secretary of
15 State, the Ambassador-at-Large is authorized to
16 represent the United States in matters relating to
17 global climate change in—

18 (A) contacts with foreign governments,
19 intergovernmental organizations, and special-
20 ized agencies of the United Nations, the Orga-
21 nization on Security and Cooperation in Eu-
22 rope, and other international organizations of
23 which the United States is a member; and

24 (B) multilateral conferences and meetings
25 relating to global climate change.

1 (d) FUNDING.—The Secretary of State shall provide
2 the Ambassador-at-Large with such funds as may be nec-
3 essary for the hiring of staff for the Office, the conduct
4 of investigations by the Office, and for necessary travel
5 to carry out the provisions of this section.

6 (e) REPORT.—Not later than September 1 of each
7 year, the Secretary of State, with the assistance of the
8 Ambassador-at-Large, shall prepare and submit to the ap-
9 propriate congressional committees a report on the strat-
10 egy, policies, and actions of the United States for reducing
11 the emissions of global greenhouse gases and addressing
12 the challenges posed of global climate change.

13 **TITLE II—ASSISTANCE TO PRO-**
14 **MOTE CLEAN AND EFFICIENT**
15 **ENERGY TECHNOLOGIES IN**
16 **FOREIGN COUNTRIES**

17 **SEC. 201. CONGRESSIONAL FINDINGS.**

18 Congress makes the following findings:

19 (1) Several provisions of the Energy Policy Act
20 of 1992 were designed to expand Federal programs
21 that support renewable energy and energy efficient
22 equipment exports and to broaden the portfolio of
23 programs to include training and technology transfer
24 activities that help promote development in less in-
25 dustrialized nations, expand global markets, and re-

1 duce greenhouse gas emissions. However, few of the
2 export-related provisions of the Energy Policy Act of
3 1992 were implemented due to a lack of Federal
4 funding.

5 (2) In 2000, Congress called for several United
6 States Government agencies to create an Inter-
7 agency Working Group to support a Clean Energy
8 Technology Exports Initiative to use the combined
9 resources of various agencies to promote the export
10 of clean energy technologies abroad. The Initiative
11 also suffered from low levels of Federal funding and
12 has not produced significant results.

13 (3) Large and emerging economies, such as
14 India and China, play significant roles in the global
15 energy security system as large consumers of energy
16 and should be included as member countries in the
17 International Energy Agency to strengthen the com-
18 mon interest of importers in encouraging trans-
19 parent energy markets and in planning for supply
20 disruptions.

21 (4) The challenge of energy security severely af-
22 fects developing countries where over 1.6 billion peo-
23 ple lack access to affordable energy services. In
24 these nations, a lack of transparency and account-
25 ability creates a climate of mistrust for investors; bi-

1 lateral and multilateral lending institutions do not
2 provide sufficient incentives to companies investing
3 in clean and efficient energy technologies; women
4 and children suffer disproportionately due to the
5 lack of energy services; inaccessibility of energy serv-
6 ices impedes other development programs in edu-
7 cation, health, agriculture, and the environment; and
8 dependence on imported fuels leaves countries vul-
9 nerable to supply disruptions and economic shocks.

10 (5) In addition to promoting the export of clean
11 energy technologies, large energy-consuming econo-
12 mies must also have appropriate incentive systems,
13 policy and regulatory frameworks, and investment
14 climates in place to accept and promote the adoption
15 of such technologies.

16 (6) More than \$16 trillion needs to be invested
17 in energy-supply infrastructure worldwide by 2030
18 to meet energy demand, and almost half of total en-
19 ergy investment will take place in developing coun-
20 tries, where production and demand are expected to
21 increase the most.

22 (7) Public and private sector capital will be
23 needed to fulfill future demand. The opportunity ex-
24 ists for public and private actors to coordinate ef-
25 forts and leverage resources to direct this investment

1 into technologies, practices, and services that pro-
2 mote energy efficiency, clean-energy production, and
3 a reduction in global greenhouse gas emissions.

4 (8) In attempting to address the global climate
5 change challenge, the United States Government re-
6 cently launched the Asia Pacific Partnership on
7 Clean Development and Climate, which is meant to
8 accelerate the development and deployment of clean
9 energy technologies. However, this Partnership oper-
10 ates in a non-binding framework that does not re-
11 quire any emissions reductions from the partner
12 countries.

13 **SEC. 202. UNITED STATES ASSISTANCE FOR DEVELOPING**
14 **COUNTRIES.**

15 (a) ASSISTANCE AUTHORIZED.—The Administrator
16 of the United States Agency for International Develop-
17 ment shall support policies and programs in developing
18 countries that promote clean and efficient energy tech-
19 nologies—

20 (1) to produce the necessary market conditions
21 for the private sector delivery of energy and environ-
22 mental management services; and

23 (2) to create an environment that is conducive
24 to accepting clean and efficient energy technologies

1 that support the overall purpose of reducing green-
2 house gas emissions, including—

3 (A) improving policy, legal, and regulatory
4 frameworks;

5 (B) increasing institutional abilities to pro-
6 vide energy and environmental management
7 services; and

8 (C) increasing public awareness and par-
9 ticipation in the decision-making of delivering
10 energy and environmental management services.

11 (b) REPORT.—The Administrator of the United
12 States Agency for International Development shall submit
13 to the appropriate committees an annual report on the im-
14 plementation of this section for each of the fiscal years
15 2008 through 2012.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
17 out this section, there are authorized to be appropriated
18 to the Administrator of the United States Agency for
19 International Development \$200,000,000 for each of the
20 fiscal years 2008 through 2012.

21 **SEC. 203. UNITED STATES EXPORTS AND OUTREACH PRO-**
22 **GRAMS FOR INDIA AND CHINA.**

23 (a) ASSISTANCE AUTHORIZED.—The Secretary of
24 Commerce shall direct the United States and Foreign
25 Commercial Service to expand or create a corps of the

1 Foreign Commercial Service officers to promote United
2 States exports in clean and efficient energy technologies
3 and build the capacity of government officials in India and
4 China to become more familiar with the available tech-
5 nologies—

6 (1) by creating Foreign Commercial Service
7 attachés, who have expertise in clean and efficient
8 energy technologies from the United States, to em-
9 bark on business development and outreach efforts
10 to India and China; and

11 (2) by deploying the attachés described in para-
12 graph (1) to educate provincial, state, and local gov-
13 ernment officials in India and China on the variety
14 of United States-based technologies in clean and ef-
15 ficient energy technologies for the purposes of pro-
16 moting United States exports and reducing global
17 greenhouse gas emissions.

18 (b) REPORT.—The Secretary of Commerce shall sub-
19 mit to the appropriate committees an annual report on
20 the implementation of this section for each of the fiscal
21 years 2008 through 2012.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
23 out this section, there are authorized to be appropriated
24 to the Secretary of Commerce such sums as may be nec-
25 essary for each of the fiscal years 2008 through 2012.

1 **SEC. 204. UNITED STATES TRADE MISSIONS TO ENCOUR-**
2 **AGE PRIVATE SECTOR TRADE AND INVEST-**
3 **MENT.**

4 (a) ASSISTANCE AUTHORIZED.—The Secretary of
5 Commerce shall direct the International Trade Adminis-
6 tration to expand or create trade missions to and from
7 the United States to encourage private sector trade and
8 investment in clean and efficient energy technologies—

9 (1) by organizing and facilitating trade mis-
10 sions to foreign countries and by matching United
11 States private sector companies with opportunities in
12 foreign markets so that clean and efficient energy
13 technologies can help to combat increases in global
14 greenhouse gas emissions; and

15 (2) by creating reverse trade missions in which
16 the Department of Commerce facilitates the meeting
17 of foreign private and public sector organizations
18 with private sector companies in the United States
19 for the purpose of showcasing clean and efficient en-
20 ergy technologies in use or in development that could
21 be exported to other countries.

22 (b) REPORT.—The Secretary of Commerce shall sub-
23 mit to the appropriate committees an annual report on
24 the implementation of this section for each of the fiscal
25 years 2008 through 2012.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there are authorized to be appropriated
3 to the Secretary of Commerce such sums as may be nec-
4 essary for each of the fiscal years 2008 through 2012.

5 **SEC. 205. ACTIONS BY OVERSEAS PRIVATE INVESTMENT**
6 **CORPORATION.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Many of the emerging markets within which
9 the Overseas Private Investment Corporation sup-
10 ports projects have immense energy needs and will
11 require significant investment in the energy sector in
12 the coming decades.

13 (2) The use, or lack of use, of clean and effi-
14 cient energy technologies can have a dramatic effect
15 on the rate of global greenhouse gas emissions from
16 emerging markets in the coming decades.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the Overseas Private Investment Corporation
19 should promote greater investment in clean and efficient
20 energy technologies by—

21 (1) proactively reaching out to United States
22 companies that are interested in investing in clean
23 and efficient energy technologies in countries that
24 are significant contributors to global greenhouse gas
25 emissions;

1 cient energy technologies, including in trade capacity
2 building and capital investment projects;

3 (2) give preferential treatment to the evaluation
4 and awarding of projects that involve the utilization
5 of clean and efficient energy technologies, particu-
6 larly to countries that have the potential for signifi-
7 cant reduction in greenhouse gas emissions; and

8 (3) recruit and retain individuals with appro-
9 priate expertise in clean, renewable, and efficient en-
10 ergy technologies to identify and evaluate opportuni-
11 ties for projects that involve clean and efficient en-
12 ergy technologies and services.

13 (b) REPORT.—The President shall include in the an-
14 nual report on the activities of the Trade and Development
15 Agency required under section 661(d) of the Foreign As-
16 sistance Act of 1961 (22 U.S.C. 2421(d)) a description
17 of the activities carried out to implement this section.

18 **SEC. 207. GLOBAL CLIMATE CHANGE EXCHANGE PROGRAM.**

19 (a) PROGRAM AUTHORIZED.—The Secretary of State
20 is authorized to establish a program to strengthen re-
21 search, educational exchange, and international coopera-
22 tion with the aim of reducing global greenhouse gas emis-
23 sions and addressing the challenges posed by global cli-
24 mate change. The program authorized by this subsection
25 shall be carried out pursuant to the authorities of the Mu-

1 tual Educational and Cultural Exchange Act of 1961 (22
2 U.S.C. 2451 et seq.) and may be referred to as the “Glob-
3 al Climate Change Exchange Program”.

4 (b) ELEMENTS.—The program authorized by sub-
5 section (a) shall contain the following elements:

6 (1) The financing of studies, research, instruc-
7 tion, and other educational activities dedicated to re-
8 ducing carbon emissions and addressing the chal-
9 lenge of global climate change—

10 (A) by or to United States citizens and na-
11 tionals in foreign universities, governments, or-
12 ganizations, companies, or other institutions,
13 and

14 (B) by or to citizens and nationals of for-
15 eign countries in United States universities,
16 governments, organizations, companies, or other
17 institutions.

18 (2) The financing of visits and exchanges be-
19 tween the United States and other countries of stu-
20 dents, trainees, teachers, instructors, professors, re-
21 searchers, and other persons who study, teach, and
22 conduct research in subjects such as the physical
23 sciences, environmental science, public policy, eco-
24 nomics, urban planning, and other subjects and
25 focus on reducing greenhouse gas emissions and ad-

1 dressing the challenges posed by global climate
2 change.

3 (c) REPORT.—The Secretary of State shall transmit
4 to the appropriate committees an annual report on the im-
5 plementation of this section for each of the fiscal years
6 2008 through 2012.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
8 out this section, there are authorized to be appropriated
9 to the Secretary of State \$3,000,000 for each of the fiscal
10 years 2008 through 2012.

11 **SEC. 208. INTERAGENCY WORKING GROUP TO SUPPORT A**
12 **CLEAN ENERGY TECHNOLOGY EXPORTS INI-**
13 **TIATIVE.**

14 (a) ASSISTANCE AUTHORIZED.—The President shall
15 provide assistance to the Interagency Working Group to
16 support a Clean Energy Technology Exports Initiative—

17 (1) to improve the ability of the United States
18 to respond to international competition by leveraging
19 the resources of Federal departments and agencies
20 effectively and efficiently and by raising policy issues
21 that may hamper the export of United States clean
22 energy technologies abroad;

23 (2) to fulfill, as appropriate, the mission and
24 objectives as noted in the report entitled, Five-Year
25 Strategic Plan of the Clean Energy Technology Ex-

1 ports Initiative, submitted to Congress in October
2 2002, and

3 (3) to raise the importance and level of over-
4 sight of the Interagency Working Group to the
5 heads of the Federal departments and agencies that
6 are participating in the Interagency Working Group.

7 (b) REPORT.—The Administrator of the United
8 States Agency for International Development, the Sec-
9 retary of Commerce, and the Secretary of Energy shall
10 jointly submit to the appropriate committees an annual
11 report on the implementation of this section for each of
12 the fiscal years 2008 through 2012.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
14 out this section, there are authorized to be appropriated to
15 the President \$5,000,000 for each of the fiscal years 2008
16 through 2012.

17 **TITLE III—INTERNATIONAL**
18 **CLEAN ENERGY FOUNDATION**

19 **SEC. 301. DEFINITIONS.**

20 In this title:

21 (1) BOARD.—The term “Board” means the
22 Board of Directors of the Foundation established
23 pursuant to section 302(c).

24 (2) CHIEF EXECUTIVE OFFICER.—The term
25 “Chief Executive Officer” means the chief executive

1 officer of the Foundation appointed pursuant to sec-
2 tion 302(b).

3 (3) FOUNDATION.—The term “Foundation”
4 means the International Clean Energy Foundation
5 established by section 302(a).

6 **SEC. 302. ESTABLISHMENT AND MANAGEMENT OF FOUNDA-**
7 **TION.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—There is established in the
10 executive branch a foundation to be known as the
11 “International Clean Energy Foundation” that shall
12 be responsible for carrying out the provisions of this
13 title. The Foundation shall be a government cor-
14 poration, as defined in section 103 of title 5, United
15 States Code.

16 (2) BOARD OF DIRECTORS.—The Foundation
17 shall be governed by a Board of Directors chaired by
18 the Secretary of State (or the Secretary’s designee)
19 in accordance with subsection (d).

20 (3) INTENT OF CONGRESS.—It is the intent of
21 Congress, in establishing the structure of the Foun-
22 dation set forth in this subsection, to create an enti-
23 ty that serves the long-term foreign policy and en-
24 ergy security goals of reducing global greenhouse gas
25 emissions.

1 (b) CHIEF EXECUTIVE OFFICER.—

2 (1) IN GENERAL.—There shall be in the Foun-
3 dation a Chief Executive Officer who shall be re-
4 sponsible for the management of the Foundation.

5 (2) APPOINTMENT.—The Chief Executive Offi-
6 cer shall be appointed by the Board, with the advice
7 and consent of the Senate, and shall be a recognized
8 leader in clean and efficient energy technologies and
9 climate change and shall have experience in energy
10 security, business, or foreign policy, chosen on the
11 basis of a rigorous search.

12 (3) RELATIONSHIP TO BOARD.—The Chief Ex-
13 ecutive Officer shall report to, and be under the di-
14 rect authority of, the Board.

15 (4) COMPENSATION AND RANK.—

16 (A) IN GENERAL.—The Chief Executive
17 Officer shall be compensated at the rate pro-
18 vided for level III of the Executive Schedule
19 under section 5314 of title 5, United States
20 Code.

21 (B) AMENDMENT.—Section 5314 of title
22 5, United States Code, is amended by adding at
23 the end the following:

24 “Chief Executive Officer, International Clean Energy
25 Foundation.”.

1 (C) AUTHORITIES AND DUTIES.—The
2 Chief Executive Officer shall be responsible for
3 the management of the Foundation and shall
4 exercise the powers and discharge the duties of
5 the Foundation.

6 (D) AUTHORITY TO APPOINT OFFICERS.—
7 In consultation and with approval of the Board,
8 the Chief Executive Officer shall appoint all of-
9 ficers of the Foundation.

10 (c) BOARD OF DIRECTORS.—

11 (1) ESTABLISHMENT.—There shall be in the
12 Foundation a Board of Directors.

13 (2) DUTIES.—The Board shall perform the
14 functions specified to be carried out by the Board in
15 this title and may prescribe, amend, and repeal by-
16 laws, rules, regulations, and procedures governing
17 the manner in which the business of the Foundation
18 may be conducted and in which the powers granted
19 to it by law may be exercised.

20 (3) MEMBERSHIP.—The Board shall consist
21 of—

22 (A) the Secretary of State (or the Sec-
23 retary's designee), the Secretary of Energy (or
24 the Secretary's designee), and the Adminis-
25 trator of the United States Agency for Inter-

1 national Development (or the Administrator's
2 designee); and

3 (B) four other individuals with relevant ex-
4 perience in matters relating to energy security
5 (such as individuals who represent institutions
6 of energy policy, business organizations, foreign
7 policy organizations, or other relevant organiza-
8 tions) who shall be appointed by the President,
9 by and with the advice and consent of the Sen-
10 ate, of which—

11 (i) one individual shall be appointed
12 from among a list of individuals submitted
13 by the majority leader of the House of
14 Representatives;

15 (ii) one individual shall be appointed
16 from among a list of individuals submitted
17 by the minority leader of the House of
18 Representatives;

19 (iii) one individual shall be appointed
20 from among a list of individuals submitted
21 by the majority leader of the Senate; and

22 (iv) one individual shall be appointed
23 from among a list of individuals submitted
24 by the minority leader of the Senate.

1 (4) CHIEF EXECUTIVE OFFICER.—The Chief
2 Executive Officer of the Foundation shall serve as a
3 nonvoting, ex officio member of the Board.

4 (5) TERMS.—

5 (A) OFFICERS OF THE FEDERAL GOVERN-
6 MENT.—Each member of the Board described
7 in paragraph (3)(A) shall serve for a term that
8 is concurrent with the term of service of the in-
9 dividual’s position as an officer within the other
10 Federal department or agency.

11 (B) OTHER MEMBERS.—Each member of
12 the Board described in paragraph (3)(B) shall
13 be appointed for a term of 3 years and may be
14 reappointed for a term of an additional 3 years.

15 (C) VACANCIES.—A vacancy in the Board
16 shall be filled in the manner in which the origi-
17 nal appointment was made.

18 (D) ACTING MEMBERS.—A vacancy in the
19 Board may be filled with an appointment of an
20 acting member by the Chairperson of the Board
21 for up to 1 year while a nominee is named and
22 awaits confirmation in accordance with para-
23 graph (3)(B).

1 (6) CHAIRPERSON.—There shall be a Chair-
2 person of the Board. The Secretary of State (or the
3 Secretary’s designee) shall serve as the Chairperson.

4 (7) QUORUM.—A majority of the members of
5 the Board described in paragraph (3) shall con-
6 stitute a quorum, which, except with respect to a
7 meeting of the Board during the 135-day period be-
8 ginning on the date of the enactment of this Act,
9 shall include at least 1 member of the Board de-
10 scribed in paragraph (3)(B).

11 (8) MEETINGS.—The Board shall meet at the
12 call of the Chairperson, who shall call a meeting no
13 less than once a year.

14 (9) COMPENSATION.—

15 (A) OFFICERS OF THE FEDERAL GOVERN-
16 MENT.—

17 (i) IN GENERAL.—A member of the
18 Board described in paragraph (3)(A) may
19 not receive additional pay, allowances, or
20 benefits by reason of the member’s service
21 on the Board.

22 (ii) TRAVEL EXPENSES.—Each such
23 member of the Board shall receive travel
24 expenses, including per diem in lieu of sub-
25 sistence, in accordance with applicable pro-

1 visions under subchapter I of chapter 57 of
2 title 5, United States Code.

3 (B) OTHER MEMBERS.—

4 (i) IN GENERAL.—Except as provided
5 in clause (ii), a member of the Board de-
6 scribed in paragraph (3)(B)—

7 (I) shall be paid compensation
8 out of funds made available for the
9 purposes of this title at the daily
10 equivalent of the highest rate payable
11 under section 5332 of title 5, United
12 States Code, for each day (including
13 travel time) during which the member
14 is engaged in the actual performance
15 of duties as a member of the Board;
16 and

17 (II) while away from the mem-
18 ber's home or regular place of busi-
19 ness on necessary travel in the actual
20 performance of duties as a member of
21 the Board, shall be paid per diem,
22 travel, and transportation expenses in
23 the same manner as is provided under
24 subchapter I of chapter 57 of title 5,
25 United States Code.

1 (ii) LIMITATION.—A member of the
2 Board may not be paid compensation
3 under clause (i)(II) for more than 90 days
4 in any calendar year.

5 **SEC. 303. DUTIES OF FOUNDATION.**

6 The Foundation shall—

7 (1) use the funds authorized by this title to
8 make grants to promote projects outside of the
9 United States that serve as models of how to signifi-
10 cantly reduce the emissions of global greenhouse
11 gases through clean and efficient energy tech-
12 nologies, processes, and services;

13 (2) seek contributions from foreign govern-
14 ments, especially those rich in energy resources such
15 as member countries of the Organization of the Pe-
16 troleum Exporting Countries, and private organiza-
17 tions to supplement funds made available under this
18 title;

19 (3) harness global expertise through collabo-
20 rative partnerships with foreign governments and
21 domestic and foreign private actors, including non-
22 governmental organizations and private sector com-
23 panies, by leveraging public and private capital,
24 technology, expertise, and services towards innova-

1 tive models that can be instituted to reduce global
2 greenhouse gas emissions;

3 (4) create a repository of information on best
4 practices and lessons learned on the utilization and
5 implementation of clean and efficient energy tech-
6 nologies and processes to be used for future initia-
7 tives to tackle the climate change crisis; and

8 (5) be committed to minimizing administrative
9 costs and to maximizing the availability of funds for
10 grants under this title.

11 **SEC. 304. ANNUAL REPORT.**

12 (a) **REPORT REQUIRED.**—Not later than March 31,
13 2008, and each March 31 thereafter, the Foundation shall
14 submit to the appropriate congressional committees a re-
15 port on the implementation of this title during the prior
16 fiscal year.

17 (b) **CONTENTS.**—The report required by subsection
18 (a) shall include—

19 (1) the total financial resources available to the
20 Foundation during the year, including appropriated
21 funds, the value and source of any gifts or donations
22 accepted pursuant to section 305(a)(6), and any
23 other resources;

24 (2) a description of the Board's policy priorities
25 for the year and the basis upon which competitive

1 grant proposals were solicited and awarded to non-
2 governmental institutions and other organizations;

3 (3) a list of grants made to nongovernmental
4 institutions and other organizations that includes
5 the identity of the institutional recipient, the dollar
6 amount, and the results of the program; and

7 (4) the total administrative and operating ex-
8 penses of the Foundation for the year, as well as
9 specific information on—

10 (A) the number of Foundation employees
11 and the cost of compensation for Board mem-
12 bers, Foundation employees, and personal serv-
13 ice contractors;

14 (B) costs associated with securing the use
15 of real property for carrying out the functions
16 of the Foundation;

17 (C) total travel expenses incurred by Board
18 members and Foundation employees in connec-
19 tion with Foundation activities; and

20 (D) total representational expenses.

21 **SEC. 305. POWERS OF THE FOUNDATION; RELATED PROVI-**
22 **SIONS.**

23 (a) POWERS.—The Foundation—

1 (1) shall have perpetual succession unless dis-
2 solved by a law enacted after the date of the enact-
3 ment of this Act;

4 (2) may adopt, alter, and use a seal, which shall
5 be judicially noticed;

6 (3) may make and perform such contracts,
7 grants, and other agreements with any person or
8 government however designated and wherever situ-
9 ated, as may be necessary for carrying out the func-
10 tions of the Foundation;

11 (4) may determine and prescribe the manner in
12 which its obligations shall be incurred and its ex-
13 penses allowed and paid, including expenses for rep-
14 resentation;

15 (5) may lease, purchase, or otherwise acquire,
16 improve, and use such real property wherever situ-
17 ated, as may be necessary for carrying out the func-
18 tions of the Foundation;

19 (6) may accept money, funds, services, or prop-
20 erty (real, personal, or mixed), tangible or intan-
21 gible, made available by gift, bequest grant, or oth-
22 erwise for the purpose of carrying out the provisions
23 of this Act from domestic or foreign private individ-
24 uals, charities, nongovernmental organizations, cor-
25 porations, or governments;

1 (7) may use the United States mails in the
2 same manner and on the same conditions as the ex-
3 ecutive departments;

4 (8) may contract with individuals for personal
5 services, who shall not be considered Federal em-
6 ployees for any provision of law administered by the
7 Office of Personnel Management;

8 (9) may hire or obtain passenger motor vehi-
9 cles; and

10 (10) shall have such other powers as may be
11 necessary and incident to carrying out this title.

12 (b) PRINCIPAL OFFICE.—The Foundation shall
13 maintain its principal office in the metropolitan area of
14 Washington, District of Columbia.

15 (c) APPLICABILITY OF GOVERNMENT CORPORATION
16 CONTROL ACT.—

17 (1) IN GENERAL.—The Foundation shall be
18 subject to chapter 91 of subtitle VI of title 31,
19 United States Code, except that the Foundation
20 shall not be authorized to issue obligations or offer
21 obligations to the public.

22 (2) CONFORMING AMENDMENT.—Section
23 9101(3) of title 31, United States Code, is amended
24 by adding at the end the following:

1 “(R) the International Clean Energy
2 Foundation.”.

3 (d) INSPECTOR GENERAL.—

4 (1) IN GENERAL.—The Inspector General of
5 the Department of State shall serve as Inspector
6 General of the Foundation, and, in acting in such
7 capacity, may conduct reviews, investigations, and
8 inspections of all aspects of the operations and ac-
9 tivities of the Foundation.

10 (2) AUTHORITY OF THE BOARD.—In carrying
11 out the responsibilities under this subsection, the In-
12 spector General shall report to and be under the
13 general supervision of the Board.

14 (3) REIMBURSEMENT AND AUTHORIZATION OF
15 SERVICES.—

16 (A) REIMBURSEMENT.—The Foundation
17 shall reimburse the Department of State for all
18 expenses incurred by the Inspector General in
19 connection with the Inspector General’s respon-
20 sibilities under this subsection.

21 (B) AUTHORIZATION FOR SERVICES.—Of
22 the amount authorized to be appropriated
23 under section 307(a) for a fiscal year, up to
24 \$500,000 is authorized to be made available to
25 the Inspector General of the Department of

1 State to conduct reviews, investigations, and in-
2 spections of operations and activities of the
3 Foundation.

4 **SEC. 306. GENERAL PERSONNEL AUTHORITIES.**

5 (a) **DETAIL OF PERSONNEL.**—Upon request of the
6 Chief Executive Officer, the head of an agency may detail
7 any employee of such agency to the Foundation on a reim-
8 bursable basis. Any employee so detailed remains, for the
9 purpose of preserving such employee’s allowances, privi-
10 leges, rights, seniority, and other benefits, an employee of
11 the agency from which detailed.

12 (b) **REEMPLOYMENT RIGHTS.**—

13 (1) **IN GENERAL.**—An employee of an agency
14 who is serving under a career or career conditional
15 appointment (or the equivalent), and who, with the
16 consent of the head of such agency, transfers to the
17 Foundation, is entitled to be reemployed in such em-
18 ployee’s former position or a position of like senior-
19 ity, status, and pay in such agency, if such em-
20 ployee—

21 (A) is separated from the Foundation for
22 any reason, other than misconduct, neglect of
23 duty, or malfeasance; and

1 (B) applies for reemployment not later
2 than 90 days after the date of separation from
3 the Foundation.

4 (2) SPECIFIC RIGHTS.—An employee who satis-
5 fies paragraph (1) is entitled to be reemployed (in
6 accordance with such paragraph) within 30 days
7 after applying for reemployment and, on reemploy-
8 ment, is entitled to at least the rate of basic pay to
9 which such employee would have been entitled had
10 such employee never transferred.

11 (c) HIRING AUTHORITY.—Of persons employed by
12 the Foundation, no more than 30 persons may be ap-
13 pointed, compensated, or removed without regard to the
14 civil service laws and regulations.

15 (d) BASIC PAY.—The Chief Executive Officer may fix
16 the rate of basic pay of employees of the Foundation with-
17 out regard to the provisions of chapter 51 of title 5,
18 United States Code (relating to the classification of posi-
19 tions), subchapter III of chapter 53 of such title (relating
20 to General Schedule pay rates), except that no employee
21 of the Foundation may receive a rate of basic pay that
22 exceeds the rate for level IV of the Executive Schedule
23 under section 5315 of such title.

24 (e) DEFINITIONS.—In this section—

1 (1) the term “agency” means an executive
2 agency, as defined by section 105 of title 5, United
3 States Code; and

4 (2) the term “detail” means the assignment or
5 loan of an employee, without a change of position,
6 from the agency by which such employee is employed
7 to the Foundation.

8 **SEC. 307. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—To carry
10 out this title, there are authorized to be appropriated
11 \$20,000,000 for each of the fiscal years 2008 through
12 2012.

13 (b) ALLOCATION OF FUNDS.—

14 (1) IN GENERAL.—The Foundation may allo-
15 cate or transfer to any agency of the United States
16 Government any of the funds available for carrying
17 out this title. Such funds shall be available for obli-
18 gation and expenditure for the purposes for which
19 the funds were authorized, in accordance with au-
20 thority granted in this title or under authority gov-
21 erning the activities of the United States Govern-
22 ment agency to which such funds are allocated or
23 transferred.

24 (2) NOTIFICATION.—The Foundation shall no-
25 tify the appropriate congressional committees not

- 1 less than 15 days prior to an allocation or transfer
- 2 of funds pursuant to paragraph (1).

○