

**Changes Made to H.R. 2454,  
The American Clean Energy and Security Act of 2009  
By the Amendment in the Nature of a Substitute  
May 18, 2009**

At the Committee markup on May 18, 2009, Chairman Waxman called up H.R. 2454 for Committee consideration. The Chairman then offered a substitute to the legislation.

The majority of changes are technical in nature. They correct cross-references and contain other clerical corrections. Below is a list of the key changes:

**Definition of Biomass.** The substitute recognizes that a number of members reached agreement on a revised definition of the term renewable biomass in regard to the Renewable Electricity Standard. The substitute applies the compromise definition to Title VII of the Clean Air Act and the Renewable Fuels Standard.

**New Source Review.** The substitute revises provisions related to new source review under the Clean Air Act to clarify that these requirements would not apply going forward for greenhouse gas emissions from new or modified power plants and other sources.

**Auto Emissions Standards.** The substitute reflects that the Administration is establishing a national harmonized standard for auto emissions by striking section 221(a).

**Power Sector Allocations.** In response to member concerns about new power plants scheduled to come online in the next few years, the substitute provides for a one-time updating of the formula for allocating allowances to electricity local distribution companies based on emissions to be done in 2013.

**Open Fuel Standard.** The substitute includes a new section providing the Secretary of Transportation with the authority to establish an open fuel standard in the event that sufficient fuel volumes and infrastructure are expected to be available.

**Other Changes.** The substitute also makes a number of other minor changes. For example, in setting emissions standards for aircrafts, EPA would be required to consult with the Federal Aviation Administration. Additionally, any decision to add substances to the list of greenhouse gases would have to be made in consultation with EPA's Science Advisory Board. Also, the phase out deadlines for subnational forest offset projects were changed from specific dates to the equivalent number of years from the program start date. A few technical changes to the combined efficiency and renewable electricity standard were also made.

At the markup today, a member inquired about the definition "old growth" and "mature" in the biomass definition. These terms are not defined in the legislation. They are terms that the agencies will interpret and apply in implementing the legislation.