AMENDMENT TO H.R. 3607
OFFERED BY M___.

At the end of the bill, add the following:

SEC. 14. EFFECT OF TECHNOLOGY DEMONSTRATION.

Subtitle F of title IX of the Energy Policy Act of 2005 (7 U.S.C. 16291 et seq.), as amended by sections 6, 7, 8, 10, 11, and 12, is further amended by adding at the end the following:

“SEC. 969F. EFFECT OF TECHNOLOGY DEMONSTRATION.

“(a) IN GENERAL.—Except as provided in subsection (b), the Administrator of the Environmental Protection Agency may not treat any technology, or level of emission reduction, that is demonstrated as a result of financial assistance under this Act as—

“(1) adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411);

“(2) achievable for purposes of the definition of the term ‘best available control technology’ in section 169 of the Clean Air Act (42 U.S.C. 7479); or

“(3) achieved in practice for purposes of the definition of the term ‘lowest achievable emission rate’ in section 171 of the Clean Air Act (42 U.S.C. 7501).
“(b) CONSIDERATIONS.—In determining whether a technology, or level of emission reduction, is adequately demonstrated, achievable, or achieved in practice, as described in subsection (a), the Administrator of the Environmental Protection Agency shall consider—

“(1) the technical feasibility of, and the level of emission reductions achievable by, the technology; and

“(2) the total direct costs incurred by the facility involved to demonstrate the technology, or level of emission reduction, including the expenditure of funds received for the demonstration under this Act.”.