

106TH CONGRESS
1ST SESSION

H. R. 3384

To strengthen provisions in the Energy Policy Act of 1992 with respect
to potential Climate Change.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 1999

Mr. BARTON of Texas introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To strengthen provisions in the Energy Policy Act of 1992
with respect to potential Climate Change.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Energy and Climate
5 Policy Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) although there are significant uncertainties
9 surrounding the science of climate change, human
10 activities may contribute to increasing global con-

1 concentrations of greenhouse gases in the atmosphere,
2 which in turn may ultimately contribute to global cli-
3 mate change beyond that resulting from natural var-
4 iability;

5 (2) the characteristics of greenhouse gases and
6 the physical nature of the climate system require
7 that any stabilization of atmospheric greenhouse gas
8 concentrations must be a long-term effort under-
9 taken on a global basis;

10 (3) since developing countries will constitute the
11 major source of greenhouse gas emissions early in
12 the 21st century, all nations must share in an effec-
13 tive international response to potential climate
14 change;

15 (4) environmental progress and economic pros-
16 perity are interrelated;

17 (5) effective greenhouse gas management ef-
18 forts depend on the development of long-term, cost-
19 effective technologies and practices that can be de-
20 veloped, refined, and deployed commercially in an or-
21 derly manner in the United States and around the
22 world;

23 (6) in its present form as signed by the Admin-
24 istration, the Kyoto Protocol to the United Nations
25 Framework Convention on Climate Change fails to

1 meet the minimum conditions of Senate Resolution
2 98, 105th Congress, which was adopted by the Sen-
3 ate on July 25, 1997, by a vote of 95–0;

4 (7) the President has not submitted the Kyoto
5 protocol to the Senate for debate and advice and
6 consent to ratification under article II, section 2,
7 clause 2 of the United States Constitution and has
8 indicated that the Administration has no intention
9 to do so in the foreseeable future, or to implement
10 any portion of the Kyoto protocol prior to its ratifi-
11 cation in the Senate.

12 (b) PURPOSE.—The purpose of this Act is to
13 strengthen provisions of the Energy Policy Act of 1992
14 (42 U.S.C. 13381 et seq.) to—

15 (1) further promote voluntary efforts to reduce
16 or avoid greenhouse gas emissions and improve en-
17 ergy efficiency; and

18 (2) focus Department of Energy efforts in this
19 area.

20 **SEC. 3. OFFICE OF GLOBAL CLIMATE CHANGE.**

21 Section 1603 of the Energy Policy Act of 1992 (42
22 U.S.C. 13383) is amended—

23 (1) in the section heading, by striking “**DI-**
24 **RECTOR OF CLIMATE PROTECTION**”

1 and inserting “**OFFICE OF GLOBAL CLI-**
2 **MATE CHANGE**”; and

3 (2) by striking the first sentence and inserting
4 the following:

5 “(a) ESTABLISHMENT.—There is established by this
6 Act in the Department of Energy an Office of Global Cli-
7 mate Change.

8 “(b) FUNCTION.—The Office shall serve as a focal
9 point for coordinating for the Secretary and Congress all
10 departmental issues and policies regarding climate change
11 and related matters.

12 “(c) DIRECTOR.—The Secretary shall appoint a di-
13 rector of the Office, who—

14 “(1) shall be compensated at no less than level
15 IV of the Executive Schedule;

16 “(2) shall report to the Secretary; and

17 “(3) at the request of the Committees of the
18 Senate and House of Representatives with appro-
19 priation and legislative jurisdiction over programs
20 and activities of the Department of Energy, shall re-
21 port to Congress on the activities of the Office.”;

22 (3) in the second sentence, by striking “The Di-
23 rector” and inserting the following:

24 “(d) DUTIES.—The Director”; and

(4) in subsection (c) (as designated by paragraph (2)), by striking paragraphs (2) and (3) and inserting the following:

“(2) participate, in cooperation with other federal agencies, in the development and monitoring of domestic and international policies for their effects on any kind of climate change globally and domestically and on the generation, reduction, avoidance, and sequestration of greenhouse gases;

“(3) develop and implement a balanced, scientifically sound, nonadvocacy educational and informative public awareness program on—

“(A) potential global climate change, including any known adverse and beneficial effects on the United States and the economy of the United States and the world economy, taking into consideration whether those effects are known or expected to be temporary, long-term, or permanent; and

“(B) voluntary means and measures to mitigate or minimize significant adverse effects and, where appropriate, to adapt, to the greatest extent practicable, to climate change;

“(4) provide, consistent with applicable provisions of law (including section 1605 (b)(3)), public

1 assess to all information on climate change, effects
2 of climate change, and adaptation to climate change;
3 “(5) promote and cooperate in the research, de-
4 velopment, demonstration, and diffusion of environ-
5 mentally sound, cost-effective and commercially
6 practicable technologies, practices and processes that
7 avoid, sequester, control, or reduce anthropogenic
8 emissions of greenhouse gases not controlled by the
9 Montreal Protocol for all relevant economic sectors,
10 including, where appropriate, the transfer of envi-
11 ronmentally sound, cost-effective and commercially
12 practicable technologies, practices, and processes de-
13 veloped with Federal funds by the Department of
14 Energy or any of its facilities and laboratories to in-
15 terested persons in the United States and to devel-
16 oping country Parties to the United Nations Frame-
17 work Convention on Climate Change, and Parties
18 thereto with economies in transition to market-based
19 economies, consistent with, and subject to, any ap-
20 plicable Federal law, including patent and intellec-
21 tual property laws, and any applicable contracts, and
22 taking into consideration the provisions and pur-
23 poses of section 1608; and

1 “(6) have the authority to participate in the
2 planning activities of relevant Department of Energy
3 programs.”.

4 **SEC. 4. NATIONAL INVENTORY AND VOLUNTARY REPORT-**
5 **ING OF GREENHOUSE GASES.**

6 (a) UPDATING.—Section 1605 of the Energy Policy
7 Act of 1992 (42 U.S.C. 13385) is amended—

8 (1) by amending the second sentence of sub-
9 section (a) to read as follows—

10 “The Administrator of the Energy Infor-
11 mation Administration shall annually update
12 and analyze such inventory using available data,
13 including beginning in calendar year 2001, in-
14 formation collected as a result of voluntary re-
15 porting under subsection (b). The inventory
16 shall identify for calendar year 2001 and there-
17 after the amount of emissions reductions attrib-
18 uted to those reported under subsection (b).”;

19 (2) by amending subsection (b)(1)(B) and (C)
20 to read as follows—

21 “(B) annual reductions or avoidance of green-
22 house gas emissions and sequestration and carbon
23 fixation achieved through any measures, including
24 agricultural activities, cogeneration, appliance effi-
25 ciency, energy efficiency, forestry activities that in-

1 crease carbon sequestration stocks (including the use
2 of forest products), fuel switching, management of
3 grasslands and drylands, manufacture or use of ve-
4 hicles with reduced greenhouse gas emissions, meth-
5 ane recovery, ocean seeding, use of renewable en-
6 ergy, chlorofluorocarbon capture and replacement,
7 and power plant heat rate improvement; and

8 “(C) reductions in, or avoidance of, greenhouse
9 gas emissions achieved as a result of voluntary ac-
10 tivities domestically, or internationally, plant or fa-
11 cility closings, and State or Federal requirements.”;

12 (3) by striking in the first sentence of sub-
13 section (b)(2) the word “entities” and inserting
14 “persons or entities” and in the second sentence of
15 such subsection, by inserting after “Persons” the
16 words “or entities”;

17 (4) by inserting in the second sentence of sub-
18 section (b)(4) the words “persons or” before “enti-
19 ty”; and

20 (5) by adding after subsection (b)(4) the fol-
21 lowing new paragraphs—

22 “(5) RECOGNITION OF VOLUNTARY REDUCTIONS OR
23 AVOIDED EMISSIONS OF GREENHOUSE GASES.—In order
24 to encourage and facilitate new and increased voluntary
25 efforts on a continuing basis, particularly by persons and

1 entities in the private sector, to reduce global emissions
2 of greenhouse gases, including voluntary efforts to limit,
3 control, sequester, and avoid such emissions, the Secretary
4 shall promptly develop and establish, after an opportunity
5 for public comment of at least 60 days, a program of giv-
6 ing annual public recognition, beginning not later than
7 January 31, 2001, to all reporting persons and entities
8 demonstrating, pursuant to the voluntary collections and
9 reporting guidelines issued under this section, voluntarily
10 achieved greenhouse gases reductions, including such in-
11 formation reported prior to the enactment of this para-
12 graph. Such recognition shall be based on the information
13 certified, subject to 18 U.S.C. 1001, by such persons or
14 entities for accuracy as provided in paragraph 2 of this
15 subsection. At a minimum such recognition shall annually
16 be published in the Federal Register.

17 “(6) CHANGES IN GUIDELINES TO IMPROVE ACCU-
18 RACY AND RELIABILITY.—The Secretary of Energy,
19 through the Administrator of the Energy Information Ad-
20 ministration, shall conduct a review, which shall include
21 an opportunity for public comment, of what, if any,
22 changes should be made to the guidelines established
23 under this section regarding the accuracy and reliability
24 of greenhouse gas reductions and related information re-
25 ported under this section. Any such review shall give con-

1 considerable weight to the voluntary nature of this section
2 and to the purpose of encouraging voluntary greenhouse
3 gas emission reductions by the private sector. Changes to
4 be reviewed shall include the need for, and the appropriateness of—

6 “(A) a random or other verification process
7 using the authorities available to the Administrator
8 under other provisions of law;

9 “(B) a range of reference cases for reporting of
10 project-based activities in sectors, including, but not
11 limited to, the measures specified in subparagraph
12 (1)(B) of this subsection, and the inclusion of benchmark and default methodologies for use in the reference cases for ‘greenfield’ projects; and

15 “(C) provisions to address the possibility of reporting, inadvertently or otherwise, of some or all of
16 the same greenhouse gas emissions reductions by
17 more than one reporting entity or person and to
18 make corrections where necessary.

20 The review should consider the costs and benefits of
21 any such changes, the impacts on encouraging participation in this section, including by farmers and small businesses, and the need to avoid creating undue economic advantages or disadvantages for persons or entities of the
24 private sector. The review should provide, where appropriate,

1 priate, a range of reasonable options that are consistent
2 with the voluntary nature of this section and that will help
3 further the purposes of this section. The review should be
4 available in draft form for public comment at least 45 days
5 before it is submitted to the Committee on Energy and
6 Natural Resources of the Senate and the Committee on
7 Commerce of the House of Representatives. Such sub-
8 mittal should be made by December 31, 2000. If the Sec-
9 retary, in consultation with the Administrator, finds,
10 based on the study results, that such changes are likely
11 to be beneficial and cost effective in improving the accu-
12 racy and reliability of reported greenhouse gas reductions
13 and related information, are consistent with the voluntary
14 nature of this section, and furthers the purposes of this
15 section, the Secretary shall propose and promulgate, con-
16 sistent with such finding, such guidelines, together with
17 such findings. In carrying out the provisions of this para-
18 graph, the Secretary shall consult with the Secretary of
19 Agriculture and the Administrator of the Small Business
20 Administration to facilitate greater participation by small
21 business and farmers in this subsection for the purpose
22 of addressing greenhouse gas emission reductions and re-
23 porting such reductions.”.

24 (6) in subsection (c), by inserting “the Sec-
25 retary of the Department of Agriculture, the Sec-

1 retary of the Department of Commerce, the Admin-
2 istrator of the Energy Information Administration,
3 and” before “the Administrator”.

4 (b) GUIDELINES.—The Secretary shall revise, after
5 opportunity for public comment, the guidelines issued
6 under section 1605(b) of the Energy Policy Act of 1992
7 to reflect the amendments made to such section 1605(b)
8 by subsection (a)(2) through (4) of this section not later
9 than 18 months after the date of enactment of this Act.
10 Such revised guidelines shall specify their effective date.

11 (c) EFFECTIVE DATE.—The provisions of subsection
12 (a) (5) and (6) of this section shall be effective on the
13 date of enactment of this Act.

14 **SEC. 5. DEFINITIONS.**

15 For the purpose of this Act and the provisions of the
16 Energy Policy Act of 1992 (42 U.S.C. 13381, et seq.)
17 amended by this Act, the following terms are defined as
18 follows:

19 “(1) AGRICULTURAL ACTIVITY.—The term ‘ag-
20 ricultural activity’ means livestock production, crop-
21 land cultivation, biogas recovery and nutrient man-
22 agement.

23 “(2) CLIMATE CHANGE.—The term ‘climate
24 change’ means a change of climate which is attrib-
25 uted directly or indirectly to human activity which is

1 in addition to natural climate variability observed
2 over comparable time periods.

3 “(3) CLIMATE SYSTEM.—The term ‘climate sys-
4 tem’ means the totality of the atmosphere, hydro-
5 sphere, biosphere and geosphere and their inter-
6 actions.

7 “(4) GREENHOUSE GASES.—The term ‘green-
8 house gases’ means those gaseous constituents of the
9 atmosphere, both natural and anthropogenic, that
10 absorb and re-emit infrared radiation.

11 “(5) GREENHOUSE GAS REDUCTION.—The term
12 ‘greenhouse gas reduction’ means 1 metric ton of
13 greenhouse gas (expressed in terms of carbon diox-
14 ide equivalent) that is voluntarily certified to have
15 been achieved under section 1605 of the Energy Pol-
16 icy Act of 1992 (42 U.S.C. 13385).

17 “(6) GREENHOUSE GAS SEQUESTRATION.—The
18 term ‘greenhouse gas sequestration’ means extract-
19 ing one or more greenhouse gases from the atmos-
20 phere or an emissions stream through a techno-
21 logical process designed to extract and isolate those
22 gases from the atmosphere or an emissions stream;
23 or the natural process of photosynthesis that ex-
24 tracts carbon dioxide from the atmosphere and

1 stores it as carbon in trees, roots, stems, soils, foli-
2 age, and durable wood products.

3 “(7) FOREST PRODUCTS.—The term ‘forest
4 products’ means all products or goods manufactured
5 from trees.

6 “(8) FORESTRY ACTIVITY.—

7 “(A) IN GENERAL.—The term ‘forestry ac-
8 tivity’ means any ownership or management ac-
9 tion that has a discernible impact on the use
10 and productivity of forests.

11 “(B) INCLUSIONS.—Forestry activities in-
12 clude, but are not limited to, the establishment
13 of trees on an area not previously forested, the
14 establishment of trees on an area previously
15 forested if a net carbon benefit can be dem-
16 onstrated, enhanced forest management (e.g.,
17 thinning, stand improvement, fire protection,
18 weed control, nutrient application, pest manage-
19 ment, other silvicultural practices), forest pro-
20 tection or conservation if a net carbon benefit
21 can be demonstrated, and biomass energy
22 (using wood, grass or other biomass in lieu of
23 fossil fuel).

1 “(C) EXCLUSIONS.—The term ‘forest ac-
2 tivity’ does not include a land use change asso-
3 ciated with—

4 “(i) an act of war; or

5 “(ii) an act of nature, including
6 floods, storms, earthquakes, fires, hurri-
7 canes, and tornadoes.

8 “(9) MANAGEMENT OF GRASSLANDS AND
9 DRYLANDS.—The term ‘management of grasslands
10 and drylands’ means seeding, cultivation, and nutri-
11 ent management.

12 “(10) OCEAN SEEDING.—The term ‘ocean seed-
13 ing’ means adding nutrients to oceans to enhance
14 the biological fixation of carbon dioxide.”.

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