

106TH CONGRESS
1ST SESSION

S. 1776

To amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 1999

Mr. CRAIG (for himself, Mr. HAGEL, Mr. ROBERTS, Mr. ENZI, and Mr. GRAMS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Climate Change Energy Policy Response Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Definitions.

TITLE I—ENERGY POLICY COORDINATION

- Sec. 101. Responsibility of Department of Energy.

TITLE II—ADVANCEMENT OF CLIMATE CHANGE SCIENCE

- Sec. 201. Coordination, prioritization, and evaluation of climate change science research.

TITLE III—COMPREHENSIVE POLICY REVIEW AND ANALYSIS

- Sec. 301. Domestic and international assessment of policies for addressing the effects of greenhouse gas emissions.

TITLE IV—PUBLIC RIGHT TO KNOW

- Sec. 401. Annual report to public.

TITLE V—ACCELERATED DEVELOPMENT AND DEPLOYMENT OF RESPONSE TECHNOLOGY

- Sec. 501. Review of federally funded energy technology research and development.
 Sec. 502. Study of regulatory barriers to rapid deployment of emission reduction technology.

TITLE VI—INTERNATIONAL DEPLOYMENT OF ENERGY TECHNOLOGY TO MITIGATE CLIMATE CHANGE

- Sec. 601. International deployment of energy technology to mitigate climate change.

TITLE VII—OPTIMAL OPERATING EFFICIENCY OF TRANSPORTATION SYSTEMS

- Sec. 701. Traffic congestion relief research.

TITLE VIII—VOLUNTARY INITIATIVES

- Sec. 801. Improved and streamlined reporting and certification of voluntary measures.
 Sec. 802. Public awareness campaign regarding benefits of certification of voluntary emission reductions.
 Sec. 803. State authority to encourage voluntary energy initiatives.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

- 3 (1) to responsibly address climate change issues
 4 requires examination of energy policies and prac-
 5 tices;

1 (2) global climate change issues have profound
2 scientific, technological, economic, and public policy
3 facets that must be addressed in a comprehensive,
4 integrated fashion;

5 (3) current scientific research, experimentation,
6 and data collection are not adequately focused on
7 answering key questions within the United States or
8 internationally;

9 (4)(A) the lack of a coordinated climate mod-
10 eling strategy in the United States is hampering
11 progress in high-end climate modeling activities;

12 (B) the United States lacks the capabilities to
13 perform the requisite climate change modeling sim-
14 ulations and experiments in order to be able to apply
15 existing United States intellectual expertise to im-
16 portant science and policy questions related to cli-
17 mate change; and

18 (C) those deficiencies, among others, limit the
19 ability of the United States to—

20 (i) predict future climate characteristics
21 and assess the results of climate change;

22 (ii) formulate policies that are consistent
23 with national objectives; and

1 (iii) advance most effectively an under-
2 standing of the underlying scientific issues per-
3 taining to climate change and variability;

4 (5) there has been a lack of progress made by
5 Federal agencies responsible for climate observation
6 systems, individually and collectively, in developing
7 and maintaining a credible, integrated climate ob-
8 serving system, consequently limiting the ability of
9 the United States to document and understand cli-
10 mate change adequately;

11 (6)(A) developing and deploying technologies
12 can speed the transition to a lower level of green-
13 house gas emissions in the United States and
14 throughout the world;

15 (B) the pace of technological change in the
16 marketplace is difficult to predict accurately; while
17 breakthroughs in such developments are often incre-
18 mental, capital turnover, consumer acceptance, tech-
19 nological compatibility, economics, and other factors
20 can alter the pace of such change; and

21 (C) such technologies need to be environ-
22 mentally sound, safe, cost-effective, and consumer-
23 friendly;

1 (7)(A) public access to scientific, economic, and
2 public policy information regarding climate change is
3 severely limited;

4 (B) the public's right to know and to be fully
5 informed of all aspects of climate change is not
6 being satisfied; and

7 (C) open and balanced discussion leading to
8 public support for the best environmentally and eco-
9 nomically sound approaches to climate change policy
10 resolution is urgently needed;

11 (8) sufficient scientific questions and public in-
12 terest exist to warrant tangible encouragement and
13 acknowledgment of responsible actions by private en-
14 tities to reduce, avoid, or offset greenhouse gas
15 emissions, even though many scientific, techno-
16 logical, economic, and public policy questions have
17 not yet been resolved;

18 (9) voluntary measures should be encouraged
19 through incentives rather than in anticipation of fu-
20 ture domestic or international regulatory mandates;
21 and

22 (10) greenhouse gas emission improvements can
23 be achieved through voluntary measures even as we
24 answer yet unresolved key questions about global
25 and regional climates.

1 **SEC. 3. DEFINITIONS.**

2 (a) IN GENERAL.—Title XVI of the Energy Policy
3 Act of 1992 is amended by inserting before section 1601
4 (42 U.S.C. 13381) the following:

5 **“SEC. 1600. DEFINITIONS.**

6 “In this title:

7 “(1) ADMINISTRATOR.—The term ‘Adminis-
8 trator’ means the Administrator of the Energy In-
9 formation Administration.

10 “(2) EMISSION REDUCTION.—The term ‘emis-
11 sion reduction’ includes—

12 “(A) avoidance of the emission of a green-
13 house gas;

14 “(B) a limitation on the emission of a
15 greenhouse gas;

16 “(C) sequestration of carbon; and

17 “(D) mitigation for the emission of a
18 greenhouse gas.

19 “(3) ENERGY TECHNOLOGY.—The term ‘energy
20 technology’ means—

21 “(A) a technology to relating to—

22 “(i) the generation or production (in-
23 cluding exploration and discovery) of an
24 energy source; or

1 “(ii) the transmission, distribution,
 2 conservation, or use of energy that could
 3 reduce greenhouse gas emissions; and

4 “(B) a technology relating to carbon se-
 5 questration, including carbon sequestration
 6 through crops, soils, forests, oceans, and wet-
 7 lands.

8 “(4) GREENHOUSE GAS.—The term ‘greenhouse
 9 gas’ means a gaseous constituent of the atmosphere,
 10 natural or anthropogenic, that absorbs and re-emits
 11 infrared radiation.”.

12 (b) TECHNICAL AMENDMENT.—The table of contents
 13 of the Energy Policy Act of 1992 (106 Stat. 2776) is
 14 amended by inserting before the item relating to section
 15 1601 the following:

“Sec. 1600. Definitions.”.

16 **TITLE I—ENERGY POLICY** 17 **COORDINATION**

18 **SEC. 101. RESPONSIBILITY OF DEPARTMENT OF ENERGY.**

19 (a) IN GENERAL.—Section 1603 of the Energy Policy
 20 Act of 1992 (42 U.S.C. 13383) is amended—

21 (1) by striking “Within 6 months” and insert-
 22 ing the following:

23 “(a) IN GENERAL.—Within 6 months”; and

24 (2) by adding at the end the following:

1 “(b) ROLE OF SECRETARY.—The Secretary, con-
2 sistent with other Federal law, shall—

3 “(1) coordinate all energy-related activities in-
4 volving climate change issues, including scientific re-
5 search, energy technology and development, and
6 evaluation of effects and implications on energy use,
7 sources, and related activities of various global cli-
8 mate change policies described in this title;

9 “(2) select policies to be assessed under this
10 section and conduct the assessments; and

11 “(3) ensure that—

12 “(A) the collection and dissemination of all
13 information developed and disseminated (includ-
14 ing data and modeling results) relating to cli-
15 mate change issues described in this title is
16 timely, balanced, accurate, and sound; and

17 “(B) the information described in subpara-
18 graph (A) is made available to the public.

19 “(c) STAFF.—

20 “(1) STAFF DIRECTOR.—The Secretary of En-
21 ergy shall designate an appropriate officer of the
22 Department of Energy to function as staff director
23 for the Secretary for functions assigned to the Sec-
24 retary under this title.

25 “(2) STAFF SUPPORT.—

1 “(A) IN GENERAL.—The Secretary of En-
 2 ergy may request from the Secretary of Agri-
 3 culture, Secretary of Commerce, Secretary of
 4 State, and Secretary of Transportation such ad-
 5 ditional staff support as the Secretary may re-
 6 quire to carry out functions under this title.

7 “(B) PERSONNEL ON DETAIL.—Staff pro-
 8 vided under subparagraph (A) shall serve on
 9 detail to the Secretary with the approval of the
 10 respective agency heads.

11 “(C) NO STAFFING INCREASE.—This sub-
 12 section and the other amendments made to this
 13 title by the Climate Change Energy Policy Re-
 14 sponse Act shall not serve to authorize an in-
 15 crease in staffing authority for the Secretary or
 16 any such agency head.

17 “(d) CONSULTATION WITH NAS, NAE, NRC, AND
 18 EPA.—The Secretary shall consult, as appropriate,
 19 with—

20 “(1) the National Academy of Sciences and Na-
 21 tional Academy of Engineering;

22 “(2) the National Research Council; and

23 “(3) the Environmental Protection Agency.”.

24 (b) TECHNICAL AMENDMENTS.—

1 (1) The section heading for section 1603 of the
 2 Energy Policy Act of 1992 is amended by striking
 3 “**DIRECTOR OF**” and inserting “**COORDINATION**
 4 **OF**”.

5 (2) The item in the table of contents for the
 6 Energy Policy Act of 1992 (42 U.S.C. 13381 et
 7 seq.) is amended by striking “Director of” and in-
 8 serting “Coordination of”.

9 **TITLE II—ADVANCEMENT OF** 10 **CLIMATE CHANGE SCIENCE**

11 **SEC. 201. COORDINATION, PRIORITIZATION, AND EVALUA-** 12 **TION OF CLIMATE CHANGE SCIENCE RE-** 13 **SEARCH.**

14 (a) IN GENERAL.—Title XVI of the Energy Policy
 15 Act of 1992 (42 U.S.C. 13381 et seq.) is amended by
 16 striking section 1604 and inserting the following:

17 **“SEC. 1604. COORDINATION, PRIORITIZATION, AND EVALUA-** 18 **TION OF CLIMATE CHANGE SCIENCE RE-** 19 **SEARCH.**”

20 “(a) IN GENERAL.—The Secretary, with the advice
 21 and assistance of the National Academy of Sciences and
 22 the National Academy of Engineering, shall coordinate,
 23 prioritize, and evaluate the Federally funded research con-
 24 ducted by or through Federal agencies that, in whole or
 25 in part, involves climate change science.

1 “(b) RECOMMENDATIONS TO CARRY OUT RE-
2 SEARCH.—The Secretary shall annually request from the
3 National Research Council recommendations of measures
4 to effectively carry out all scientific research performed
5 under this title, including strengthening of peer review
6 processes and grantmaking procedures.

7 “(c) PLAN FOR COORDINATION.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of the Climate Change
10 Energy Policy Response Act, the Secretary shall
11 submit to Congress recommendations for legislative
12 and administrative measures to effectively carry out
13 research and public information programs under this
14 title.

15 “(2) SUBJECTS.—Recommendations under
16 paragraph (1) shall include recommendations to im-
17 prove peer review processes and grantmaking proce-
18 dures.

19 “(d) OBJECTIVES OF FEDERAL CLIMATE CHANGE
20 SCIENCE RESEARCH.—

21 “(1) IN GENERAL.—All climate change science
22 research performed under this title—

23 “(A) in the aggregate, shall adequately ad-
24 dress the objectives stated in paragraph (2);
25 and

1 “(B) individually, shall, to the extent prac-
 2 ticable, incorporate a focus on those objectives,
 3 as appropriate.

4 “(2) OBJECTIVES.—The objectives referred to
 5 in paragraph (1) are the objectives of—

6 “(A) understanding the Earth’s capacity to
 7 assimilate natural and manmade greenhouse
 8 gas emissions;

9 “(B) evaluating the natural variability of
 10 the climate, including such phenomena as El
 11 Niño;

12 “(C)(i) developing, and assessing the capa-
 13 bilities of, climate models; and

14 “(ii) facilitating future climate assessments
 15 and our understanding and predictions of cli-
 16 mate through formulation of a national state-
 17 ment of goals and objectives, followed by appro-
 18 priate development of a national climate mod-
 19 eling strategy that—

20 “(I) includes the provision of adequate
 21 computational resources to enhance super-
 22 computing capabilities and the provision of
 23 adequate human resources; and

24 “(II) is integrated and coordinated
 25 across the relevant agencies;

1 “(D) ensuring the integrity of all observa-
2 tional data used to validate models;

3 “(E) stabilizing the existing climate obser-
4 vational capability;

5 “(F) identifying critical climate variables
6 that are inadequately measured or not meas-
7 ured at all;

8 “(G) building climate observing require-
9 ments into existing, ongoing operational pro-
10 grams;

11 “(H) revamping climate research programs
12 and appropriate climate-critical parts of oper-
13 ational observing programs so as to produce
14 truly useful long-term climate data;

15 “(I) establishing a funded activity for the
16 development, implementation, and operation of
17 climate-specific observational programs;

18 “(J) assessing the capability and potential
19 of the United States and North American car-
20 bon sequestration, including carbon sequestra-
21 tion through crops, forests, soils, oceans, and
22 wetlands; and

23 “(K) developing and deploying the tech-
24 nology to monitor all relevant national and
25 global data.

1 “(e) REPORTS.—

2 “(1) IN GENERAL.—Not later than October 1 of
3 each year, the Secretary shall submit to Congress
4 and the President a report on the activities carried
5 out under this section.

6 “(2) CONTENTS.—The report under paragraph
7 (1) shall contain any scientific conclusions, interim
8 status reports, and recommendations for subsequent
9 research and testing that the Secretary considers ap-
10 propriate.

11 “(3) DRAFT REPORT.—A report under para-
12 graph (1) shall be made available in draft form not
13 later than August 1 of each year to appropriate non-
14 governmental organizations with applicable scientific
15 expertise for review before final publication.

16 “(4) PUBLIC AVAILABILITY.—Each report
17 under paragraph (1) shall be made public, including
18 through the National Resource Center on Climate
19 Change established under section 1612.

20 “(f) AUTHORIZATION OF APPROPRIATIONS FOR CER-
21 TAIN CLIMATE CHANGE RESEARCH.—For each of fiscal
22 years 2001 through 2004, there are authorized to be ap-
23 propriated to the Secretary such sums as are necessary
24 for—

1 “(1) research to assess the ability of natural
 2 carbon sinks to adjust to natural variations in cli-
 3 mate and greenhouse gas emissions including crops,
 4 grassland, forests, soils, and oceans;

5 “(2) research on natural climate variability;

6 “(3) research to develop and assess the capa-
 7 bilities of climate models;

8 “(4) research to ensure the integrity of data
 9 used to validate climate models;

10 “(5) research to develop carbon sinks in the
 11 United States, primarily crop and forestry research;
 12 and

13 “(6) research to develop and deploy monitoring
 14 technology.”.

15 (b) TECHNICAL AMENDMENT.—The table of contents
 16 of the Energy Policy Act of 1992 (106 Stat. 2776) is
 17 amended by striking the item relating to section 1604 and
 18 inserting the following:

“Sec. 1604. Coordination, prioritization, and evaluation of climate change
 science research.”.

1 **TITLE III—COMPREHENSIVE**
 2 **POLICY REVIEW AND ANALYSIS**

3 **SEC. 301. DOMESTIC AND INTERNATIONAL ASSESSMENT OF**
 4 **POLICIES FOR ADDRESSING THE EFFECTS OF**
 5 **GREENHOUSE GAS EMISSIONS.**

6 (a) IN GENERAL.—Title XVI of the Energy Policy
 7 Act of 1992 (42 U.S.C. 13381 et seq.) is amended by in-
 8 serting after section 1604 the following:

9 **“SEC. 1604A. ASSESSMENT OF ALTERNATIVE ENERGY-RE-**
 10 **LATED POLICIES FOR ADDRESSING GREEN-**
 11 **HOUSE GAS EMISSIONS.**

12 “(a) EVALUATION AND COMPREHENSIVE REPORT.—

13 “(1) DEFINITION OF ECONOMIC INDICATOR.—

14 In this subsection, the term ‘economic indicator’
 15 means—

16 “(A) the rate of inflation;

17 “(B) the rate of change in the gross do-
 18 mestic product;

19 “(C) the unemployment rate;

20 “(D) interest rates; and

21 “(E) the price and supply availability of
 22 fossil fuels (by category and source).

23 “(2) REPORTS BY SECRETARY.—

24 “(A) IN GENERAL.—Not later than 2 years
 25 after the date of enactment of the Climate

1 Change Energy Policy Response Act and bian-
2 nually thereafter, the Secretary, after consulta-
3 tion with each department referred to in para-
4 graphs (3) through (10) and the United States
5 Trade Representative, shall submit to Congress
6 and to the President a report containing a crit-
7 ical analysis and assessment of energy-related
8 policies for responding to potential global cli-
9 mate change (including a comparative assess-
10 ment of the policies).

11 “(B) DESIGNATED POLICIES.—The Sec-
12 retary shall select at least 3 energy-related poli-
13 cies for assessment under subparagraph (A).

14 “(C) SHORT-TERM AND LONG-TERM AS-
15 SESSMENTS.—The assessments shall be for the
16 short term (within 5 years following the date of
17 the report) and the long term (within 50 years
18 following the date of the report).

19 “(3) ENERGY SUPPLY AND DEMAND.—

20 “(A) IN GENERAL.—The Secretary shall
21 analyze and assess the energy supply, demand,
22 and price implications for each energy-related
23 policy referred to in paragraph (2)(A).

24 “(B) ACCOUNTING FOR VARIOUS SCE-
25 NARIOS.—Each assessment described in sub-

1 paragraph (A) shall address any energy implica-
2 tions under various scenarios, including changes
3 in economic indicators.

4 “(C) INITIAL DRAFT.—The Energy Infor-
5 mation Administration shall—

6 “(i) prepare the initial draft of each
7 report required under this paragraph; and

8 “(ii) make a copy of the initial draft
9 available to the public.

10 “(4) AGRICULTURE.—

11 “(A) IN GENERAL.—After opportunity for
12 consultation with the Department of Agri-
13 culture, each report by the Secretary shall ana-
14 lyze and assess the agricultural production cost
15 and market implications of each energy-related
16 policy referred to in paragraph (2)(A), includ-
17 ing the overall impact of the policy on rural
18 economies.

19 “(B) ACCOUNTING FOR VARIOUS SCE-
20 NARIOS.—Each assessment described in sub-
21 paragraph (A) shall address any agricultural
22 implications under various scenarios, changes in
23 economic indicators, and in livestock and com-
24 modity prices.

25 “(5) HEALTH.—

“(A) IN GENERAL.—After opportunity for consultation with the Department of Health and Human Services, each report by the Secretary shall analyze and assess the health implications of each energy-related policy referred to in paragraph (2)(A).

“(B) ACCOUNTING FOR VARIOUS SCENARIOS.—Each assessment described in subparagraph (A) shall address any health implications under various scenarios, including changes in economic indicators.

“(6) LABOR.—

“(A) IN GENERAL.—After opportunity for consultation with the Department of Labor, each report by the Secretary shall analyze and assess the implications of each policy referred to in paragraph (2)(A) on—

“(i) workers, including wages, job opportunities, and the comparative attractiveness, if any, of locating operations of United States companies abroad; and

“(ii) consumers, in terms of projected impacts, if any, on the Consumer Price Index.

1 “(B) ACCOUNTING FOR VARIOUS SCE-
2 NARIOS.—Each assessment described in sub-
3 paragraph (A) shall account for implications
4 under various scenarios, including changes in
5 economic indicators.

6 “(7) TRANSPORTATION.—

7 “(A) IN GENERAL.—After opportunity for
8 consultation with the Department of Transpor-
9 tation, each report by the Secretary shall ana-
10 lyze and assess the impacts, if any, of each pol-
11 icy described in paragraph (2)(A) on all modes
12 of transportation, and the resulting economic
13 effects of such cost changes on consumers,
14 labor, agricultural enterprises, and businesses
15 (including specifically domestic consumers and
16 businesses that are dependent on transpor-
17 tation).

18 “(B) ACCOUNTING FOR VARIOUS SCE-
19 NARIOS.—Each assessment described in sub-
20 paragraph (A) shall address any transportation
21 implications under various scenarios, including,
22 in the case of motor vehicles, technological
23 changes in vehicle design and traffic constraint
24 mitigation.

“(C) CONSIDERATIONS.—Each assessment described in subparagraph (A) shall consider such factors as—

“(i) vehicle miles traveled;

“(ii) the availability of adequate and reliable public transportation within and between cities, States, and regions;

“(iii) the commercial use of trucks and other highway motor vehicles for transporting goods and passengers and delivering services;

“(iv) the geographic size and population of the United States relative to those of other developed countries;

“(v) safety;

“(vi) environmental laws;

“(vii) fuel prices;

“(viii) energy conservation; and

“(ix) changes in economic indicators.

“(8) HOUSING AND URBAN PLANNING.—

“(A) IN GENERAL.—After opportunity for consultation with the Department of Housing and Urban Development, each report by the Secretary shall analyze and assess the implica-

1 tions of each policy described in paragraph
2 (2)(A) on housing costs and urban planning.

3 “(B) ACCOUNTING FOR VARIOUS SCE-
4 NARIOS.—Each assessment described in sub-
5 paragraph (A) shall address any housing and
6 urban planning implications under various sce-
7 narios, including variations in mortgage and
8 construction interest rates and changes in eco-
9 nomic indicators.

10 “(9) INTERNATIONAL COMMERCE.—

11 “(A) IN GENERAL.—After opportunity for
12 consultation with the Secretary of Commerce
13 and the United States Trade Representative,
14 each report by the Secretary shall analyze and
15 assess the implications of each policy described
16 in paragraph (2)(A) on United States exports
17 and imports and trade competitiveness.

18 “(B) ACCOUNTING FOR VARIOUS SCE-
19 NARIOS.—Each assessment described in sub-
20 paragraph (A) shall address any international
21 commerce implications under different sce-
22 narios, including changes in economic indica-
23 tors.

24 “(10) ACTIONS BY OTHER NATIONS.—

1 “(A) IN GENERAL.—Each report by the
2 Secretary shall analyze and assess the actions
3 taken, or likely to be taken, and the net aggregate
4 effect of such actions, by each United Nations
5 member country to avoid, reduce, or adapt
6 to potential global climate change.

7 “(B) CONSULTATION.—Each report shall
8 be prepared in accordance with otherwise applicable
9 laws (including regulations) after opportunity
10 for consultation with the Central Intelligence
11 Agency, the National Security Agency,
12 and the Department of State.

13 “(C) ANALYSIS OF POLITICAL AND ECONOMIC
14 FACTORS.—

15 “(i) IN GENERAL.—Each assessment
16 described in subparagraph (A) shall analyze
17 the political and economic factors
18 present in each country that form the basis
19 for the assessment.

20 “(ii) MATTERS TO BE ADDRESSED.—
21 Each assessment shall specifically
22 address—

23 “(I) the status of the commitment
24 of each country to any international
25 agreements, treaties, or pro-

1 tocols related to potential global cli-
2 mate change; and

3 “(II) the projected ability of each
4 country to commit to, and the likeli-
5 hood of each country’s committing to,
6 specific quantifiable targets to reduce,
7 within specified timeframes, green-
8 house gas emissions under a legally
9 binding international agreement.

10 “(11) REPORTING FLEXIBILITY.—For biannual
11 reports under this subsection, the Secretary may—

12 “(A) submit individual reports with respect
13 to each paragraph under this subsection; or

14 “(B) submit a combination of 1 or more
15 biannual reports, but only if submitting a com-
16 bination of reports would facilitate public un-
17 derstanding in a timely manner.

18 “(b) COMPREHENSIVE POLICY REPORTS.—

19 “(1) IN GENERAL.—Not later than 30 months
20 after the date of enactment of the Climate Change
21 Energy Policy Response Act, and biannually there-
22 after, the President, with the advice and assistance
23 of the Secretary, shall submit to Congress a report
24 analyzing and integrating the combined findings of
25 the reports required under subsection (a).

1 “(2) CONTENTS.—Each report under para-
 2 graph (1) shall include recommendations of any
 3 changes in law, international agreements, or public
 4 policy that the President considers to be in the best
 5 interests of the United States.

6 “(c) NATIONAL ACADEMY OF SCIENCES; NATIONAL
 7 ACADEMY OF ENGINEERING.—

8 “(1) IN GENERAL.—Not later than 30 days
 9 after the date of enactment of the Climate Change
 10 Energy Policy Response Act, the Secretary shall re-
 11 quest that, not later than 2 years after the date of
 12 enactment of that Act and biannually thereafter, the
 13 National Academy of Sciences and the National
 14 Academy of Engineering (acting through the Na-
 15 tional Research Council) submit to Congress and to
 16 the Secretary (for inclusion in the review and report
 17 under subsection (c)) a report containing a compara-
 18 tive assessment of each policy assessed under sub-
 19 section (b), including the known scientific effect of
 20 each mechanism on global climate change and the
 21 effect of each mechanism on the technology develop-
 22 ment and selection.

23 “(2) SHORT-TERM AND LONG-TERM ASSESS-
 24 MENTS.—An assessment under paragraph (1) shall

1 be for the short term (the following 5-year period)
 2 and for the long term (the following 50-year period).

3 “(d) REPORT ON ACTIONS UNDER EPA JURISDIC-
 4 TION.—

5 “(1) IN GENERAL.—Not later than 2 years
 6 after the date of enactment of the Climate Change
 7 Energy Policy Response Act, and biannually there-
 8 after, based on consultations with the Administrator
 9 of the Environmental Protection Agency, the Sec-
 10 retary shall submit to Congress and the President a
 11 report describing the energy supply and demand im-
 12 plications of all activities carried out by the Agency
 13 that have a coincidental effect on actions by the pri-
 14 vate sector that affect greenhouse gas emissions.

15 “(2) PUBLIC CONSULTATION.—In preparing a
 16 report under paragraph (1), the Secretary shall con-
 17 sult with—

18 “(A) persons in the private sector that are
 19 regulated by the Administrator; and

20 “(B) persons in the public sector.

21 “(e) SUSPENSION OF REPORTS.—After a second re-
 22 port is made under this section, the Secretary may sus-
 23 pend any reporting requirement under subsection (a) for
 24 a period of not more than 4 years if the Secretary deter-
 25 mines that additional responses to that requirement would

1 not be likely to provide information that substantially sup-
 2 plements the earlier reports.”.

3 (b) TECHNICAL AMENDMENT.—The table of contents
 4 of the Energy Policy Act of 1992 (106 Stat. 2776) is
 5 amended by inserting after the item relating to section
 6 1604 the following:

“Sec. 1604A. Assessment of alternative policies for addressing greenhouse gas
 emissions.”.

7 **TITLE IV—PUBLIC RIGHT TO** 8 **KNOW**

9 **SEC. 401. ANNUAL REPORT TO PUBLIC.**

10 (a) IN GENERAL.—Title XVI of the Energy Policy
 11 Act of 1992 (42 U.S.C. 13381 et seq.) is amended by add-
 12 ing at the end the following:

13 **“SEC. 1610. ANNUAL REPORT TO PUBLIC.**

14 “(a) REPORT.—The Secretary, at the time the Presi-
 15 dent submits to Congress the budget of the United States
 16 Government under section 1105 of title 31, United States
 17 Code, shall publish a detailed report that includes, to the
 18 maximum extent practicable—

19 “(1) a description of all current fiscal year and
 20 prior fiscal year Federal spending on climate change,
 21 categorized by research, regulation, education, and
 22 other activities;

23 “(2) an estimate of the prior year and current
 24 amount of any Federal tax credits or other Federal

1 tax deductions claimed by taxpayers directly attrib-
 2 utable to emission reduction activities;

3 “(3) a compendium of all proposed Federal
 4 spending related to climate change categorized by re-
 5 search, regulation, education, and other activities;

6 “(4) tables detailing all spending recommenda-
 7 tions on climate change submitted by Federal agen-
 8 cies to the Office of Management and Budget, com-
 9 pared with the final recommendations of the Presi-
 10 dent;

11 “(5) an alphabetical index of all climate change
 12 grantees, cross-referenced by name of institution and
 13 persons carrying out the grant project;

14 “(6) an index of all climate change grant pro-
 15 posals not funded by Federal agencies; and

16 “(7) a list of all persons, and their institutional
 17 affiliations, participating in peer review of climate
 18 change grant proposals submitted to Federal agen-
 19 cies.

20 “(b) AVAILABILITY OF REPORTS.—A report under
 21 subsection (a) shall be—

22 “(1) printed on recycled paper;

23 “(2) made available to the public; and

24 “(3) posted on the Internet.

1 **“SEC. 1611. PUBLIC COMMENT.**

2 “In the case of any report under this title that is to
3 be published, the Secretary shall—

4 “(1) provide to the public notice and oppor-
5 tunity to comment on the contents or quality of the
6 report before it is published; and

7 “(2) receive, catalogue, and make readily avail-
8 able to the public all written public comments on re-
9 ports covered by this section, except that lengthy
10 compilations of public comments may be published
11 in electronic format only.

12 **“SEC. 1612. NATIONAL RESOURCE CENTER ON CLIMATE**
13 **CHANGE.**

14 “(a) IN GENERAL.—The Secretary, in consultation
15 with the National Academy of Sciences, shall maintain a
16 National Resource Center on Climate Change (referred to
17 in this section as the ‘Center’).

18 “(b) FUNCTIONS.—

19 “(1) IN GENERAL.—The Center shall preserve
20 and make available to the public all reports, studies,
21 or other information relating to climate change pro-
22 vided for in this title, provided for in the Climate
23 Change Energy Policy Response Act, or otherwise
24 available to the Federal Government.

1 “(2) REFERENCE ITEMS.—Except as otherwise
2 provided in this title, reference items may be made
3 available in electronic format only.

4 “(c) RELATIONSHIP TO OTHER LAW.—Nothing in
5 this section alters or amends otherwise applicable law re-
6 stricting public access to information, including laws pro-
7 tecting national defense secrets, intellectual property
8 rights, and privacy rights.”.

9 (b) TECHNICAL AMENDMENT.—The table of contents
10 of the Energy Policy Act of 1992 (106 Stat. 2776) is
11 amended by inserting after the item relating to section
12 1609 the following:

“Sec. 1610. Annual report to public.

“Sec. 1611. Public comment.

“Sec. 1612. National Resource Center on Climate Change.”.

13 **TITLE V—ACCELERATED DEVEL-**
14 **OPMENT AND DEPLOYMENT**
15 **OF RESPONSE TECHNOLOGY**

16 **SEC. 501. REVIEW OF FEDERALLY FUNDED ENERGY TECH-**
17 **NOLOGY RESEARCH AND DEVELOPMENT.**

18 (a) IN GENERAL.—Title XVI of the Energy Policy
19 Act of 1992 (42 U.S.C. 13381 et seq.) (as amended by
20 section 401(a)) is amended by adding at the end the fol-
21 lowing:

1 **“SEC. 1613. REVIEW OF FEDERALLY FUNDED ENERGY**
2 **TECHNOLOGY RESEARCH AND DEVELOP-**
3 **MENT.**

4 “(a) DEPARTMENT OF ENERGY REVIEW OF FEDER-
5 ALLY FUNDED ENERGY TECHNOLOGY RESEARCH AND
6 DEVELOPMENT.—

7 “(1) IN GENERAL.—The Secretary shall—

8 “(A) review annually any federally funded
9 research and development activities carried out
10 on energy technology; and

11 “(B) issue a public report by October 15
12 of each year on the results of the review for
13 consideration and use in the preparation of the
14 budget of the United States Government sub-
15 mitted under section 1105 of title 31, United
16 States Code, for the following fiscal year.

17 “(2) ASSESSMENT OF TECHNOLOGY READI-
18 NESS.—As part of the review of an energy tech-
19 nology, the Secretary shall—

20 “(A) assess the status (including the po-
21 tential commercialization) of the technology and
22 any barriers to the deployment of the energy
23 technology; and

24 “(B) consider—

25 “(i) the length of time it will take for
26 deployment and use of the energy tech-

1 nology so as to have a meaningful impact
2 on emission reductions;

3 “(ii) the cost of deploying the energy
4 technology;

5 “(iii) the safety of the energy tech-
6 nology; and

7 “(iv) other relevant factors.

8 “(b) ENERGY TECHNOLOGY RESEARCH AND DEVEL-
9 OPMENT CLEARINGHOUSE.—

10 “(1) IN GENERAL.—The Secretary shall estab-
11 lish, in the National Resource Center on Climate
12 Change established under section 1614 or by such
13 other means as the Secretary considers appropriate,
14 an information clearinghouse to facilitate the trans-
15 fer and dissemination of the results of federally
16 funded research and development activities being
17 carried out on energy technology.

18 “(2) NO EFFECT ON RESTRICTIONS OR SAFE-
19 GUARDS.—Paragraph (1) has no effect on any re-
20 strictions or safeguards established for national se-
21 curity or the protection of personal property rights
22 (including trade secrets and confidential business in-
23 formation).

24 “(c) AUTHORIZATION OF APPROPRIATIONS FOR
25 JOINT FEDERAL/PRIVATE DEMONSTRATION PRO-

1 GRAMS.—There are authorized to be appropriated to the
 2 Secretary for each of fiscal years 2001 through 2004 such
 3 sums as are necessary for programs for the demonstration
 4 of innovative energy sequestration technologies described
 5 in section 1600(3)(B) to be conducted jointly by the Fed-
 6 eral Government and private nonprofit or for-profit enti-
 7 ties.”.

8 (b) TECHNICAL AMENDMENT.—The table of contents
 9 of the Energy Policy Act of 1992 (106 Stat. 2776) (as
 10 amended by section 401(b)) is amended by inserting after
 11 the item relating to section 1612 the following:

“Sec. 1613. Review of federally funded energy technology research and develop-
 ment.”.

12 **SEC. 502. STUDY OF REGULATORY BARRIERS TO RAPID DE-**
 13 **PLOYMENT OF EMISSION REDUCTION TECH-**
 14 **NOLOGY.**

15 Not later than 270 days after the date of enactment
 16 of this Act, the Comptroller General of the United States
 17 (in consultation with the Secretary of Commerce and the
 18 United States Trade Representative) shall—

19 (1) identify and evaluate regulatory barriers to
 20 the more rapid deployment of technology domesti-
 21 cally and internationally for greenhouse gas emission
 22 reductions (within the meaning of section 1600 of
 23 the Energy Policy Act of 1992, as added by section
 24 3);

1 (2) recommend to Congress changes in law that
2 would permit more rapid deployment of such tech-
3 nologies; and

4 (3) make such other recommendations as the
5 Comptroller General of the United States considers
6 to be appropriate.

7 **TITLE VI—INTERNATIONAL DE-**
8 **PLOYMENT OF ENERGY TECH-**
9 **NOLOGY TO MITIGATE CLI-**
10 **MATE CHANGE**

11 **SEC. 601. INTERNATIONAL DEPLOYMENT OF ENERGY TECH-**
12 **NOLOGY TO MITIGATE CLIMATE CHANGE.**

13 Section 1608 of the Energy Policy Act of 1992 (42
14 U.S.C. 13386) is amended by striking subsection (l) and
15 inserting the following:

16 “(l) INTERNATIONAL DEPLOYMENT OF ENERGY
17 TECHNOLOGY TO MITIGATE CLIMATE CHANGE.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) ENERGY EFFICIENCY.—The term ‘en-
20 ergy efficiency’ means the ratio of the design
21 average annual energy output of a unit of an
22 energy production facility (determined without
23 regard to any cogeneration of steam) to the de-
24 sign average annual heat input of the unit

1 (based on the highest heating value of the fuel
2 used by the unit).

3 “(B) INTERNATIONAL ENERGY DEPLOY-
4 MENT PROJECT.—The term ‘international en-
5 ergy deployment project’ means a project to
6 construct a unit of an energy production facility
7 outside the United States—

8 “(i) the output of which will be con-
9 sumed outside the United States; and

10 “(ii) the deployment of which will re-
11 sult in greenhouse gas reduction when
12 compared to the technology that would
13 otherwise be implemented through an in-
14 crease in energy efficiency of—

15 “(I) 5 percentage points or more,
16 in the case of a unit placed in service
17 before January 1, 2010;

18 “(II) 7 percentage points or
19 more, in the case of a unit placed in
20 service after December 31, 2009, and
21 before January 1, 2020; or

22 “(III) 10 percentage points or
23 more, in the case of a unit placed in
24 service after December 31, 2019, and
25 before January 1, 2030.

1 “(C) QUALIFYING INTERNATIONAL EN-
2 ERGY DEPLOYMENT PROJECT.—The term
3 ‘qualifying international energy deployment
4 project’ means an international energy deploy-
5 ment that—

6 “(i) is submitted by a United States
7 firm to the Secretary in accordance with
8 procedures established by the Secretary by
9 regulation;

10 “(ii) uses technology that has been
11 successfully developed or deployed in the
12 United States;

13 “(iii) meets the criteria of subsection
14 (k);

15 “(iv) is approved by the Secretary,
16 with notice of the approval being published
17 in the Federal Register; and

18 “(v) complies with such terms and
19 conditions as the Secretary establishes by
20 regulation.

21 “(D) UNITED STATES.—The term ‘United
22 States’, when used in a geographical sense,
23 means the 50 States, the District of Columbia,
24 and territories and possessions of the United
25 States.

1 “(2) PILOT PROGRAM FOR FINANCIAL ASSIST-
2 ANCE.—

3 “(A) IN GENERAL.—Not later than 180
4 days after the date of enactment of the Climate
5 Change Energy Policy Response Act, the Sec-
6 retary shall by regulation provide for a pilot
7 program for financial assistance for qualifying
8 international energy deployment projects.

9 “(B) LIMITATION.—The pilot program
10 shall provide financial assistance, subject to the
11 availability of appropriations, for not more than
12 6 qualifying international energy deployment
13 projects.

14 “(C) SELECTION CRITERIA.—After con-
15 sultation with the Secretary of State, the Sec-
16 retary of Commerce, and the United States
17 Trade Representative, the Secretary shall select
18 projects for participation in the program based
19 solely on the criteria under this title and with-
20 out regard to the country in which the project
21 is located.

22 “(D) FINANCIAL ASSISTANCE.—

23 “(i) IN GENERAL.—A United States
24 firm that undertakes a qualifying inter-
25 national energy deployment project selected

1 to participate in the pilot program shall be
2 eligible to receive a loan or a loan guar-
3 antee from the Secretary.

4 “(ii) TIMING.—The Secretary may
5 enter into a commitment to make a loan or
6 loan guarantee before the United States
7 firm decides on a binding contract for the
8 construction of a qualifying international
9 energy deployment project.

10 “(iii) RATE OF INTEREST.—The rate
11 of interest of any loan made under clause
12 (i) shall be equal to the rate for Treasury
13 obligations then issued for periods of com-
14 parable maturities.

15 “(iv) AMOUNT.—The amount of a
16 loan or loan guarantee under clause (i)
17 shall not exceed 75 percent of the total
18 cost of the qualified international energy
19 deployment project.

20 “(E) COORDINATION WITH OTHER PRO-
21 GRAMS.—A qualifying international energy de-
22 ployment project funded under this section shall
23 not be eligible as a qualifying clean coal tech-
24 nology under section 415 of the Clean Air Act
25 (42 U.S.C. 7651n).

1 “(F) REPORT.—Not later than 4 years
 2 after the date of enactment of the Climate
 3 Change Energy Policy Response Act, the Sec-
 4 retary shall submit to the President a report on
 5 the results of the pilot projects.

6 “(G) RECOMMENDATION.—Not later than
 7 60 days after receiving the report under sub-
 8 paragraph (F), the President shall submit to
 9 Congress a recommendation, based on the re-
 10 sults of the pilot projects as reported by the
 11 Secretary of Energy, concerning whether the fi-
 12 nancial assistance program under this section
 13 should be continued, expanded, reduced, or
 14 eliminated.

15 “(H) AUTHORIZATION OF APPROPRIA-
 16 TIONS.—There are authorized to be appro-
 17 priated to carry out this subsection such sums
 18 as are necessary for fiscal years 2001 through
 19 2004.”.

20 **TITLE VII—OPTIMAL OPERATING**
 21 **EFFICIENCY OF TRANSPOR-**
 22 **TATION SYSTEMS**

23 **SEC. 701. TRAFFIC CONGESTION RELIEF RESEARCH.**

24 Section 502 of title 23, United States Code, is
 25 amended by adding at the end the following:

1 “(h) TRAFFIC CONGESTION RELIEF RESEARCH.—

2 “(1) STUDIES.—

3 “(A) REGIONAL APPROACHES FOR REDUC-
4 ING TRAFFIC CONGESTION.—

5 “(i) IN GENERAL.—The Secretary
6 shall enter into an arrangement with the
7 National Academy of Sciences to conduct a
8 study, and prepare a report comparing, the
9 effectiveness of various regional approaches
10 for reducing traffic congestion.

11 “(ii) REQUIRED ASSESSMENTS.—At a
12 minimum, the study shall assess the im-
13 pact on traffic congestion of—

14 “(I) expansion of highway capac-
15 ity;

16 “(II) improvement of traffic op-
17 erations (including improved incident
18 management associated with traffic
19 accidents and vehicle breakdowns);
20 and

21 “(III) programs for demand
22 management.

23 “(B) HIGHWAY DESIGN CONCEPTS.—

24 “(i) IN GENERAL.—The Secretary
25 shall fund a study analyzing, and prepara-

tion of a report concerning, highway design concepts for projects to relieve congestion in urban areas without acquisition of additional rights-of-way.

“(ii) ENTITY TO CARRY OUT STUDY.—

The study may be carried out and the report prepared—

“(I) by the Department of Transportation;

“(II) by another entity, through an arrangement with the Secretary; or

“(III) by a combination of the entities described in subclauses (I) and (II).

“(2) FEDERAL SHARE.—The Federal share of the cost of the studies required under paragraph (1) shall be 100 percent.

“(3) FUNDING.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, for each of fiscal years 2000 through 2002, \$1,000,000 of the sum deducted by the Secretary under section 104(a) shall be made available to carry out the studies required under paragraph (1).

1 “(B) ALLOCATION OF FUNDS.—Funds
 2 made available under subparagraph (A) shall be
 3 allocated among the 2 studies at the discretion
 4 of the Secretary, except that each study shall be
 5 allocated funds sufficient to allow for comple-
 6 tion of the study.”.

7 **TITLE VIII—VOLUNTARY** 8 **INITIATIVES**

9 **SEC. 801. IMPROVED AND STREAMLINED REPORTING AND** 10 **CERTIFICATION OF VOLUNTARY MEASURES.**

11 (a) REVISED GUIDELINES UNDER ENERGY POLICY
 12 ACT OF 1992.—Section 1605(b) of the Energy Policy Act
 13 of 1992 (42 U.S.C. 13385(b)) is amended—

14 (1) by redesignating paragraphs (2) through
 15 (4) as paragraphs (3) through (5), respectively; and
 16 (2) by inserting after paragraph (1) the fol-
 17 lowing:

18 “(2) REVISED GUIDELINES.—

19 “(A) IN GENERAL.—Not later than 1 year
 20 after the date of enactment of the Climate
 21 Change Energy Policy Response Act, the Sec-
 22 retary shall revise the guidelines, after notice
 23 and opportunity for public comment, to reflect
 24 the amendments to this title made by that Act.
 25 Thereafter, the Secretary shall review and re-

1 vise the guidelines every 5 years, after notice
2 and opportunity for public comment.

3 “(B) CONTENTS.—The revised guidelines
4 shall—

5 “(i) provide for a random or other
6 verification process using the authorities
7 available to the Secretary under other pro-
8 visions of law;

9 “(ii) include a range of reference
10 cases for reporting project-based activities
11 in all appropriate sectors of the economy
12 (including forestry and electric power gen-
13 eration); and

14 “(iii) address the issues, such as com-
15 parability, that are associated with permit-
16 ting the option of reporting on an entity
17 basis or on an activity or project basis.

18 “(C) RETENTION OF VOLUNTARY REPORT-
19 ING.—Any review under this paragraph shall
20 give appropriate weight to—

21 “(i) the purpose of encouraging vol-
22 untary emission reductions by the private
23 sector; and

24 “(ii) the voluntary nature of reporting
25 under this section.

1 “(D) VALIDITY OF CERTIFICATION.—Ex-
 2 cept to the extent that an emission reduction
 3 certified in a report under this subsection, not
 4 later than 1 year after the date of the report,
 5 is adjusted under the verification process under
 6 subparagraph (B) or review process under sub-
 7 section (d)(2), the emission reduction shall be
 8 valid for purposes of this and any other provi-
 9 sion of law if the report meets the guidelines as
 10 in effect on the date on which the report is
 11 made.”.

12 (b) ASSURANCE OF ACCURATE REPORTING.—Section
 13 1605(b) of the Energy Policy Act of 1992 (42 U.S.C.
 14 13385(b)) (as amended by subsection (a)) is amended by
 15 striking paragraph (3) and inserting the following:

16 “(3) REPORTING PROCEDURES.—

17 “(A) IN GENERAL.—In accordance with
 18 paragraph (5), the Administrator shall—

19 “(i) develop forms for voluntary re-
 20 porting under the guidelines established
 21 under paragraph (1); and

22 “(ii) make the forms available to enti-
 23 ties wishing to report such information.

24 “(B) CERTIFICATION OF REPORTS.—

1 “(i) IN GENERAL.—A person report-
 2 ing under this subsection shall certify the
 3 accuracy of the information reported.

4 “(ii) REPORTS BY A CORPORATION.—
 5 In the case of information reported by a
 6 corporation, the report—

7 “(I) shall be signed by an officer
 8 of the corporation; and

9 “(II) shall be subject to section
 10 1001 of title 18, United States
 11 Code.”.

12 (c) AVOIDANCE OF DUPLICATE REPORTING.—Sec-
 13 tion 1605(b) of the Energy Policy Act of 1992 (42 U.S.C.
 14 13385(b)) (as amended by subsection (a)) is amended—

15 (1) by redesignating paragraphs (4) and (5) as
 16 paragraphs (5) and (6), respectively; and

17 (2) by inserting after paragraph (2) the fol-
 18 lowing:

19 “(4) AVOIDANCE OF DUPLICATE REPORTING.—

20 “(A) IN GENERAL.—The guidelines under
 21 this subsection shall ensure against multiple
 22 certification of the same emission reductions.

23 “(B) FIRST TO SEEK CERTIFICATION.—In
 24 a case in which—

1 “(i) more than 1 person is directly in-
 2 volved in the creation or implementation of
 3 an emission reduction measure;

4 “(ii) there is no—

5 “(I) written contractual arrange-
 6 ment between the persons that speci-
 7 fies which person is entitled to report
 8 the emission reduction; or

9 “(II) reference case or other pro-
 10 vision of the guidelines that addresses
 11 the question which person is entitled
 12 to report the emission reduction in the
 13 circumstance of the case; and

14 “(iii) the Administrator determines
 15 that 2 or more of the persons have equally
 16 valid claims to the same emission reduc-
 17 tion;

18 the first of the persons to certify the emission
 19 reduction in a report under this subsection shall
 20 be the only person entitled to report the emis-
 21 sion reduction.”.

22 (d) SIMPLIFICATION OF REPORTING.—Section
 23 1605(b) of the Energy Policy Act of 1992 (42 U.S.C.
 24 13385(b)) (as amended by subsection (c)) is amended by
 25 inserting after paragraph (4) the following:

1 “(5) SIMPLIFICATION OF REPORTING.—Not
 2 later than 60 days after the date of enactment of
 3 the Climate Change Energy Policy Response Act,
 4 the Administrator shall by regulation, in consulta-
 5 tion with the Secretary of Agriculture and the Ad-
 6 ministrator of the Small Business Administration, as
 7 appropriate, review and revise the reporting forms
 8 and procedures to facilitate greater participation by
 9 small businesses, farms, and other organizations
 10 that did not extensively participate in voluntary
 11 emission reductions and reporting under this sub-
 12 section during the first 6 years after the date of en-
 13 actment of this Act.”.

14 (e) BEST PRACTICES FOR ESTIMATING EMISSION
 15 REDUCTIONS.—Section 1605 of the Energy Policy Act of
 16 1992 (42 U.S.C. 13385) is amended by adding at the end
 17 the following:

18 “(d) BEST PRACTICES FOR ESTIMATING EMISSION
 19 REDUCTIONS.—

20 “(1) ESTABLISHMENT BY THE SECRETARY.—
 21 Not later than 180 days after the date of enactment
 22 of this subsection, after notice and opportunity for
 23 public comment, the Secretary, with the assistance
 24 of the Administrator, shall establish the most rea-

1 sonably effective practices for estimating emission
 2 reductions under subsection (b).

3 “(2) REVIEW OF PRIOR CERTIFICATIONS.—
 4 Emission reductions certified before the date of en-
 5 actment of this subsection shall be subject to review
 6 by the Secretary and adjustment, in appropriate
 7 cases, to account for any change in a practice under
 8 this subsection.

9 “(3) CONFORMITY OF PRIOR REPORTED EMIS-
 10 SION REDUCTIONS WITH BEST PRACTICES.—In any
 11 review under this subsection, the Secretary shall ob-
 12 tain the assistance of the Administrator in assessing
 13 whether and to what extent any prior reported emis-
 14 sion reduction is in conformity with best practices
 15 established under paragraph (1).”.

16 **SEC. 802. PUBLIC AWARENESS CAMPAIGN REGARDING BEN-**
 17 **EFITS OF CERTIFICATION OF VOLUNTARY**
 18 **EMISSION REDUCTIONS.**

19 Section 1605 of the Energy Policy Act of 1992 (42
 20 U.S.C. 13385) (as amended by section 801(f)) is amended
 21 by adding at the end the following:

22 “(e) PUBLIC AWARENESS PROGRAM.—

23 “(1) IN GENERAL.—The Secretary shall create
 24 and implement a public awareness program to edu-
 25 cate all appropriate persons (especially farmers and

1 small businesses) in all regions of the United States
 2 of—

3 “(A) the direct benefits of engaging in vol-
 4 untary emission reduction measures and having
 5 the emission reductions certified under this sec-
 6 tion and available for use under other incentive
 7 programs; and

8 “(B) the forms and procedures for having
 9 emission reductions certified under this section.

10 “(2) SPECIAL AGRICULTURAL AND SMALL BUSI-
 11 NESS OUTREACH.—The Secretary of Agriculture,
 12 with respect to farmers, and the Administrator of
 13 the Small Business Administration, with respect to
 14 small businesses, shall assist the Secretary in cre-
 15 ating and implementing the public awareness pro-
 16 gram under paragraph (1).”.

17 **SEC. 803. STATE AUTHORITY TO ENCOURAGE VOLUNTARY**
 18 **ENERGY INITIATIVES.**

19 (a) IN GENERAL.—Title XVI of the Energy Policy
 20 Act of 1992 is amended by striking section 1606 (106
 21 Stat. 3003) and inserting the following:

22 **“SEC. 1606. STATE AUTHORITY TO ENCOURAGE VOL-**
 23 **UNTARY ENERGY INITIATIVES.**

24 “(a) IN GENERAL.—Notwithstanding any other pro-
 25 vision of Federal law regarding the production, trans-

1 mission, distribution, sale, or use of energy or of energy
 2 services, a State is not prohibited or restricted from con-
 3 tinuing to engage in any action, or from implementing any
 4 State law (including a regulation) in effect on the date
 5 of enactment of the Climate Change Energy Policy Re-
 6 sponse Act, if the appropriate State authority finds that
 7 the action or law is appropriate for mitigating the finan-
 8 cial risks to producers, transmitters, distributors, sellers,
 9 buyers, or users of energy or energy services that engage
 10 in voluntary steps to reduce greenhouse gas emissions.

11 “(b) COORDINATION WITH LATER ENACTED LAW.—
 12 This section shall remain in effect notwithstanding any
 13 Federal law, including any Federal law enacted after the
 14 date of enactment of this section, unless the later law spe-
 15 cifically refers to this section and expressly states that this
 16 section is superseded.”.

17 (b) TECHNICAL AMENDMENT.—The table of contents
 18 of the Energy Policy Act of 1992 (106 Stat. 2776) is
 19 amended by striking the item relating to section 1606 and
 20 inserting the following:

“Sec. 1606. State authority to encourage voluntary energy initiatives.”.

