### 109TH CONGRESS 1ST SESSION H.R.955

To amend the Clean Air Act to establish an inventory, registry, and information system of United States greenhouse gas emissions to inform the public and private sectors concerning, and encourage voluntary reductions in, greenhouse gas emissions, and for other purposes.

#### IN THE HOUSE OF REPRESENTATIVES

February 17, 2005

Mr. OLVER (for himself and Mr. GILCHREST) introduced the following bill; which was referred to the Committee on Energy and Commerce

### A BILL

- To amend the Clean Air Act to establish an inventory, registry, and information system of United States greenhouse gas emissions to inform the public and private sectors concerning, and encourage voluntary reductions in, greenhouse gas emissions, 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.

- 4 This Act may be cited as the "National Greenhouse
- 5 Gas Emissions Inventory Act of 2005".

#### 6 SEC. 2. FINDINGS AND PURPOSE.

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

1	(1) Human activities have caused rapid in-
2	creases in atmospheric concentrations of carbon di-
3	oxide and other greenhouse gases in the last century.
4	(2) According to the Intergovernmental Panel
5	on Climate Change and the National Research
6	Council—
7	(A) the Earth has warmed in the last cen-
8	tury; and
9	(B) the majority of the observed warming
10	is attributable to human activities, including
11	fossil fuel-generated carbon dioxide emissions.
12	(3) Despite the fact that many uncertainties in
13	climate science remain, the potential impacts from
14	human-induced climate change pose a substantial
15	risk that should be managed in a responsible man-
16	ner.
17	(4) To begin to manage climate change risks,
18	public and private entities will need a comprehen-
19	sive, accurate inventory, registry, and information
20	system of the sources and quantities of United
21	States greenhouse gas emissions.
22	(5) Assurances that early action to reduce
23	greenhouse gases will not be penalized in any future
24	emission reduction program would encourage more

companies and other entities to make investments to
 reduce those emissions.

The 3 (6)United States has ratified the 4 **UNFCCC** (United Nations Framework Convention on Climate Change), which states, in part, "the Par-5 6 ties to the Convention are to implement policies with 7 the aim of returning to their 1990 levels anthropo-8 genic emissions of carbon dioxide and other green-9 house gases.

10 (7) According to the Department of Energy's
11 Energy Information Administration, United States
12 anthropogenic greenhouse gas emissions increased
13 by 13.4 percent between 1990 and 2003.

14 (8) Global climate change poses a significant
15 threat to national security, the American economy,
16 public health and welfare, and the global environ17 ment.

(b) PURPOSE.—The purpose of this Act is to establish a mandatory greenhouse gas inventory, registry, and
information system that—

21 (1) is complete, consistent, transparent, and ac22 curate;

(2) will create accurate data that can be usedby public and private entities to design efficient and

1	effective greenhouse gas emission reduction strate-
2	gies;
3	(3) will encourage greenhouse gas emission re-
4	ductions; and
5	(4) will avoid penalizing early action to reduce
6	emissions by providing assurances that any future
7	emission reduction program—
8	(A) will not assign emissions control re-
9	sponsibility by reference to an entity's emissions
10	during a baseline period; or
11	(B) if a baseline period is used will not use
12	a period ending later than the first year for
13	which emissions reporting is required under this
14	Act.
15	SEC. 3. GREENHOUSE GAS EMISSIONS.
16	The Clean Air Act (42 U.S.C. 1701 et seq.) is amend-
17	ed by adding at the end the following:
18	<b>"TITLE VII—GREENHOUSE GAS</b>
19	EMISSIONS
	<ul> <li>"Sec. 701. Definitions.</li> <li>"Sec. 702. National greenhouse gas emissions information system.</li> <li>"Sec. 703. Reporting.</li> <li>"Sec. 704. National greenhouse gas emissions inventory.</li> <li>"Sec. 705. Regulations.</li> </ul>
20	<b>"SEC. 701. DEFINITIONS.</b>
21	"In this title:
22	"(1) CARBON DIOXIDE EQUIVALENT.—The
23	term 'carbon dioxide equivalent' means, for each

greenhouse gas, the amount of each such greenhouse
 gas that makes the same contribution to global
 warming as one metric ton of carbon dioxide.

4 "(2) DIRECT EMISSIONS.—The term 'direct
5 emissions' means greenhouse gas emissions from
6 sources that are owned or controlled by the report7 ing entity

"(3) DOE LISTED PRODUCT.—The term 'DOE 8 9 listed product' means a product for which the Sec-10 retary of Energy has published a final rule estab-11 lishing a standard for energy conservation, energy 12 efficiency, maximum energy use, thermal efficiency, 13 fuel utilization efficiency, or energy consumption, or 14 any similar standard, including standards authorized 15 under section 325 of the Energy Policy and Con-16 servation Act of 1975 (42 U.S.C. 6295).

17 "(4) EMISSIONS.—The term 'emissions' in-18 cludes any of the following:

"(A) Stationary combustion source emissions, which are emitted as a result of combustion of fuels in stationary equipment such as
boilers, furnaces, burners, turbines, heaters, incinerators, engines, flares, and other similar
sources.

"(B) Process emissions, which consist of 1 2 emissions from chemical or physical processes 3 other than combustion. "(C) Fugitive emissions, which consist of 4 5 intentional and unintentional emissions from 6 equipment leaks such as joints, seals, packing, 7 and gaskets, or from piles, pits, cooling towers, 8 and other similar sources. "(D) Mobile source emissions, which are 9 10 emitted as a result of combustion of fuels in 11 transportation equipment such as automobiles, 12 trucks, trains, airplanes, and vessels. "(5) ENTITY.—The term 'entity' means a per-13 14 son (including a firm, a corporation, an association, 15 a partnership, a Federal, state, or local govern-16 mental agency or any other public or private entity) 17 located in or operating in the United States. 18 "(6) FACILITY.—The term 'facility' means all 19 sources located on any one or more of contiguous or 20 adjacent property or properties under common own-21 ership or control of the same entity. 22 "(7) GREENHOUSE GAS.—The term 'greenhouse 23 gas' means— "(A) carbon dioxide; 24 "(B) methane: 25

1	"(C) nitrous oxide;
2	"(D) hydrofluorocarbons;
3	"(E) perfluorocarbons;
4	"(F) sulfur hexafluoride; and
5	"(G) any other chemical or physical sub-
6	stance not controlled under title VI of this Act
7	which is emitted into the air and which the Ad-
8	ministrator determines, by rule, may reasonably
9	be anticipated to cause or contribute to global
10	warming.
11	"(8) GREENHOUSE GAS EMISSIONS.—The term
12	'greenhouse gas emissions' means emissions of a
13	greenhouse gas from any source located in the
14	United States.
15	"(9) GREENHOUSE GAS EMISSIONS RECORD.—
16	The term 'greenhouse gas emissions record' means
17	all of the greenhouse gas reports submitted by an
18	entity under this title, including any adjustments to
19	such data under section 703(c).
20	"(10) GREENHOUSE GAS REPORT.—The term
21	'greenhouse gas report' means an annual list of—
22	"(A) the direct greenhouse gas emissions
23	of a reporting entity,
24	"(B) the indirect greenhouse gas emissions
25	of a reporting entity,

	8
1	"(C) greenhouse gas emissions from prod-
2	ucts manufactured or imported by the reporting
3	entity,
4	"(D) emissions of greenhouse gases manu-
5	factured or imported by the reporting entity,
6	and
7	"(E) greenhouse gas emissions from the
8	combustion of fossil fuels distributed by the re-
9	porting entity
10	and the sources of those emissions.
11	"(11) INDIRECT EMISSIONS.—The term 'indi-
12	rect emissions' means greenhouse gas emissions—
13	"(A) associated with the production of
14	electricity, heat, or steam acquired or purchased
15	by the reporting entity, and
16	"(B) that are the consequence of activities
17	of reporting entity but are emitted by sources
18	owned or controlled by an entity other than the
19	reporting entity.
20	"(12) NATIONAL GREENHOUSE GAS EMISSIONS
21	INFORMATION SYSTEM.—The term 'national green-
22	house gas emissions information system' means the
23	information system established under section 702(a).
24	"(13) NATIONAL GREENHOUSE GAS EMISSIONS
25	INVENTORY.—The term 'national greenhouse gas

1	emissions inventory' means the national inventory of
2	greenhouse gas emissions established under section
3	704.
4	"(14) PROJECT REDUCTION.—The term
5	'project reduction' means—
6	"(A) a greenhouse gas emission reduction
7	achieved by carrying out a greenhouse gas
8	emission reduction project in the United States,
9	provided that the emissions reduction did not
10	occur at a source included in the greenhouse
11	gas report of any reporting entity; and
12	"(B) sequestration achieved by carrying
13	out a sequestration project in the United
14	States, provided that the sequestration did not
15	occur at a site included in the greenhouse gas
16	report of any reporting entity.
17	"(15) Reporting entity.—The term 'report-
18	ing entity' means an entity that reports to the Ad-
19	ministrator under section 703.
20	"(16) Sequestration.—The term 'sequestra-
21	tion' means the capture, long-term separation, isola-
22	tion, or removal of greenhouse gases from the at-
23	mosphere, including through a biological or geologic
24	method such as reforestation or an underground res-
25	ervoir.

"(17) SOURCE.—The term 'source' means any
 building, structure, installation, unit, point, oper ation, vehicle, land area, or other item that emits or
 may emit a greenhouse gas.

5 "(18) VERIFICATION.—The term 'verification'
6 means the objective and independent assessment of
7 whether a greenhouse gas report submitted by a re8 porting entity accurately reflects the greenhouse gas
9 impact of the reporting entity.

# 10 "SEC. 702. NATIONAL GREENHOUSE GAS EMISSIONS INFOR11 MATION SYSTEM.

12 "(a) ESTABLISHMENT.—In consultation with the 13 Secretary of Commerce, the Secretary of Agriculture, the 14 Secretary of Energy, States, the private sector, and non-15 governmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the 16 17 Administrator shall establish and administer a national 18 greenhouse gas emissions information system to collect information reported under section 703(a), including a na-19 tional greenhouse gas reduction registry to collect infor-20 21 mation reported under section 703(a)(7).

"(b) SUBMISSION TO CONGRESS OF DRAFT DESIGN.—Not later than 180 days after the date of enactment of this title, the Administrator shall submit to Con-

gress a draft design of the national greenhouse gas emis sions information system.

3 "(c) AVAILABILITY OF DATA TO THE PUBLIC.—The 4 Administrator shall publish all information in the national 5 greenhouse gas emissions information system through the website of the Environmental Protection Agency, except 6 7 in any case in which publishing the information would dis-8 close information vital to national security. Emission data, 9 including data relating to project reductions, shall have 10 the same meaning as in section 114 of title I of this Act and regulations promulgated thereunder prior to the date 11 12 of enactment of this title.

13 "(d) Relationship to Other Greenhouse Gas DATABASES.—To the extent practicable, the Adminis-14 15 trator shall ensure coordination between the national greenhouse gas emissions information system and existing 16 17 and developing Federal and State greenhouse gas databases and registries. Nothing in this title shall alter any 18 19 existing requirements for reporting of greenhouse gas 20 emissions data or other data relevant to calculating such 21 emissions.

"(e) INTEGRATION WITH OTHER ENVIRONMENTAL
INFORMATION.—To the extent practicable, the Administrator shall integrate information in the national green-

house gas emissions information system with other envi ronmental information managed by the Administrator.

#### 3 "SEC. 703. REPORTING.

4 "(a) MANDATORY REPORTING OF GREENHOUSE GAS5 EMISSIONS.—

6 "(1) IN GENERAL.—Not later than April 30 of 7 each year after the date of enactment of this title, 8 in accordance with this paragraph and the regula-9 tions promulgated under section 705, each entity 10 that exceeds the threshold for reporting in para-11 graph (2) shall submit to the Administrator, for in-12 clusion in the national greenhouse gas emissions in-13 formation system, the greenhouse gas report of the 14 entity with respect to the preceding calendar year. 15 Once an entity has exceeded the threshold for re-16 porting, it shall continue to submit reports for sub-17 sequent years.

18 "(2) THRESHOLD FOR REPORTING.—(A) An
19 entity shall submit a report under paragraph (1) for
20 greenhouse gas emissions if in the relevant calendar
21 year—

22 "(i) one of the following exceeds 10,000
23 metric tons of carbon dioxide equivalent:

24 "(I) The total direct emissions of the25 entity.

1	"(II) The total indirect emissions of
2	the reporting entity.
3	"(III) The total emissions from the
4	combustion of fossil fuels distributed by
5	the entity.
6	"(IV) The total quantity of green-
7	house gases manufactured or imported by
8	the reporting entity, or
9	"(ii) the entity either—
10	"(I) is a major industrial manufac-
11	turer or importer of motor vehicles, or
12	"(II) manufactures or imports DOE
13	listed products.
14	"(B) Farms shall not be required to submit re-
15	ports under this section.
16	"(C) An entity that owns more than 250,000
17	acres of timberland shall report on the carbon stock
18	of such land as provided in paragraph $(4)(E)$ of this
19	subsection.
20	The Administrator may adjust the 10,000 metric ton
21	threshold set forth in this paragraph to a higher threshold
22	if the Administrator determines that the reports under
23	this paragraph at such higher threshold will include at
24	least 90 percent of greenhouse gas emissions.
25	"(3) Required elements.—

1	"(A) SEPARATE REPORTING.—Each green-
2	house gas report submitted under paragraph
3	(1) shall include and separately quantify each
4	of the following:
5	"(i) All direct emissions of greenhouse
6	gases.
7	"(ii) All indirect emissions of green-
8	house gases.
9	"(iii) All emissions of greenhouse
10	gases from motor vehicles manufactured or
11	imported by the entity.
12	"(iv) All emissions of greenhouse
13	gases from DOE listed products manufac-
14	tured or imported by the reporting entity.
15	"(v) All emissions of greenhouse gases
16	from the combustion of fossil fuels distrib-
17	uted by the entity.
18	"(vi) All emissions of greenhouse
19	gases manufactured or imported by the re-
20	porting entity.
21	"(B) OTHER REPORTING REQUIRE-
22	MENTS.—Each greenhouse gas report under
23	paragraph (1)—
24	"(i) shall express greenhouse gas
25	emissions in metric tons of each such

1 greenhouse gas and in metric tons of the 2 carbon dioxide equivalent of each green-3 house gas; 4 "(ii) shall be reported on an entity wide basis and on a facility wide basis; 5 6 "(iii) shall specify the sources of di-7 rect emissions at each facility included in 8 the greenhouse gas report; 9 "(iv) in the case of a reporting entity that owns more than 250,000 acres of 10 11 timberland, shall include estimates, by 12 State, of the timber and carbon stocks of 13 such land, which estimates shall be up-14 dated at least every 5 years; and 15 "(v) to the maximum extent prac-16 ticable, shall be reported electronically to 17 the Administrator in such form as the Ad-18 ministrator may require. 19 "(4) Method of reporting of entity wide 20 EMISSIONS, PRODUCTION, OR IMPORTATION.—Under 21 paragraph (1)(C), entity wide emissions, production, 22 or importation of greenhouse gases shall be reported 23 on the bases of financial control and equity share in 24 a manner consistent with the financial reporting 25 practices of the entity. If ownership or control of a 1 facility (or portion thereof) whose emissions were in-2 cluded in a prior report under this section is trans-3 ferred to another entity, then any entity subse-4 quently having ownership or control of such facility 5 shall submit a greenhouse gas report regarding the 6 transferred facility, even if such entity does not oth-7 erwise exceed the threshold for reporting under 8 paragraph (2).

9 "(5) VOLUNTARY REPORTING OF EARLIER 10 EMISSIONS.—Any entity may submit to the Adminis-11 trator, for inclusion in the national greenhouse gas 12 emissions information system, a greenhouse gas re-13 port for the entity with respect to one or more years 14 prior to 2005, provided that such report substan-15 tially meets the data quality requirements for re-16 ports required for 2005 and thereafter.

17 "(6) VOLUNTARY REPORTING BY OTHER ENTI18 TIES.—Any entity that does not exceed the threshold
19 for reporting under paragraph (2) may elect to sub20 mit a greenhouse gas report under paragraph (1).
21 Such an entity shall be a reporting entity from that
22 time forward.

23 "(7) VOLUNTARY REPORTING OF PROJECT RE24 DUCTIONS.—Any entity may voluntarily submit to
25 the Administrator, for inclusion in a registry main-

1 tained within the national greenhouse gas informa-2 tion system, a report with respect to the preceding calendar year on any project reductions, provided 3 4 that the emissions or sequestrations associated with 5 such project reductions are not included in the 6 greenhouse gas emissions report submitted to the 7 Administrator by any reporting entity. The reporting 8 entity shall demonstrate that the project and its re-9 ported reductions or sequestrations would not have 10 occurred anyway in the business-as-usual case, and 11 shall account for any changes in emissions outside 12 boundaries of the project. Each report shall provide 13 such further information on the emission reduction 14 or carbon sequestration project as required by regu-15 lations promulgated by the Administrator under sec-16 tion 705(e). If the project reductions are associated 17 with a farm or forestland owned or operated by an 18 entity, the entity shall account for all emissions and 19 reductions on all farmland or forestland under own-20 ership or control of the entity.

21 "(8) VOLUNTARY REPORTING OF OTHER INDI22 RECT PRODUCT EMISSIONS.—Any entity may volun23 tarily submit to the Administrator, for inclusion in
24 a registry maintained within the national greenhouse
25 gas information system, a report with respect to any

1	calendar year on indirect emissions from any prod-
2	uct manufactured by that entity for which a report
3	is not required under clause (iii) of subsection
4	(a)(3)(A).
5	"(b) Adjustment Factors.—
6	"(1) CALCULATION CHANGES AND ERRORS.—
7	The greenhouse gas emissions record of a reporting
8	entity for preceding years shall be adjusted for—
9	"(A) changes in calculation methodologies;
10	or
11	"(B) errors that significantly affect the
12	quantity of greenhouse gases in the greenhouse
13	gas emissions record.
14	"(2) Explanations of adjustments.—A re-
15	porting entity shall explain, in a statement included
16	in the greenhouse gas report of the reporting entity
17	for a year—
18	"(A) any significant adjustment in the
19	greenhouse gas emissions record of the report-
20	ing entity; and
21	"(B) any significant change between the
22	greenhouse gas emissions record for the pre-
23	ceding year and the greenhouse gas emissions

ceding year and the greenhouse gas emissions reported for the current year.

24

1 "(c) QUANTIFICATION AND VERIFICATION PROTO-2 COLS AND TOOLS.—

3 "(1) IN GENERAL.—The Administrator, and the 4 Secretary of Commerce, the Secretary of Agri-5 culture, and the Secretary of Energy shall jointly 6 work with the States, the private sector, and non-7 governmental organizations to develop protocols for quantification 8 "(A) and 9 verification of greenhouse gas emissions; 10 "(B) electronic methods for quantification 11 and reporting of greenhouse gas emissions, in-12 cluding a mechanism by which a reporting enti-13 ty may, at its option, electronically transfer in-14 formation from its data system to the national 15 greenhouse gas emissions information system; 16 and "(C) greenhouse gas accounting and re-17 18 porting standards. 19 "(2) BEST PRACTICES.—The protocols and 20 methods developed under paragraph (1) shall con-21 form, to the maximum extent practicable, to the best 22 practice protocols that have the greatest support of

experts in the field.

24 "(3) INCORPORATION INTO REGULATIONS.—
25 The Administrator shall incorporate the protocols

developed under paragraph (1)(A) into the regula tions promulgated under subsections (c), (d), and (e)
 of section 705.

**(**(4) 4 OUTREACH PROGRAM.—The Adminis-5 trator, the Secretary of Commerce, the Secretary of 6 Agriculture, and the Secretary of Energy shall joint-7 ly conduct an outreach program to provide informa-8 tion to all reporting entities and the public on the 9 protocols and methods developed under this sub-10 section.

11 "(d) VERIFICATION.—

"(1) PROVISION OF INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall provide
information sufficient for the Administrator to
verify, in accordance with greenhouse gas accounting
and reporting standards developed under subsection
(c)(1)(C), that the greenhouse gas report of the reporting entity has been accurately reported.

19"(2)INDEPENDENTTHIRD-PARTY20VERIFICATION.—A reporting entity may—

21 "(A) obtain independent third-party22 verification; and

23 "(B) present the results of the third-party24 verification to the Administrator for consider-

1	ation by the Administrator in carrying out
2	paragraph (1).
3	"(3) CERTIFICATION OF REPORTS.—Each re-
4	port submitted by a reporting entity shall include an
5	appropriate certification, signed by a senior official
6	with management responsibility for the person or
7	persons completing the report, regarding the accu-
8	racy and completeness of the report.
8 9	racy and completeness of the report. "(e) ENFORCEMENT.—The Administrator may bring
9	"(e) ENFORCEMENT.—The Administrator may bring
9 10 11	"(e) ENFORCEMENT.—The Administrator may bring a civil action in United States district court against an
9 10 11	"(e) ENFORCEMENT.—The Administrator may bring a civil action in United States district court against an entity that fails to comply with a requirement of this sec-
9 10 11 12 13	"(e) ENFORCEMENT.—The Administrator may bring a civil action in United States district court against an entity that fails to comply with a requirement of this sec- tion, or a regulation promulgated under section 705, to

## 15 "SEC. 704. NATIONAL GREENHOUSE GAS EMISSIONS INVEN16 TORY.

17 "(a) IN GENERAL.—Not later than April 30 of each
18 year after the date of enactment of this title, the Adminis19 trator shall publish a national greenhouse gas emissions
20 inventory that includes—

21 "(1) comprehensive estimates of the quantity of
22 United States greenhouse gas emissions for the sec23 ond preceding calendar year, including—

1	"(A) for each greenhouse gas, an estimate
2	of the quantity of emissions contributed by each
3	key source category;
4	"(B) a detailed analysis of trends in the
5	quantity, composition, and sources of United
6	States greenhouse gas emissions; and
7	"(C) a detailed explanation of the method-
8	ology used in developing the national green-
9	house gas emissions inventory; and
10	"(2) a detailed analysis of the information re-
11	ported to the national greenhouse gas emissions in-
12	formation system and the national greenhouse gas
13	registry.
14	If total direct emissions reported in a given year are re-
15	duced in comparison with the amount reported in the pre-
16	ceding year, the analysis referred to in paragraph (2) shall
17	include a detailed assessment of what proportion of such
18	reduction is a consequence of activities by entities that re-
19	ported reductions in indirect emissions.
20	"(b) ENERGY STAR COMPARISONS.—The Adminis-
21	trator shall include in the analysis under subsection $(a)(2)$
22	a comparison of the indirect emissions associated with
23	each manufactured product for which a report is required
24	under clause (iii) of section $703(a)(3)(A)$ and the indirect

emissions of comparable products entitled to the Adminis trator's Energy Star label.

#### 3 "SEC. 705. REGULATIONS.

4 "(a) IN GENERAL.—The Administrator may promul5 gate such regulations as are necessary to carry out this
6 title.

7 "(b) BEST PRACTICES.—In developing regulations
8 under this section, the Administrator shall seek to leverage
9 leading protocols for the measurement, accounting, report10 ing, and verification of greenhouse gas emissions.

11 "(c) NATIONAL GREENHOUSE GAS EMISSIONS IN-12 FORMATION SYSTEM.—Not later than one year after the 13 date of enactment of this title, the Administrator shall 14 promulgate such regulations as are necessary to establish 15 the national greenhouse gas emissions information system.

16 "(d) MANDATORY REPORTING REQUIREMENTS.—
17 Not later than one year after the date of enactment of
18 this title, the Administrator shall promulgate such regula19 tions as are necessary to implement the mandatory report20 ing requirements under section 703(a)(1).

21 "(e) VOLUNTARY REPORTING PROVISIONS.—Not
22 later than two years after the date of enactment of this
23 title, the Administrator shall promulgate such regulations
24 and issue such guidance as are necessary to implement

the voluntary reporting provisions under paragraphs (5)
 through (7) of section 703(a).

3 "(f) ADJUSTMENT FACTORS.—Not later than two
4 years after the date of enactment of this title, the Admin5 istrator shall promulgate such regulations as are necessary
6 to implement the adjustment factors under section
7 703(b).".

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