

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the amendment.

IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.

S. 517

To authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BROWNBACK (for himself, Mr. CORZINE, and Mr. JEFFORDS) to the amendment (No. 3239) proposed by Mr. BROWNBACK to the amendment (No. 2917) proposed by Mr. DASCHLE

Viz:

- 1 Strike all after the title heading and insert the fol-
- 2 lowing:
- 3 **SEC. 1101. PURPOSE.**
- 4 The purpose of this title is to establish a greenhouse
- 5 gas inventory, reductions registry, and information system
- 6 that—

1 (1) are complete, consistent, transparent, and
2 accurate;

3 (2) will create reliable and accurate data that
4 can be used by public and private entities to design
5 efficient and effective greenhouse gas emission re-
6 duction strategies; and

7 (3) will acknowledge and encourage greenhouse
8 gas emission reductions.

9 **SEC. 1102. DEFINITIONS.**

10 In this title:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Environ-
13 mental Protection Agency.

14 (2) BASELINE.—The term “baseline” means
15 the historic greenhouse gas emission levels of an en-
16 tity, as adjusted upward by the designated agency to
17 reflect actual reductions that are verified in accord-
18 ance with—

19 (A) regulations promulgated under section
20 1104(c)(1); and

21 (B) relevant standards and methods devel-
22 oped under this title.

23 (3) DATABASE.—The term “database” means
24 the National Greenhouse Gas Database established
25 under section 1104.

1 (4) DESIGNATED AGENCY.—The term “des-
2 ignated agency” means a department or agency to
3 which responsibility for a function or program is as-
4 signed under the memorandum of agreement entered
5 into under section 1103(a).

6 (5) DIRECT EMISSIONS.—The term “direct
7 emissions” means greenhouse gas emissions by an
8 entity from a facility that is owned or controlled by
9 that entity.

10 (6) ENTITY.—The term “entity” means—

11 (A) a person located in the United States;

12 or

13 (B) a public or private entity, to the extent
14 that the entity operates in the United States.

15 (7) FACILITY.—The term “facility” means—

16 (A) all buildings, structures, or installa-
17 tions located on any 1 or more contiguous or
18 adjacent properties of an entity in the United
19 States; and

20 (B) a fleet of 20 or more motor vehicles
21 under the common control of an entity.

22 (8) GREENHOUSE GAS.—The term “greenhouse
23 gas” means—

24 (A) carbon dioxide;

25 (B) methane;

1 (C) nitrous oxide;
2 (D) hydrofluorocarbons;
3 (E) perfluorocarbons;
4 (F) sulfur hexafluoride; and
5 (G) any other anthropogenic climate-fore-
6 ing emissions with significant ascertainable
7 global warming potential, as—

8 (i) recommended by the National
9 Academy of Sciences under section
10 1107(b)(3); and

11 (ii) determined in regulations promul-
12 gated under section 1104(c)(1) (or revi-
13 sions to the regulations) to be appropriate
14 and practicable for coverage under this
15 title.

16 (9) INDIRECT EMISSIONS.—The term “indirect
17 emissions” means greenhouse gas emissions that—

18 (A) are a result of the activities of an enti-
19 ty; but

20 (B)(i) are emitted from a facility owned or
21 controlled by another entity; and

22 (ii) are not reported as direct emissions by
23 the entity the activities of which resulted in the
24 emissions.

1 (10) REGISTRY.—The term “registry” means
2 the registry of greenhouse gas emission reductions
3 established as a component of the database under
4 section 1104(b)(2).

5 (11) SEQUESTRATION.—

6 (A) IN GENERAL.—The term “sequestra-
7 tion” means the capture, long-term separation,
8 isolation, or removal of greenhouse gases from
9 the atmosphere.

10 (B) INCLUSIONS.—The term “sequestra-
11 tion” includes—

- 12 (i) soil carbon sequestration;
13 (ii) agricultural and conservation
14 practices;
15 (iii) reforestation;
16 (iv) forest preservation;
17 (v) maintenance of an underground
18 reservoir; and
19 (vi) any other appropriate biological
20 or geological method of capture, isolation,
21 or removal of greenhouse gases from the
22 atmosphere, as determined by the Adminis-
23 trator.

1 **SEC. 1103. ESTABLISHMENT OF MEMORANDUM OF AGREE-**
2 **MENT.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the President, acting
5 through the Director of the Office of National Climate
6 Change Policy, shall direct the Secretary of Energy, the
7 Secretary of Commerce, the Secretary of Agriculture, the
8 Secretary of Transportation, and the Administrator to
9 enter into a memorandum of agreement under which those
10 heads of Federal agencies will—

11 (1) recognize and maintain statutory and regu-
12 latory authorities, functions, and programs that—

13 (A) are established as of the date of enact-
14 ment of this Act under other law;

15 (B) provide for the collection of data relat-
16 ing to greenhouse gas emissions and effects;
17 and

18 (C) are necessary for the operation of the
19 database;

20 (2)(A) distribute additional responsibilities and
21 activities identified under this title to Federal de-
22 partments or agencies in accordance with the mis-
23 sions and expertise of those departments and agen-
24 cies; and

25 (B) maximize the use of available resources of
26 those departments and agencies; and

1 (3) provide for the comprehensive collection and
2 analysis of data on greenhouse gas emissions relat-
3 ing to product use (including the use of fossil fuels
4 and energy-consuming appliances and vehicles).

5 (b) MINIMUM REQUIREMENTS.—The memorandum
6 of agreement entered into under subsection (a) shall, at
7 a minimum, retain the following functions for the des-
8 ignated agencies:

9 (1) DEPARTMENT OF ENERGY.—The Secretary
10 of Energy shall be primarily responsible for devel-
11 oping, maintaining, and verifying the registry and
12 the emission reductions reported under section
13 1605(b) of the Energy Policy Act of 1992 (42
14 U.S.C. 13385(b)).

15 (2) DEPARTMENT OF COMMERCE.—The Sec-
16 retary of Commerce shall be primarily responsible
17 for the development of—

18 (A) measurement standards for the moni-
19 toring of emissions; and

20 (B) verification technologies and methods
21 to ensure the maintenance of a consistent and
22 technically accurate record of emissions, emis-
23 sion reductions, and atmospheric concentrations
24 of greenhouse gases for the database.

1 (3) ENVIRONMENTAL PROTECTION AGENCY.—
2 The Administrator shall be primarily responsible
3 for—

4 (A) emissions monitoring, measurement,
5 verification, and data collection under this title
6 and title IV (relating to acid deposition control)
7 and title VIII of the Clean Air Act (42 U.S.C.
8 7651 et seq.), including mobile source emissions
9 information from implementation of the cor-
10 porate average fuel economy program under
11 chapter 329 of title 49, United States Code;
12 and

13 (B) responsibilities of the Environmental
14 Protection Agency relating to completion of the
15 national inventory for compliance with the
16 United Nations Framework Convention on Cli-
17 mate Change, done at New York on May 9,
18 1992.

19 (4) DEPARTMENT OF AGRICULTURE.—The Sec-
20 retary of Agriculture shall be primarily responsible
21 for—

22 (A) developing measurement techniques
23 for—
24 (i) soil carbon sequestration; and

1 (ii) forest preservation and reforest-
2 ation activities; and

3 (B) providing technical advice relating to
4 biological carbon sequestration measurement
5 and verification standards for measuring green-
6 house gas emission reductions or offsets.

7 (c) DRAFT MEMORANDUM OF AGREEMENT.—Not
8 later than 15 months after the date of enactment of this
9 Act, the President, acting through the Director of the Of-
10 fice of National Climate Change Policy, shall publish in
11 the Federal Register, and solicit comments on, a draft
12 version of the memorandum of agreement described in
13 subsection (a).

14 (d) NO JUDICIAL REVIEW.—The final version of the
15 memorandum of agreement shall not be subject to judicial
16 review.

17 **SEC. 1104. NATIONAL GREENHOUSE GAS DATABASE.**

18 (a) ESTABLISHMENT.—As soon as practicable after
19 the date of enactment of this Act, the designated agencies,
20 in consultation with the private sector and nongovern-
21 mental organizations, shall jointly establish, operate, and
22 maintain a database, to be known as the “National Green-
23 house Gas Database”, to collect, verify, and analyze infor-
24 mation on greenhouse gas emissions by entities.

1 (b) NATIONAL GREENHOUSE GAS DATABASE COM-
2 PONENTS.—The database shall consist of—

- 3 (1) an inventory of greenhouse gas emissions;
4 and
5 (2) a registry of greenhouse gas emission reduc-
6 tions.

7 (c) COMPREHENSIVE SYSTEM.—

8 (1) IN GENERAL.—Not later than 2 years after
9 the date of enactment of this Act, the designated
10 agencies shall jointly promulgate regulations to im-
11 plement a comprehensive system for greenhouse gas
12 emissions reporting, inventorying, and reductions
13 registration.

14 (2) REQUIREMENTS.—The designated agencies
15 shall ensure, to the maximum extent practicable,
16 that—

17 (A) the comprehensive system described in
18 paragraph (1) is designed to—

19 (i) maximize completeness, trans-
20 parency, and accuracy of information re-
21 ported; and

22 (ii) minimize costs incurred by entities
23 in measuring and reporting greenhouse gas
24 emissions; and

- 1 (B) the regulations promulgated under
2 paragraph (1) establish procedures and proto-
3 cols necessary—
- 4 (i) to prevent the reporting of some or
5 all of the same greenhouse gas emissions
6 or emission reductions by more than 1 re-
7 porting entity;
- 8 (ii) to provide for corrections to errors
9 in data submitted to the database;
- 10 (iii) to provide for adjustment to data
11 by reporting entities that have had a sig-
12 nificant organizational change (including
13 mergers, acquisitions, and divestiture), in
14 order to maintain comparability among
15 data in the database over time;
- 16 (iv) to provide for adjustments to re-
17 flect new technologies or methods for
18 measuring or calculating greenhouse gas
19 emissions; and
- 20 (v) to account for changes in registra-
21 tion of ownership of emission reductions
22 resulting from a voluntary private trans-
23 action between reporting entities.

1 **SEC. 1105. GREENHOUSE GAS REDUCTION REPORTING.**

2 (a) IN GENERAL.—An entity that participates in the
3 registry shall meet the requirements described in sub-
4 section (b).

5 (b) REQUIREMENTS.—

6 (1) IN GENERAL.—The requirements referred
7 to in subsection (a) are that an entity (other than
8 an entity described in paragraph (2)) shall—

9 (A) establish a baseline (including all of
10 the entity's greenhouse gas emissions on an en-
11 tity-wide basis); and

12 (B) submit the report described in sub-
13 section (c)(1).

14 (2) REQUIREMENTS APPLICABLE TO ENTITIES
15 ENTERING INTO CERTAIN AGREEMENTS.—An entity
16 that enters into an agreement with a participant in
17 the registry for the purpose of a carbon sequestra-
18 tion project shall not be required to comply with the
19 requirements specified in paragraph (1) unless that
20 entity is required to comply with the requirements
21 by reason of an activity other than the agreement.

22 (c) REPORTS.—

23 (1) REQUIRED REPORT.—Not later than April
24 1 of the third calendar year that begins after the
25 date of enactment of this Act, and not later than
26 April 1 of each calendar year thereafter, subject to

1 paragraph (3), an entity described in subsection (a)
2 shall submit to each appropriate designated agency
3 a report that describes, for the preceding calendar
4 year, the entity-wide greenhouse gas emissions (as
5 reported at the facility level), including—

6 (A) the total quantity of each greenhouse
7 gas emitted, expressed in terms of mass and in
8 terms of the quantity of carbon dioxide equiva-
9 lent;

10 (B) an estimate of the emissions from
11 products manufactured and sold by the entity
12 in the previous calendar year, determined over
13 the average lifetime of those products; and

14 (C) such other categories of emissions as
15 the designated agency determines in the regula-
16 tions promulgated under section 1104(e)(1)
17 may be practicable and useful for the purposes
18 of this title, such as—

19 (i) direct emissions from stationary
20 sources;

21 (ii) indirect emissions from imported
22 electricity, heat, and steam;

23 (iii) process and fugitive emissions;
24 and

1 (iv) production or importation of
2 greenhouse gases.

3 (2) VOLUNTARY REPORTING.—An entity de-
4 scribed in subsection (a) may (along with estab-
5 lishing a baseline and reporting reductions under
6 this section)—

7 (A) submit a report described in paragraph
8 (1) before the date specified in that paragraph
9 for the purposes of achieving and
10 commoditizing greenhouse gas reductions
11 through use of the registry; and

12 (B) submit to any designated agency, for
13 inclusion in the registry, information that has
14 been verified in accordance with regulations
15 promulgated under section 1104(c)(1) and that
16 relates to—

17 (i) with respect to the calendar year
18 preceding the calendar year in which the
19 information is submitted, and with respect
20 to any greenhouse gas emitted by the
21 entity—

22 (I) project reductions from facili-
23 ties owned or controlled by the report-
24 ing entity in the United States;

1 (II) transfers of project reduc-
2 tions to and from any other entity;

3 (III) project reductions and
4 transfers of project reductions outside
5 the United States;

6 (IV) other indirect emissions that
7 are not required to be reported under
8 paragraph (1); and

9 (V) product use phase emissions;

10 (ii) with respect to greenhouse gas
11 emission reductions activities of the entity
12 that have been carried out during or after
13 1990, verified in accordance with regula-
14 tions promulgated under section
15 1104(c)(1), and submitted to 1 or more
16 designated agencies before the date that is
17 4 years after the date of enactment of this
18 Act, any greenhouse gas emission reduc-
19 tions that have been reported or submitted
20 by an entity under—

21 (I) section 1605(b) of the Energy
22 Policy Act of 1992 (42 U.S.C.
23 13385(b)); or

- 1 (II) any other Federal or State
- 2 voluntary greenhouse gas reduction
- 3 program; and
- 4 (iii) any project or activity for the re-
- 5 duction of greenhouse gas emissions or se-
- 6 questration of a greenhouse gas that is
- 7 carried out by the entity, including a
- 8 project or activity relating to—
- 9 (I) fuel switching;
- 10 (II) energy efficiency improve-
- 11 ments;
- 12 (III) use of renewable energy;
- 13 (IV) use of combined heat and
- 14 power systems;
- 15 (V) management of cropland,
- 16 grassland, or grazing land;
- 17 (VI) a forestry activity that in-
- 18 creases forest carbon stocks or re-
- 19 duces forest carbon emissions;
- 20 (VII) carbon capture and stor-
- 21 age;
- 22 (VIII) methane recovery;
- 23 (IX) greenhouse gas offset in-
- 24 vestment; and

1 (X) any other practice for achiev-
2 ing greenhouse gas reductions as rec-
3 ognized by 1 or more designated agen-
4 cies.

5 (3) EXEMPTIONS FROM REPORTING.—

6 (A) IN GENERAL.—If the Director of the
7 Office of National Climate Change Policy deter-
8 mines under section 1108(b) that the reporting
9 requirements under paragraph (1) shall apply
10 to all entities (other than entities exempted by
11 this paragraph), regardless of participation or
12 nonparticipation in the registry, an entity shall
13 be required to submit reports under paragraph
14 (1) only if, in any calendar year after the date
15 of enactment of this Act—

16 (i) the total greenhouse gas emissions
17 of at least 1 facility owned by the entity
18 exceeds 10,000 metric tons of carbon diox-
19 ide equivalent (or such greater quantity as
20 may be established by a designated agency
21 by regulation); or

22 (ii)(I) the total quantity of greenhouse
23 gases produced, distributed, or imported by
24 the entity exceeds 10,000 metric tons of
25 carbon dioxide equivalent (or such greater

1 quantity as may be established by a des-
2 ignated agency by regulation); and

3 (II) the entity is not a feedlot or other
4 farming operation (as defined in section
5 101 of title 11, United States Code).

6 (B) ENTITIES ALREADY REPORTING.—

7 (i) IN GENERAL.—An entity that, as
8 of the date of enactment of this Act, is re-
9 quired to report carbon dioxide emissions
10 data to a Federal agency shall not be re-
11 quired to re-report that data for the pur-
12 poses of this title.

13 (ii) REVIEW OF PARTICIPATION.—For
14 the purpose of section 1108, emissions re-
15 ported under clause (i) shall be considered
16 to be reported by the entity to the registry.

17 (4) PROVISION OF VERIFICATION INFORMATION
18 BY REPORTING ENTITIES.—Each entity that submits
19 a report under this subsection shall provide informa-
20 tion sufficient for each designated agency to which
21 the report is submitted to verify, in accordance with
22 measurement and verification methods and stand-
23 ards developed under section 1106, that the green-
24 house gas report of the reporting entity—

25 (A) has been accurately reported; and

1 (B) in the case of each voluntary report
2 under paragraph (2), represents—

3 (i) actual reductions in direct green-
4 house gas emissions—

5 (I) relative to historic emission
6 levels of the entity; and

7 (II) net of any increases in—

8 (aa) direct emissions; and

9 (bb) indirect emissions de-
10 scribed in paragraph (1)(C)(ii);

11 or

12 (ii) actual increases in net sequestra-
13 tion.

14 (5) FAILURE TO SUBMIT REPORT.—An entity
15 that participates or has participated in the registry
16 and that fails to submit a report required under this
17 subsection shall be prohibited from including emis-
18 sion reductions reported to the registry in the cal-
19 culation of the baseline of the entity in future years.

20 (6) INDEPENDENT THIRD-PARTY
21 VERIFICATION.—To meet the requirements of this
22 section and section 1106, a entity that is required
23 to submit a report under this section may—

24 (A) obtain independent third-party
25 verification; and

1 (B) present the results of the third-party
2 verification to each appropriate designated
3 agency.

4 (7) AVAILABILITY OF DATA.—

5 (A) IN GENERAL.—The designated agen-
6 cies shall ensure, to the maximum extent prac-
7 ticable, that information in the database is—

8 (i) published;

9 (ii) accessible to the public; and

10 (iii) made available in electronic for-
11 mat on the Internet.

12 (B) EXCEPTION.—Subparagraph (A) shall
13 not apply in any case in which the designated
14 agencies determine that publishing or otherwise
15 making available information described in that
16 subparagraph poses a risk to national security.

17 (8) DATA INFRASTRUCTURE.—The designated
18 agencies shall ensure, to the maximum extent prac-
19 ticable, that the database uses, and is integrated
20 with, Federal, State, and regional greenhouse gas
21 data collection and reporting systems in effect as of
22 the date of enactment of this Act.

23 (9) ADDITIONAL ISSUES TO BE CONSIDERED.—

24 In promulgating the regulations under section
25 1104(e)(1) and implementing the database, the des-

1 ignated agencies shall take into consideration a
2 broad range of issues involved in establishing an ef-
3 fective database, including—

4 (A) the appropriate units for reporting
5 each greenhouse gas;

6 (B) the data and information systems and
7 measures necessary to identify, track, and
8 verify greenhouse gas emission reductions in a
9 manner that will encourage the development of
10 private sector trading and exchanges;

11 (C) the greenhouse gas reduction and se-
12 questration methods and standards applied in
13 other countries, as applicable or relevant;

14 (D) the extent to which available fossil
15 fuels, greenhouse gas emissions, and greenhouse
16 gas production and importation data are ade-
17 quate to implement the database;

18 (E) the differences in, and potential
19 uniqueness of, the facilities, operations, and
20 business and other relevant practices of persons
21 and entities in the private and public sectors
22 that may be expected to participate in the reg-
23 istry; and

24 (F) the need of the registry to maintain
25 valid and reliable information on baselines of

1 entities so that, in the event of any future ac-
2 tion by Congress to require entities, individually
3 or collectively, to reduce greenhouse gas emis-
4 sions, Congress will be able—

5 (i) to take into account that informa-
6 tion; and

7 (ii) to avoid enacting legislation that
8 penalizes entities for achieving and report-
9 ing reductions.

10 (d) ANNUAL REPORT.—The designated agencies shall
11 jointly publish an annual report that—

12 (1) describes the total greenhouse gas emissions
13 and emission reductions reported to the database
14 during the year covered by the report;

15 (2) provides entity-by-entity and sector-by-sec-
16 tor analyses of the emissions and emission reduc-
17 tions reported;

18 (3) describes the atmospheric concentrations of
19 greenhouse gases; and

20 (4) provides a comparison of current and past
21 atmospheric concentrations of greenhouse gases.

22 (e) CONFIDENTIALITY OF REPORTS.—

23 (1) IN GENERAL.—Subject to section 552 of
24 title 5, United States Code, information collected

1 and maintained in the database by a designated
2 agency shall be made available to the public.

3 (2) EXCEPTION.—Notwithstanding paragraph
4 (1), a designated agency shall not disclose informa-
5 tion obtained under this section directly or indirectly
6 from an entity, if such information would, upon
7 being made public, disclose—

8 (A) a trade secret; or

9 (B) other proprietary information of the
10 entity.

11 (3) DISCLOSURE FOR VALIDITY.—Notwith-
12 standing paragraph (2), proprietary information
13 shall be made available to the public if 1 or more of
14 the designated agencies determine that disclosure of
15 the information is necessary to determine the valid-
16 ity of emission reductions that have been—

17 (A) recorded in the registry; and

18 (B) transferred or traded based on value
19 created through recording in the registry.

20 **SEC. 1106. MEASUREMENT AND VERIFICATION.**

21 (a) STANDARDS.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the designated
24 agencies shall jointly develop comprehensive meas-
25 urement and verification methods and standards to

1 ensure a consistent and technically accurate record
2 of greenhouse gas emissions, emission reductions, se-
3 questration, and atmospheric concentrations for use
4 in the registry.

5 (2) REQUIREMENTS.—The methods and stand-
6 ards developed under paragraph (1) shall address
7 the need for—

8 (A) standardized measurement and
9 verification practices for reports made by all en-
10 tities participating in the registry, taking into
11 account—

12 (i) protocols and standards in use by
13 entities desiring to participate in the reg-
14 istry as of the date of development of the
15 methods and standards under paragraph
16 (1);

17 (ii) boundary issues, such as leakage
18 and shifted use;

19 (iii) avoidance of double counting of
20 greenhouse gas emissions and emission re-
21 ductions; and

22 (iv) such other factors as the des-
23 ignated agencies determine to be appro-
24 priate;

1 (B) measurement and verification of ac-
2 tions taken to reduce, avoid, or sequester green-
3 house gas emissions;

4 (C) in coordination with the Secretary of
5 Agriculture, measurement of the results of the
6 use of carbon sequestration and carbon recap-
7 ture technologies, including—

8 (i) organic soil carbon sequestration
9 practices; and

10 (ii) forest preservation and reforest-
11 ation activities that adequately address the
12 issues of permanence, leakage, and
13 verification;

14 (D) such other measurement and
15 verification standards as the Secretary of Com-
16 merce, the Secretary of Agriculture, the Admin-
17 istrator, and the Secretary of Energy determine
18 to be appropriate; and

19 (E) other factors that, as determined by
20 the designated agencies, will allow entities to
21 adequately establish a fair and reliable meas-
22 urement and reporting system.

23 (b) REVIEW AND REVISION.—The designated agen-
24 cies shall periodically review, and revise as necessary, the
25 methods and standards developed under subsection (a).

1 (c) PUBLIC PARTICIPATION.—The Secretary of Com-
2 merce shall—

3 (1) make available to the public for comment,
4 in draft form and for a period of at least 90 days,
5 the methods and standards developed under sub-
6 section (a); and

7 (2) after the 90-day period referred to in para-
8 graph (1), in coordination with the Secretary of En-
9 ergy, the Secretary of Agriculture, and the Adminis-
10 trator, adopt the methods and standards developed
11 under subsection (a) for use in implementing the
12 database.

13 (d) EXPERTS AND CONSULTANTS.—

14 (1) IN GENERAL.—The designated agencies
15 may obtain the services of experts and consultants
16 in the private and nonprofit sectors in accordance
17 with section 3109 of title 5, United States Code, in
18 the areas of greenhouse gas measurement, certifi-
19 cation, and emission trading.

20 (2) AVAILABLE ARRANGEMENTS.—In obtaining
21 any service described in paragraph (1), the des-
22 ignated agencies may use any available grant, con-
23 tract, cooperative agreement, or other arrangement
24 authorized by law.

1 **SEC. 1107. INDEPENDENT REVIEWS.**

2 (a) IN GENERAL.—Not later than 5 years after the
3 date of enactment of this Act, and every 3 years there-
4 after, the Comptroller General of the United States shall
5 submit to Congress a report that—

6 (1) describes the efficacy of the implementation
7 and operation of the database; and

8 (2) includes any recommendations for improve-
9 ments to this title and programs carried out under
10 this title—

11 (A) to achieve a consistent and technically
12 accurate record of greenhouse gas emissions,
13 emission reductions, and atmospheric con-
14 centrations; and

15 (B) to achieve the purposes of this title.

16 (b) REVIEW OF SCIENTIFIC METHODS.—The des-
17 ignated agencies shall enter into an agreement with the
18 National Academy of Sciences under which the National
19 Academy of Sciences shall—

20 (1) review the scientific methods, assumptions,
21 and standards used by the designated agencies in
22 implementing this title;

23 (2) not later than 4 years after the date of en-
24 actment of this Act, submit to Congress a report
25 that describes any recommendations for improving—

26 (A) those methods and standards; and

1 (B) related elements of the programs, and
2 structure of the database, established by this
3 title; and

4 (3) regularly review and update as appropriate
5 the list of anthropogenic climate-forcing emissions
6 with significant global warming potential described
7 in section 1102(8)(G).

8 **SEC. 1108. REVIEW OF PARTICIPATION.**

9 (a) IN GENERAL.—Not later than 5 years after the
10 date of enactment of this Act, the Director of the Office
11 of National Climate Change Policy shall determine wheth-
12 er the reports submitted to the registry under section
13 1105(c)(1) represent less than 60 percent of the national
14 aggregate anthropogenic greenhouse gas emissions.

15 (b) INCREASED APPLICABILITY OF REQUIRE-
16 MENTS.—If the Director of the Office of National Climate
17 Change Policy determines under subsection (a) that less
18 than 60 percent of the aggregate national anthropogenic
19 greenhouse gas emissions are being reported to the
20 registry—

21 (1) the reporting requirements under section
22 1105(c)(1) shall apply to all entities (except entities
23 exempted under section 1105(c)(3)), regardless of
24 any participation or nonparticipation by the entities
25 in the registry; and

1 (2) each entity shall submit a report described
2 in section 1105(c)(1)—

3 (A) not later than the earlier of—

4 (i) April 30 of the calendar year im-
5 mediately following the year in which the
6 Director of the Office of National Climate
7 Change Policy makes the determination
8 under subsection (a); or

9 (ii) the date that is 1 year after the
10 date on which the Director of the Office of
11 National Climate Change Policy makes the
12 determination under subsection (a); and

13 (B) annually thereafter.

14 (c) RESOLUTION OF DISAPPROVAL.—For the pur-
15 poses of this section, the determination of the Director of
16 the Office of National Climate Change Policy under sub-
17 section (a) shall be considered to be a major rule (as de-
18 fined in section 804(2) of title 5, United States Code) sub-
19 ject to the congressional disapproval procedure under sec-
20 tion 802 of title 5, United States Code.

21 **SEC. 1109. ENFORCEMENT.**

22 If an entity that is required to report greenhouse gas
23 emissions under section 1105(c)(1) or 1108 fails to comply
24 with that requirement, the Attorney General may, at the
25 request of the designated agencies, bring a civil action in

1 United States district court against the entity to impose
2 on the entity a civil penalty of not more than \$25,000
3 for each day for which the entity fails to comply with that
4 requirement.

5 **SEC. 1110. REPORT ON STATUTORY CHANGES AND HARMO-**
6 **NIZATION.**

7 Not later than 3 years after the date of enactment
8 of this Act, the President shall submit to Congress a re-
9 port that describes any modifications to this title or any
10 other provision of law that are necessary to improve the
11 accuracy or operation of the database and related pro-
12 grams under this title.

13 **SEC. 1111. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums
15 as are necessary to carry out this title.