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Folder Title:
Climate Riders

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White House Climate Change Task Force

734 Jackson Place, N.W. • Washington, DC 20503

May 8, 2000

Dear Interested Member:

Attached are materials regarding the Climate Change Rider attached to the FY2001 House Agriculture Appropriations bill during subcommittee markup. Proponents of the rider have vowed to attach it to all FY2001 appropriations bills. The rider undermines the ability of the Executive Branch to conduct international negotiations, raising serious constitutional concerns.

Please read the attached materials, and help to keep this and all anti-environmental riders off the Agriculture Appropriations bill, and off all appropriations bills.

Please call Debbie Reed at 395-2332 (pager 888/369-5190) if you have any questions or for additional information.

CONGRESS' "DO NOTHING" CLIMATE RIDER: BAD FOR THE ENVIRONMENT, BAD FOR AMERICA

An Anti-Environmental Rider on the House version of the FY 2001 Agriculture Appropriations bill states that no funds may ever be used "for the Kyoto Protocol." Proponents are vowing to attach it to "all" of this year's appropriations bills. The rider and accompanying report language are attached.

Some believe that climate change is not a serious problem meriting serious action. Some believe that the United States should not be negotiating an international climate treaty (the Kyoto Protocol) to address the problem. Some want to tie the Administration's hands so it cannot negotiate the best treaty it can, knowing this could make ultimate ratification more difficult. The Administration cannot – and will not – "implement" a treaty without Congress' approval. But Congress should not sabotage the negotiation process or undermine legitimate efforts to curb greenhouse gases.

The activities targeted by the rider involve either negotiating the Protocol through diplomacy or legitimate, Congressionally authorized efforts to increase energy security, reduce greenhouse gas emissions, and help provide opportunities for the agricultural sector.

The rider is extreme – it tries to block the United States from even trying to reach agreement with other countries on action to combat global warming.

- Scientists overwhelmingly agree that the Earth is getting warmer and that human greenhouse gas emissions are at least partly to blame. Leading U.S. companies are withdrawing from anti-Kyoto lobbying groups stating that we need to "move past" arguments over the science.
- Global warming cannot be curbed without global cooperation. The new rider simply seeks to shut down U.S. diplomatic efforts to gain that cooperation. Such efforts are a multi-agency undertaking, including active roles for USDA, USAID, DOE, EPA, and others.

It undermines the ability of the Executive Branch to conduct international negotiations, raising serious Constitutional concerns.

- The rider seeks to prohibit Executive Branch officials, including the Department of State, from participating in negotiations on the principles, rules, and guidelines for the Kyoto "flexibility mechanisms," such as emissions trading.
- How the Kyoto mechanisms would operate is something the Senate will need to understand fully in considering whether the U.S. should ratify the Protocol.
- Despite opponents claims to the contrary, the EPA and DOE Inspector Generals have found that the Administration has *not* proceeded with implementation of the Protocol and has *not* violated previous years' anti-climate change riders.
- The proposed Ag Appropriations Report language instructing the Administration to submit the Protocol to the Senate by a specified date is without foundation or precedent, and is possibly unconstitutional.

The rider may stifle U.S. efforts to achieve the bipartisan goals of a cost-effective treaty and meaningful participation by developing countries. Examples of common-sense negotiating activities that the amendment could stop include:

- Sharing with other countries the United States' successful experiences with market-based mechanisms as a tool for fighting pollution, as we promote our push for such mechanisms in the Kyoto Protocol; and

- Providing technical assistance to developing countries so that they may build the capacity to more effectively limit greenhouse gas emissions and share the responsibility to fight climate change.

The amendment is bad for American industry, farmers, and consumers – it tries to stop work on the most important tools for holding down costs as we combat global warming.

- International emissions trading and the Clean Development Mechanism (CDM) were included in the Kyoto Protocol *with widespread support from U.S. industry* because they are critical to reducing the cost of any international action to curb global warming.
- Industry, farmers and consumers all have a strong interest in seeing that the rules and guidelines on Kyoto's flexibility mechanisms are elaborated in ways favorable to U.S. interests.
- The language would deprive American farmers of the opportunity to earn credits by protecting and enhancing our carbon "sinks" through such practices as conservation tillage and planting more trees.
- Telling the Administration that it cannot work on these mechanisms is an isolationist approach, tantamount to unilateral disarmament.
- If the rider language is allowed to stand climate naysayers in Congress will continue their past practice of straining language and logic to throw an inaccurate "Kyoto" label on common-sense programs that save money for business and consumers.

ATTACHMENTS:
Background Information on the Rider
The Rider -- Bill and Report Language
DOE IG Report to Knollenberg, 4/6/00
EPA IG Response to Knollenberg, 3/20/00
Knollenberg letter to U.S. Department of State IG, 2/15/00
Waxman-Pallone letter to State Department IG (also sent to DOE and EPA IGs), 3/28/00
Kerrey, Baucus letter to Chairman Cochran, 5/3/2000
Kerry, Biden letter to Chairman McConnell and Ranking Member Leahy, 5/8/00
Waxman letter to Ranking Member Obey, 5/11/00
Members letter to Speaker Hastert, 2/1/00

Bill Language
Hereafter no funds shall be used for the Kyoto Protocol, including such Kyoto mechanisms as carbon emissions trading schemes and the Clean Development Mechanism that are found solely in the Kyoto Protocol and nowhere in the laws of United States.

Report Language
The Committee reminds the Administration of the Constitutional power of the Senate to advise and consent to treaties. The Committee notes with disapproval that this Administration exhibited disdain for the will of the Senate when the Administration signed the Kyoto Protocol in contravention of Senate Resolution 105-98, known as the Byrd-Hagel Resolution, which was approved by a vote of 95 ayes and 0 nays.

The Committee notes with disapproval that nearly three years after the Kyoto Protocol was adopted on December 11, 1997, it still has not been submitted to the Senate for advice and consent as to ratification. The Committee is concerned that such protracted refusal to make submission to the Senate flouts the powers and prerogatives of the Congress as a whole. The Committee directs that within three years of the date of adoption, the Kyoto Protocol shall be submitted by the Administration to the Senate for advice and consent as to ratification. The Committee also notes that the Kyoto Protocol has not yet entered into force pursuant to Article 25 of the Protocol.

This year the Committee has clarified that funds shall not be spent for items found solely in the Kyoto Protocol and nowhere in the laws of United States. These items include carbon emissions trading schemes and the Clean Development Mechanism. The Committee has taken keen note of the Administration's comments that there has been confusion regarding this funding limitation. The Committee notes with disapproval dozens of expenditures by the Administration for the Kyoto Protocol mechanisms. The Committee encourages United States exports to improve the environment of foreign nations and does so with express reference to the United Nations Framework Convention on Climate Change (UNFCCC). Likewise all other provisions of the UNFCCC which have legislative enactment are encouraged.

May 18, 2000

Dear Representative:

On behalf of the 14,000 members of the National Association of Manufacturers (NAM), including approximately 10,000 small and mid-sized manufacturers, I urge you to support statutory restrictions on implementation of the Kyoto Protocol prior to its formal ratification by the United States, and to vote against any amendment to the Department of Agriculture Appropriations bill, H.R. 4461, that would strike or otherwise render ineffective those restrictions.

In recent months, the issue of climate and the concerns of many about energy efficiency have been exacerbated by a painful, renewed awareness of the high degree of U.S. dependence on foreign oil supplies. Some may well be tempted to believe that the Kyoto Protocol will somehow help the United States because it simply commands Americans to stop using one-third of their projected fossil-fuel consumption by 2008-12. The NAM fundamentally disagrees with that approach, and supports legislative efforts to prevent taxpayer dollars from being spent to implement or prepare to implement the Kyoto Protocol. We remain opposed to command-and-control approaches to force energy-use reductions, such as energy-rationing programs and other energy-quota concepts, that would flow from implementation of the Kyoto Protocol. Instead, NAM members support Administraive and Congressional action to further thoughtful, non-regulatory and technology-based approaches that seek long-term, fundamental energy progress and security.

The vote on any amendment to the Department of Agriculture Appropriations bill, H.R. 4461, that would strike or otherwise render ineffective statutory restrictions on implementation of the Kyoto Protocol will be considered for designation as a Key Manufacturing Vote in the NAM voting record for the 106th Congress.

Sincerely,

Jerry J. Jasinowski

Jerry Jasinowski
President

* Votes considered for designation as NAM Key Manufacturing Votes are approved in advance by our members who serve on the Key Vote Advisory Committee. Eligibility for the NAM's Award for Manufacturing Legislative Excellence for the 106th Congress will be based on a member's record on Key Manufacturing Votes.

FAX

OFFICE OF PUBLIC & CONSTITUENT AFFAIRS
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE
WASHINGTON, D.C.

FROM: ______________________

PHONE: 202/482-6090 (voice) 202/482-3154 (fax)

TO: ______________________

AT: ______________________

COMMENTS: ______________________

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PAGE 1 OF ______

212-456-4999

FAX

OFFICE OF PUBLIC & CONSTITUENT AFFAIRS
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE
WASHINGTON, D.C.

FROM: ~~Dave~~ Paul Bledsoe (202 395-2345).

PHONE: 202/482-6090 (voice) 202/482-3154 (fax)

TO: Dave Kastenbaum

AT: NPR 707-924-1401.

COMMENTS: Resolution adopted by Nat'l Conference of Mayors today.

PAGE 1 OF 2.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 19, 2000
(House Floor)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 4475 -- DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2001

(Sponsors: Young (R), Florida; Wolf (R), Virginia)

This Statement of Administration Policy provides the Administration's views on the Transportation and Related Agencies Appropriations Bill, FY 2001, as reported by the House Committee. As the House develops its version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates the Committee's efforts to accommodate many of the Administration's priorities in its bill. These include needed Amtrak capital funding, the highway and transit funding levels envisioned at the time of passage of the Transportation Equity Act for the 21st century (TEA-21), and funding to expand motor carrier safety programs and address Coast Guard readiness and expand its operations.

The Administration proposes to meet important safety, mobility, and environmental requirements, including expanded intercity passenger rail service, by reallocating a portion of the increased spending permitted by the higher-than-anticipated highway excise tax receipts. Under this proposal, every State would receive at least as much funding as was assumed when TEA-21 was enacted. Last year, Congress chose to use the Transportation appropriations bill to redistribute almost $1.5 billion in funding within the highway "guarantee" in a manner different than that contemplated in TEA-21. The House is encouraged to redistribute a similar amount this year to support these important priorities.

In particular, as noted below, the Administration is concerned that the Committee bill could adversely impact the Federal Aviation Administration's (FAA's) operations as well as highway and pipeline safety programs.

The following highlights our specific concerns with the Committee bill. We look forward to working with you to resolve these issues as the bill moves forward.

Aviation Safety

The Administration strongly urges the House to fully fund the Administration's request for FAA Operations. The Committee has provided $48 million less than the Administration's request, and added $11 million in unrequested items, resulting in $59 million in FAA programs being unfunded. This would force the FAA to reduce telecommunications, radar operations, and other services necessary to maintain a safe, efficient air traffic control system.

CAFE Standards

In recent years, the United States has had a significant increase in transportation fuel consumption and a corresponding increase in U.S. energy vulnerability. As a result of prohibitions enacted by Congress in recent years on working on the corporate average fuel economy (CAFE) standards, the Department of Transportation has been banned from fully analyzing this important issue. The Administration strongly opposes the Committee provision that continues this prohibition. In the past, CAFE standards have resulted in a doubling of the fuel economy of the car fleet, reducing our dependence on foreign oil and saving the Nation billions of gallons of oil and the consumer billions of dollars. Continuing this misguided prohibition would contribute to more energy consumption, and therefore would increase both environmental and energy security risks.

Highway and Pipeline Safety

The Administration is concerned that the Committee has provided $105 million less than the President has requested for the National Highway Traffic Safety Administration's Operations and Research account. This funding reduction would limit critical research on crash worthiness and prevent the implementation of important new programs to increase seat belt use and target high-risk groups. The Administration is also concerned that the Committee has provided $4.5 million less than requested to enhance pipeline safety.

Delta Initiative

The Administration strongly objects to the Committee's failure to provide the $69 million requested for the Mississippi Delta initiative. This comprehensive initiative is necessary to address the social and economic challenges facing the Delta region. Although the Delta has seen some economic progress, it remains far behind most of the rest of the country. In the Delta's distressed counties, per capita income is only 53 percent of the national average, and the poverty rate is more than twice national average. In more than half of the Delta's counties, the poverty rate has exceeded 20 percent for each of the past 40 years. In some Delta counties, unemployment rates are two to three times higher than the national average. Better transportation infrastructure and services are central to improving the lives of, and increasing the opportunities for Delta residents by providing access to employment, child care, and training.

Native Americans

The House is requested to provide the full $358 million request to improve transportation services to Native Americans and to allow tribal governments to apply directly for Job Access grants. These funds will be used to address the $4 billion backlog of improvements needed on Indian reservation roads, improve highway safety, and provide welfare recipients with needed access to jobs and improved construction training opportunities. In addition, the Administration urges the House to restore the $5 million for design and preliminary engineering of the Four Bears Bridge in North Dakota.

Pennsylvania Station

The Administration strongly opposes the Committee's proposed rescission of $60 million for the Farley/Pennsylvania Station project. Such a rescission would jeopardize the project's complex financing package. This project will generate significant transportation and economic benefits. Its timely completion is essential to respond effectively to the significant rail ridership increases projected for the Northeast corridor in the near future.

Job Access and Reverse Commute

The House is urged to provide the additional $50 million requested for the Job Access and Reverse Commute program, which is a critical component of the Administration's welfare-to-work effort. This program is oversubscribed now. Demand is expected to increase as more communities across the country demonstrate how effective the program can be in helping hard-pressed working families, including former welfare recipients, get to work.

Office of the Secretary

The Administration urges the House to provide the President's request of $69 million for the Office of the Secretary and to delete the limitation on political appointees and other restrictions. These adjustments are necessary to provide the Secretary with the resources and flexibility to manage the Department effectively.

Kyoto Protocol

The Administration is concerned that the House may add language that has been added in another appropriations bill in the House this year regarding the Kyoto protocol and climate change. This language is unacceptable and may well be unconstitutional. The Administration will not accept any appropriations language that limits activities under current law to reduce greenhouse gasses, or that restricts the President's constitutional authority to negotiate international agreements. As we have stated many times, the Administration has not, and will not, attempt to implement the Kyoto Protocol prior to ratification. Consequently, such language should not be added since it would be unwarranted, disruptive, and could be interpreted as unconstitutionally preventing the Department of Transportation from assisting the President in carrying out his constitutional authority to conduct international negotiations.

Earmarking

The Administration strongly objects to the Committee's excessive earmarking of discretionary programs. These funds should be distributed based on merit.

Infringement on Executive Authority

The Administration objects to a number of provisions in the bill that would require congressional approval before Executive Branch execution. The Administration will interpret these provisions to require only notification of Congress, since any other interpretation would contradict the Supreme Court ruling in INS v. Chadha.

Floor Action | Subcomm. 5/4 | JoAnn Emerson J Knew MC1 2

Tom Latham - Iowa
mlavelle@usnews.com
Kaptur: - why on Ky?

Latham: The plan is to put this on every approps bill..

* Ky bill on the floor *
Wolff pushed for rider
not attached at transportation
Big B lobby warfare
Interior approps.

Dear Mr. Speaker:

Delay meeting

It has come to my attention that a legislative provision was included in the FY 2001 Agriculture Appropriations bill that would prohibit use of funds appropriated to the Department of Agriculture for activities related the Kyoto Protocol. I understand a similar provision may be added to legislation relating to the Department of State and other federal agencies.

This legislation, if enacted, may well be an unconstitutional infringement on the Administration's authority to devise and carry out diplomatic strategy relating to an ongoing international negotiation. It would also undermine our national interest in ensuring a cost-effective, multilateral solution to global climate change.

I hope I can count on your support in opposing this unwise and potentially unconstitutional restriction on U.S. diplomacy. If it were included in any legislation presented to the President for his signature, I would have to recommend he veto that legislation.

Sincerely,

Madeleine Albright

The Honorable
J.Dennis Hastert,
Speaker,
United States House of Representatives.

Paul

Bob Durand, Massachusetts Secretary of Environmental Affairs and chairman of the MWRA board, said he is pleased that the court agreed that the agency's comprehensive approach "with the emphasis of protecting our water at its source, is a forward-looking strategy to ensure the long-term protection of our drinking water."

The MWRA said the $180 million saved by not building the filtration plant would make funds available to help MWRA communities rehabilitate neglected rusty pipelines.

MWRA executive director Douglas MacDonald said the program "delivers top quality drinking water" but spends "only the money that must be spent, and every penny of that in ways that will do the most good."

EPA Region I Administrator Mindy Lubber said the agency was disappointed by the court's finding that filtration was not required.

"We continue to believe—as do many in the public health community—that the combination of filtration and disinfection that we proposed would provide substantially better public health protection for Boston-area residents than the ozone-disinfection only treatment facility proposed by MWRA," Lubber said.

"Today's ruling is a setback for Boston-area residents who deserve the safer drinking water that a filtration plant would provide," Lubber said.

EPA and the Department of Justice are reviewing the decision to determine whether to appeal, officials said.

By Martha Kessler

Climate Change

Lawmakers Query EPA Over Role, Motive On Outside Work on Carbon Dioxide Cuts

Two lawmakers in a May 5 letter questioned whether the Environmental Protection Agency provided funds to an outside entity for development of a proposal that would serve as a basis for future regulations on carbon dioxide.

The lawmakers said they are concerned that such funding violates language in EPA appropriations measures that prohibits issuance of rules or regulations to implement or prepare to implement the Kyoto Protocol. The 1997 international treaty, which has not been ratified by the United States, calls for reductions of CO_2 and other greenhouse gases.

The appropriations amendment, offered by Rep. Joseph Knollenberg (R-Mich.), was adopted in EPA appropriations bills for fiscal years 1999 and 2000. Knollenberg and Rep. David McIntosh (R-Ind.) sent the letter to EPA Administrator Carol M. Browner requesting information by May 26 on agency funding practices as they relate to CO_2.

Based on information from a presentation at a May 2-3 meeting of the Ozone Transportation Commission, the lawmakers expressed concern "that OTC's consideration of a Kyoto Protocol implementation measure may conflict with" the appropriations amendment, and "EPA's repeated assurances that it has 'no plans' to regulate CO_2," the letter said.

At issue is a proposal submitted to OTC that would recommend that EPA takes steps to control multiple pollutants, including CO_2. The OTC was created by the Clean Air Act Amendments of 1990 to coordinate the regional development of control plans for ground-level ozone in the Northeast and Mid-Atlantic states.

The proposal was put forward at the OTC meeting by the Northeast States for Coordinated Air Use Management, an interstate association of air quality control divisions of Northeastern state agencies. The NESCAUM measure was based on a state rule required by the Connecticut Legislature that called for generation performance standards for multiple air emissions including CO_2.

Congressional Watchdogs. A McIntosh aide told BNA the suspicion that EPA may be implementing the Kyoto Protocol "isn't an isolated incident." EPA should know that McIntosh and Knollenberg "are watching," the aide said.

McIntosh chairs the Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs. The panel has oversight jurisdiction over EPA programs.

Jason Grumet, executive director of NESCAUM, told BNA the multistate organization is pleased that Knollenberg and McIntosh "are interested in NESCAUM's work" and convinced that as they learn more, they will "understand that no NESCAUM activity" would engage in "implementation of a yet-to-be ratified treaty." He added that "one could not fairly describe the promotion of generation performance standards as an effort to implement the Kyoto Protocol."

At the OTC meeting, member states approved six commission proposals for control measures that would be short-term priorities and prepared in time for the OTC's annual meeting June 1. The six measures identified varied sources of pollution, but all seek to lower emissions of the ozone-causing pollutants nitrogen oxides and volatile organic compounds, according to Bruce Carhart, spokesman for OTC.

The NESCAUM proposal to control multiple pollutants and an additional eight or nine other OTC proposals were not considered short-term priorities. However, the proposals not selected for short-term development remain on a list for potential long-term development by OTC for future control measure recommendations to EPA, Carhart told BNA.

EPA Directive? The intent of the Knollenberg-McIntosh letter to Browner is to "find out if the [NESCAUM] measure was completely spontaneous by OTC and NESCAUM" or whether EPA helped fund development of the proposal with ulterior motives involving implementation of the Kyoto pact, one subcommittee aide told BNA.

NESCAUM—which receives funding from EPA that relates to energy—engages in "dozens of projects that link air quality and energy policy," Grumet said. But in this case, "there was no directive from EPA that NESCAUM seek to support, implement, execute, or in any way implement an unratified treaty" or undermine the Knollenberg amendment, Grumet asserted.

However, Grumet said it is his understanding that Congress has not precluded organizations like

DEN ISSN 1060-2976

NESCAUM—interested in reducing a host of pollutants, including CO_2—from doing research on reduction methods. He said he agreed that implementing Kyoto is "entirely premature," but that there is a "legitimate, if not, national obligation to address greenhouse gas reduction."

By Pamela Najor

Senate Floor
May 15, 2000
Floor Agenda
Meets at 1.pm. for morning business until 3 p.m.
At 3 p.m. the Senate will resume consideration of
2521, the Military Construction FY 2001
Appropriations bill. For current information on
the Senate's legislative program please check
with contacts listed below.
Location: Senate Chamber.
Contact: Telephone: Republican Cloakroom, 202-224-8601, or Democratic
Cloakroom, 202-224-8541. Internet: [Link]
Revised

House Floor
May 15, 2000
Floor Agenda
The United States House of Representatives
Meets at 10:30 a.m. for morning hour and at Noon for legislative business. For the latest information on the House legislative program please check with the contacts listed below.
Location: House Chamber.
Contact: Telephone: Republican Cloakroom, 202-225-2020, or Democratic Cloakroom, 202-225-1600. Internet: Current floor activity [Link] This week's Floor schedule: [Link]

May 19, 2000
Floor Agenda
The United States House of Representatives
Meets at 9 a.m. No votes scheduled after 2 p.m. For the latest information on the House legislative program please check with the contacts listed below.
Location: House Chamber.
Contact: Telephone: Republican Cloakroom, 202-225-2020, or Democratic Cloakroom, 202-225-1600. Internet: Current floor activity [Link] This week's Floor schedule: [Link]

Kerry

May 17, 2000
Senate Commerce, Science and Transportation Committee
Global Warming
Full committee hearing to hear testimony on the scientific research on global warming.
Witnesses: Neal Lane, assistant to the president, Science and Technology, Office of Science and Technology Policy, White House; Ray Bradely, department chairman, Department of Geosciences, University of Massachusetts; John Christy, director, Earth System Science Center, University of Alabama; Jerry Mahlman, director, Geophysical Fluid Dynamics Laboratory, National Oceanic and

main skeptic

Atmospheric Administration (NOAA); Kevin Trenberth, director, Climate Analysis Section, National Center for Atmospheric Research; Robert Watson, chairman, Intergovernmental Panel on Climate Change
Location: 253 Russell Senate Office Building. 9:30 a.m.
Contact: 202-224-5115 [Link]
Revised

Senate Environment and Public Works Committee
Cleaner Air
Clean Air, Wetlands, Private Property and Nuclear Safety Subcommittee hearing to conduct a Clean Air Act Reauthorization to receive testimony on an incentive-based utility emissions reduction approach in the Clean Air Act.
Location: 406 Dirksen Senate Office Building. 9:30 a.m.

May 18, 2000
Senate Appropriations Committee
FY2001 Budget
Full committee markup of portions of the FY2001 budget: Defense appropriations and Legislative Branch appropriations.
Location: 128 The Capitol.
Contact: 202-224-3471 [Link]
Tentative

House Rules Committee
Military Contruction
Full committee consideration of rules for floor debate of H.R.4425, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending Sept. 30, 2001, and for other purposes.
Location: H-313 The Capitol. 6:30 p.m.
Contact: 202-225-9191 [Link]
Revised

May 16, 2000
House Appropriations Committee
Transportation
Full committee markup of the FY2001 Transportation Appropriations Bill.
Location: 2359 Rayburn House Office Building. 10 a.m.
Contact: 202-225-2771 [Link]
New

May 17

House Appropriations Committee
Interior
Interior Subcommittee markup of the FY2001 Interior Appropriations Bill.
Location: B-308 Rayburn House Office Building. 10 a.m.
Contact: 202-225-2771 [Link]
New

Republicans Have Opposed Efforts By the Clinton-Gore Administration to Foster Energy Efficiency and Develop New Energy Sources

Republicans claim that the current rise in gasoline prices is due to the Clinton-Gore Administration's failure to develop a sound strategy to reduce our dependence on foreign oil. Yet Republicans have consistently opposed the Clinton-Gore Administration's attempts to promote the development of new energy efficient technologies, energy conservation programs, and other energy research programs that not only reduce our dependence on foreign oil but create jobs, save consumers money and reduce pollution. In fact, in 1995 House Republicans tried to eliminate the Department of Energy altogether.

→ **1995:** The Republican budget, which the President vetoed, eliminated the Department of Energy, slashed funding for the Department's energy conservation programs and cut funding for environmental technology programs and the Climate Change Action Plan. The House VA-HUD Appropriations subcommittee originally writing a bill which gutted funding for the Energy Department by $800 million -- which primarily came from research and development for alternative fuels.

→ **1995:** The House-passed Republican budget eliminated three Cabinet Departments, including the Department of Energy. Forty House Republicans -- led by then-Congressman and current Senator Sam Brownback (R-KS) -- even wrote to Speaker Gingrich warning they would be "very reluctant" to support any budget compromise that did not eliminate at least one Department. Senate Majority Leader Bob Dole also endorsed eliminating the Energy Department. [Washington Post, 6/22/95]

→ **1996:** The Republican budget cut $93 million from the President's request for solar and renewable energy research programs. Investments in the development of advanced renewable energy technologies, which have a large potential export market, will create new jobs and reduce pollution, thereby addressing climate change and protecting human health and the environment.

1998: Republicans initially refused to fully fund research investments and tax incentives proposed by the President which would reduce greenhouse gases, save energy and save consumers money through improved energy efficiency and new clean energy technologies. In the end, President Clinton won over $1 billion --a 26 percent increase -- to support research investments that will reduce greenhouse gas emissions, oil consumption, and energy costs for consumers and businesses by promoting increased energy efficiency and clean energy technologies.

→ **1999:** Republicans cut $580 million from the budget for environmental and energy research -- dramatically undermining our efforts to reduce our dependence on foreign oil. President Clinton and Vice President Gore won $1.1 billion for research and development of clean energy, including a seven percent increase for energy efficiency investments to reduce pollution, create jobs, and save consumers money as well as an extension of tax credits for wind and biomass energy production.

→ **1999:** Senate Republicans included a rider that blocked up to $1 billion in energy efficiency and renewable power programs included in the Interior appropriations bill [Greenwire, 7/1/99]. Thanks to the Clinton-Gore Administration's opposition, the rider was removed before the final bill was signed.

DOE/IG-0467

AUDIT
REPORT

THE
U.S. DEPARTMENT OF ENERGY'S
GLOBAL CLIMATE
CHANGE ACTIVITIES

APRIL 2000

U.S. DEPARTMENT OF ENERGY
OFFICE OF INSPECTOR GENERAL
OFFICE OF AUDIT SERVICES

Department of Energy
Washington, DC 20585

April 6, 2000

MEMORANDUM FOR THE SECRETARY

FROM: Gregory H. Friedman
Inspector General

SUBJECT: INFORMATION: Audit Report on "The U.S. Department of Energy's Global Climate Change Activities"

BACKGROUND

The President's Climate Change Proposal of October 1997 and the United Nation's *Framework Convention on Climate Change* (FCCC), were intended to identify methods of reducing greenhouse gas emissions. The FCCC was ratified by the U.S. Senate in 1992 and put into force in July 1994. The purpose of the Kyoto Protocol (Protocol), a proposed amendment to the FCCC, is to reduce net emissions of certain greenhouse gases (primarily CO_2) by setting binding limitations on the emissions of developed countries throughout the world. The Protocol was negotiated by more than 160 nations in December 1997, in Kyoto, Japan, pursuant to the objectives of the FCCC. It mandates targets to limit or reduce greenhouse gas emissions for developed countries, including the U.S., but not for developing countries. The Protocol has not been forwarded to the Senate for ratification.

In the Fiscal Year 2000 appropriations laws applicable to the Department of Energy, the Congress included language prohibiting the expenditure of funds to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Protocol.

The objective of our audit was to determine whether funds were expended to implement the Kyoto Protocol, or to prepare for its implementation. The audit was initiated pursuant to a congressional request.

RESULTS OF AUDIT

We found no evidence that funds were expended to issue specific policies to implement the Protocol. However, the Department is involved in conferences and activities aimed at developing necessary procedures and mechanisms in preparation for implementing the Protocol, if ratified. Department representatives have attended a number of conferences related to global climate change, including some where the Protocol was the primary topic. The Department also participates in international negotiations aimed at elaborating on the Kyoto mechanisms to further define the Protocol, reducing the cost of its implementation, and encouraging participation by other countries.

Most Department officials involved in climate change activities had not reviewed the specific appropriations language, but were aware that it existed. They also had varying interpretations of its meaning relative to day-to-day activities. Program officials drew a distinction between setting specific implementation policies, which they acknowledged would be prohibited, and conducting general program activities and research related to climate change, which they regarded as being consistent with the Department's mission. Policy officials viewed negotiations regarding the Protocol as necessary and legitimate because considerable clarification was needed before the Protocol could be credibly presented to the Senate for ratification. None of the officials we spoke to had asked for or had been provided interpretive guidance on the restrictions on Protocol activities in the appropriations acts.

The Office of Inspector General is aware that the restrictive appropriations language is a matter of some debate within the Congress and the Administration. In the course of our audit we reviewed statements by Representative Knollenberg, who is a sponsor of the restrictive language. We also reviewed a statement by Representatives Waxman and Pallone. In their statement, Congressmen Waxman and Pallone argue that neither the appropriations language nor its congressional intent prohibits discussions, workshops, seminars, policy development, or other non-regulatory activity. Additionally, we considered the President's statement made upon signing the Fiscal Year 2000 Consolidated Appropriations Act. In that statement, the President noted that "...to the extent these provisions could be read to prevent the United States from negotiating with foreign governments about climate change, it would be inconsistent with my constitutional authority. Accordingly, I will construe this provision as not detracting from my authority to engage in the many activities, both formal and informal, that constitute negotiations relating to climate change."

In light of the varying interpretations of the appropriations language and the controversy that language has engendered, the Office of Inspector General recommends that the Department provide to its employees a formal interpretation on the appropriateness of activities in relation to the statutory prohibition. Once provided, the guidance should be adopted by all Departmental offices having an interest in climate change and related activities. We were informed by the Offices of Inspector General at the Department of State and the Environmental Protection Agency that those agencies have issued such guidance to assist employees in determining the appropriateness of program activities.

MANAGEMENT REACTION

The Director, Office of Policy agreed to develop appropriate guidance, in cooperation with affected program offices and the General Counsel.

Attachment

cc: Deputy Secretary
Under Secretary for Energy, Science and Environment

2204 Rayburn House Office Building
Washington, DC 20515–0529
(202) 225–3976
www.house.gov/waxman

District Office:
8436 West Third Street
Suite 600
Los Angeles, CA 90048–4183
(323) 651–1040

Ranking Member
Committee on Government Reform

Member
Committee on Commerce
Democratic Steering Committee

Congress of the United States
House of Representatives
Washington, DC 20515–0529

HENRY A. WAXMAN
29th District, California

May 11, 2000

The Honorable David Obey
Ranking Member
House Appropriations Committee
2314 RHOB
Washington, D.C. 20515

Dear Dave,

I have recently become aware of Rep. Knollenberg's latest anti-environmental rider regarding the U.S.'s efforts to address the threat of climate change. As you know, this rider was accepted into the agriculture appropriations bill in subcommittee and may be included in other appropriations bills. Although I'm sure you already know how far-reaching this proposal is, I wanted to share my thoughts with you on this troubling proposal.

In each of the last two years, Rep. Knollenberg has argued for appropriations language that would prevent the Administration from proposing or issuing rules, regulations, decrees, or orders for the purpose of implementing or preparing to implement the Kyoto Protocol prior to ratification. Congress has acceded to this narrow language with the understanding that existing authorities and obligations under the ratified United Nation Framework Convention on Climate Change (UNFCCC), the Clean Air Act, the Constitution, and other laws are not limited. Rep. Knollenberg's new language appears to override these authorities and applies to a much broader range of activities, including international discussions of the Kyoto Protocol.

The draft language, as circulated, states "Hereafter no funds shall be used for the Kyoto Protocol, including such Kyoto mechanisms as carbon emissions trading schemes and the Clean Development Mechanism that are found solely in the Kyoto Protocol and nowhere else in the laws of United States." This language is so broad that it could be interpreted to prohibit all U.S. international activity on climate change and to remove consideration of cost-effective domestic and international mechanisms to address climate change.

These concerns are elaborated on below.

I The Draft Language Prohibits the U.S. From Participating in International Discussions on Climate Change.

The Kyoto Protocol is a work in progress. Each year, representatives from many nations come together under the auspices of the Protocol to discuss how best to respond to the challenge of climate change. For progress to be made at these formal annual meetings, staff level meetings must take place throughout the year. These meetings are essential for the U.S. They provide our nation an opportunity to participate in -- and to shape -- the international response to climate change.

The Knollenberg language, however, provides that "no funds shall be used for the Kyoto Protocol." This language thus prohibits the U.S. from participating in these international negotiations and meetings. Congress would effectively -- and perhaps unconstitutionally -- bar our government from discussing and negotiating an international response to climate change. We would lose our opportunity to influence how the world responds to global warming, which could in turn harm U.S. environmental and economic interests.

II The Draft Language Could Prohibit the Administration from Honoring the Senate's Resolution Regarding the Kyoto Protocol.

In July 1997, the Senate passed S.Res. 98 by 95-0. S.Res. 98 encourages the Administration to negotiate "specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties." By prohibiting any funds from being spent on the Kyoto Protocol, the Knollenberg language would prevent the Administration from meeting this Senate expectation.

Additionally, the S.Res. 98 also states that when the Kyoto Protocol is submitted to the Senate for ratification, it "should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol . . . and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement." The Knollenberg language is so broad that it also appears to prohibit this policy development and analysis from occurring.

III The Draft Language Could Prohibit Policy Development on the Most Cost-Effective Mechanisms to Address the Threat of Climate Change.

The U.S. government is working to develop the least-cost, most effective ways to address climate change. Whether we act pursuant to the UNFCCC, the Kyoto Protocol, or unilaterally, there is a growing consensus among government, industry, and environmental groups that an appropriate emissions trading system could reduce the costs of protecting the environment.

One of the key elements of the Kyoto Protocol is the Clean Development Mechanism (CDM). The CDM would provide an international mechanism to reduce costs of addressing climate change by allowing the Parties of the Kyoto Protocol to take advantage of the least-cost carbon reductions first. Its development is thus an important component of a rational response to the threat of global warming.

The Knollenberg language, however, expressly bans the use of funds for the CDM. By prohibiting policy development on these strategies, the draft language is likely to subject the U.S. to higher than necessary costs to protect the environment and generate needless opposition to protecting the environment.

For example, increased energy efficiency, increased use of renewable energy, and agricultural or forestry practices that store carbon may all prove to play an effective role in addressing climate change. Blocking the development of these cost-effective strategies would ultimately increase costs by promoting only the most-expensive solutions to climate change.

Many test projects are now being deployed that could be used in these programs. For example, the State of New Jersey is developing pilot projects on emissions trading to address climate change. Texaco recently announced that it will fund a $900,000, 70-year reforestation project in the Lower Mississippi River Valley to sequester greenhouse gases. Similarly, American Electric Power, PacifiCorp, and BP Amoco, have teamed up with the Friends of Nature Foundation and The Nature Conservancy to jointly implement the $9.6 million Noel Kempff Mercado Climate Action Project -- the largest forest based carbon project in the world. Policy development must be continued on these programs to determine if such projects offer viable solutions to climate change.

Many leading U.S. companies have joined the Business Environmental Leadership Council at the Pew Center on Global Climate Change. They include ABB, American Electric Power, Air Products, Baxter, Boeing, BP Amoco, CH2MHill, DuPont, Enron, Entergy, Holnam, Intercontinental Energy Corporation, Lockheed Martin, Maytag, PG&E Corporation, Shell International, Sunoco, Toyota, United Technologies, Weyerhaeuser, and Whirlpool.

These companies have recognized the threat of climate change and have stated, "[W]e believe that one of our most serious challenges at home and abroad will be addressing global climate change as we work to sustain a growing global economy. Our companies recognize that the risks and complexities of climate change are so important that we must work together to meet this challenge." Moreover, these companies have recognized the need to develop market mechanisms such as emissions trading. Specifically, they have stated:

> "The Kyoto agreement represents a first step in the international process, but more must be done both to implement the market-based mechanisms that were adopted in principle in Kyoto and to more fully involve the rest of the world in the solution."

As consensus grows regarding market-based mechanisms, Congress should not act to preemptively eliminate their consideration.

IV Public Interest Organizations Oppose the Knollenberg Rider

The new Knollenberg rider is uniformly opposed by Environmental Defense, Friends of the Earth, National Environmental Trust, National Wildlife Federation, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club, The Nature Conservancy, Union of Concerned Scientists, U.S. Public Interest Research Group, and the World Wildlife Fund. These groups have stated:

"We are very concerned about Representative Knollenberg's language for FY2001. The current draft language is so broad and devastating that it could be interpreted to shut down virtually all U.S. participation in international activity on climate change. Such language would hurt both the environment and this country's ability to negotiate effective and fair international agreements on climate change. We believe that it is disingenuous and counterproductive for this draft report language to request analyses of the costs and impacts on the U.S. economy of any climate treaty, while at the same time the rider seeks to prohibit exactly such analysis by the executive branch."

Adopting the Knollenberg climate change language would be a dramatic setback in our efforts to address climate change. I appreciate your past efforts to make sure our nation is able to take common-sense steps to address the challenge climate change presents, and I urge you to ensure that this year's Appropriations bills are passed free of riders that would impede climate change efforts.

Sincerely,

Henry A. Waxman
Member of Congress

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 20 2000

THE INSPECTOR GENERAL

Honorable Joseph K. Knollenberg
2349 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Knollenberg:

I am writing in response to your letter of February 15, 2000, regarding the Kyoto Protocol and inquiring about the meeting in Berlin, Germany, on February 2-3, 2000. This meeting was attended by one employee of the Environmental Protection Agency (Agency). The trip-related costs were about $3,198: $1,270 in travel expenses and $1,928 for related personnel compensation and benefits. The purpose of the meeting was to talk with German officials about current national practices with respect to climate protection policies and measures assessing their impact, including the economic, social, cultural, and political considerations. According to Agency interpretations of the restrictive language in the fiscal year 2000 appropriation law concerning the Kyoto Protocol, the trip does not violate the law because it occurred for reasons other than to solely implement or prepare to implement the Kyoto Protocol. The Agency's Office of General Counsel was consulted about this trip before the travel authorization was prepared to ensure it was appropriate, although the attorney did not see the invitation. Officials from the Department of State concluded on January 31, 2000, that this workshop would not violate a similar restriction in their appropriation. Based on the above, I conclude that the trip to Berlin did not violate the restrictive language in the Agency's appropriation regarding the Kyoto Protocol.

In addition, you inquired about the meeting in Harrisburg, Pennsylvania, on November 22, 1999. This meeting was attended by one employee of the Agency. The trip-related expenses total about $324: $46 for travel expenses and $278 in related personnel compensation and benefits. The purpose of the meeting was to talk with Pennsylvania state officials about a conference they want to hold on climate change as it affects the State of Pennsylvania. Because the Kyoto Protocol applies to issues involving international climate change and not domestic issues, I believe that the restrictive language in the fiscal year 2000 appropriation law concerning the Kyoto Protocol does not apply to this meeting and consequently the trip to Harrisburg does not violate the restrictive language in the appropriation law.

You also inquired more generally about Agency activity that may violate the appropriation restriction. Agency officials took steps to ensure that the restrictions were not violated. These steps included providing appropriate Agency staff with guidance about the restrictive language and what it means in day-to-day operations. Also, upon request, the Office of General Counsel has provided advice about specific situations. In addition, there were questions from Congressman McIntosh regarding possible violations of the restrictions that further increased the Agency's sensitivity regarding this matter. Finally, in May 1999, Peter F. Guerrero of the General Accounting Office testified about similar restrictive language in the Agency's appropriation for fiscal year 1999. He concluded "that the [restrictive] provision does not limit the agency's ability to undertake activities that are otherwise authorized by law." For these reasons and based on our inquiries for you, I believe it unlikely that the Agency violated the restriction in the appropriation law for fiscal year 2000.

I hope this information is helpful and answers your inquiry. At this time, my office has no plans to pursue the matter further. If you have any questions about this response, please contact me or James O. Rauch (202-260-4942), the Assistant Inspector General for Audit.

Sincerely,

Nikki L Tinsley

Nikki Tinsley

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 28, 2000

Inspector General Nikki L. Tinsley
U.S. Environmental Protection Agency
Office of Inspector General
Mailcode 2443
401 M Street, S.W.
Washington, DC 20460

Dear Inspector General Tinsley:

Recently, you received a letter from Representative Knollenberg requesting that you conduct an audit of the U.S. EPA's participation in environmental policy workshops in Germany and in Pennsylvania. Rep. Knollenberg has maintained that such participation is a violation of language relating to the Kyoto Protocol in EPA's FY 2000 appropriation (Kyoto appropriations language). We disagree.

In each of the last two years, Rep. Knollenberg has argued for appropriations language which would prevent the Administration from proposing or issuing rules, regulations, decrees, or orders for the purpose of implementing or preparing to implement the Kyoto Protocol prior to ratification. Congress has acceded to this narrow language with the understanding that existing authorities and obligations under the United Nation Framework Convention on Climate Change (UNFCCC), the Clean Air Act, the Constitution, and other laws are not limited. Rep. Knollenberg now asserts that the Kyoto appropriations language overrides these authorities and applies to much broader types of activities, including policy workshops, international discussions of the Kyoto Protocol, and development of policies that might govern a CO_2 emissions trading program.

There are fundamental flaws with Rep. Knollenberg's argument. First, his argument ignores the fact that the Constitution vests authority over foreign policy and treaties in the Executive Branch. Second, Rep. Knollenberg ignores U.S. obligations under the UNFCCC. Third, Rep. Knollenberg stretches the Kyoto appropriations language past the literal interpretation of the language or its congressional intent. These points are elaborated upon below.

I. The Constitution vests authority over foreign policy and the power to negotiate treaties in the Executive Branch.

The U.S. Constitution vests the Executive Branch with authority over foreign policy and the power to negotiate treaties. The Executive Branch clearly has authority to hold meetings and otherwise interact with other governments. To our knowledge, no credible authority has ever argued otherwise. As negotiations over international agreements regarding climate change continue, the Executive Branch will necessarily need to meet with foreign governments regarding the Kyoto Protocol. Such meetings will be required to negotiate treaties, to provide the Senate with the necessary information for advice and consent to ratification, and ultimately to protect U.S. interests. Obviously, these Constitutional authorities may not be impinged upon without a Constitutional amendment.

II. The United States has significant obligations and authorities under the UNFCCC.

In addition to ample authority under the U.S. Constitution, the United States is also a party to the 1992 United Nations Framework Convention on Climate Change. Negotiated by President Bush and ratified by the U.S., the UNFCCC provides additional authority for the Administration to work on climate change issues.

For example, Article 4, paragraph 1 of the UNFCCC provides that all parties shall engage in comprehensive efforts to address climate change. From developing and implementing programs to address climate change, to considering climate change in the development of social, economic and environmental policies and actions, to cooperating on education and institutional development, Article 4 contains an obligation to address climate change seriously and participate in international venues.

More specifically, the U.S. has committed under subparagraph 1(b) of Article 4 to formulate programs to mitigate climate change by addressing anthropogenic emissions. Additionally, under subparagraph 1(c), the U.S. has committed to promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors. We have attached a copy of Article 4 for your reference.

Article 6 of the UNFCCC provides that in promoting and cooperating in education, training and public awareness, the UNFCCC contemplates the broadest outreach for public participation. Article 6, subparagraph (b) provides that parties to the UNFCCC shall cooperate in and promote, at the international level, the development and exchange of educational and public awareness material on climate change and its effects. This subparagraph also states that the parties shall cooperate in and promote the development and implementation of education and training programs, including the strengthening of national institutions and the exchange of personnel to train experts in this field.

Nothing in the Kyoto appropriations language detracts from or limits the broad obligations that the United States has agreed to in the UNFCCC, or other authorities or obligations. This has been readily acknowledged by all members of Congress.

Even Representative Knollenberg acknowledged the significance of the UNFCCC when the House originally considered the appropriations language in 1998. At that time, Mr. Knollenberg stated:

> "Let us be clear. The language included in this bill does not do anything to interfere with valuable research, existing programs, or ongoing initiatives designed to carry out the United States' voluntary commitments under the 1992 Climate Change Convention."[1]

In consideration of the conference report on H.R. 2606, the appropriations bill for foreign operations, export financing, and related programs, Representative Knollenberg again stated his view that the Kyoto appropriations language does not affect applicability of the UNFCCC:

> "[I]n no way does this provision prevent the United States from engaging developing countries under the UN Framework Convention on Climate Change signed by President Bush in 1992 and ratified by the Senate. Specifically, Articles 4, 6, and 17 allow voluntary measures and give developed country parties authority to engage in international education, listen carefully, international education, develop technologies, promote sustainable development, and assist vulnerable developing countries.
>
> I point out to my colleagues that not one of these activities arises out of the Kyoto Protocol."[2]

The UNFCCC provides authority and obligations for a wide range of climate change activities. There is no congressional intent for the Kyoto appropriations language to restrict, limit, or affect in any way, the UNFCCC authority and obligations.

III. Rep. Knollenberg stretches the Kyoto appropriations language past the literal interpretation of the language or its congressional intent.

Although the Constitutional authorities and the authorities under the UNFCCC remain

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[1] Congressional Record, July 23, 1998, p. H6219.

[2] Congressional Record, October 5, 1999, p. H9370. Representative Knollenberg goes on to make an ambiguous statement which could be read to suggest that he believes that the Administration cannot discuss ratification of the Kyoto Protocol with other governments. Such an interpretation would have no merit though, for the Constitutional reasons stated above.

unaltered, Rep. Knollenberg argues that the Kyoto appropriations language prohibits broad types of activities, including policy workshops, international discussions of the Kyoto Protocol, and development of policies that might govern a CO_2 emissions trading program. These arguments go far beyond a literal interpretation of the Kyoto appropriations language or its congressional intent.

The Kyoto appropriations language states:

> "That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol:"[3]

When Congress first enacted the Kyoto appropriations language in the FY 99 VA-HUD appropriations bill, the accompanying report explained its meaning:

> "The conferees have also adopted new language prohibiting the use of funds to take certain actions for the purpose of implementing or preparing to implement the Kyoto Protocol . . . . The bill language is intended to prohibit funds provided in this bill from being used to implement actions called for <u>solely</u> under the Kyoto Protocol, prior to its ratification."[4]

The Kyoto appropriations language prohibits funding to be used "to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol." Thus, only specific formal regulatory activities that have the purpose of implementation or preparation for implementation of the Kyoto Protocol are prohibited.

The Administration may engage in nonregulatory activities regarding the Kyoto Protocol, such as developing an understanding of how the Kyoto Protocol may best be implemented or

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[3] VA-HUD Appropriations, P.L. 106-74, Oct. 20, 1999, 113 STAT. 1080. The language was also added to five other appropriations bills: Agriculture, Energy and Water, Foreign Operations, Interior, and Commerce, Justice and State. There is no report language explaining the Kyoto appropriations language accompanying any of these bills.

[4] FY1999 VA-HUD conference report, 105-769, p. 273-274, emphasis added. There has been no further conference report language explaining the meaning of the Kyoto appropriations language.

participating in seminars on the Kyoto Protocol.[5] Obviously, an understanding of how the Kyoto Protocol would be implemented is critical and customary for a ratification debate in the Senate. Also, the Administration may engage in regulatory activity that would address climate change, as long as the purpose in doing so is not to implement or prepare to implement the Kyoto Protocol.

The FY 1999 appropriations cycle was the last time that the House and the Senate reached agreement on report language explaining the Kyoto appropriations language. During consideration of FY 2000 VA-HUD appropriations, the conference committee decided to leave out any report language and allow the FY 1999 report language to stand as the last expression of Congress on the issue.[6]

Representative Knollenberg has indicated that discussions of CO_2 emissions trading may somehow be restricted by the Kyoto appropriations language. There is no apparent basis for such

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[5] Indeed, as a result of an amendment adopted during floor consideration of H.R. 4194 prior to conference (H.AMDT.773, July 23,1998, Roll No. 332), the report explicitly states that, "The conferees note that this restriction on the use of funds shall not apply to the conduct of education activities and seminars by the Agency." FY1999 VA-HUD conference report, 105-769, p. 273.

[6] During the floor consideration of the FY 2000 VA-HUD appropriations conference report, Representatives McIntosh and Knollenberg made floor statements regarding the Kyoto appropriations language. Representative Mollohan, the ranking member of the House VA-HUD Appropriations Committee cautioned against giving any weight to their comments. Mr. Mollohan stated:

> "The appropriations process is an inappropriate place to deal with clean air authorizing issues; trying to impact interpretations in that area and comments as we debate a conference report is equally or more inappropriate place to deal with it. There is a difference on the Kyoto issue between the House and the Senate report. The Administration has its interpretation of that.
>
> Going back to the compromise language on Kyoto that was contained in last year's appropriation report, they would maintain that that is the interpretation that applies this year. The gentleman can add his interpretation on that and they can debate it, but I would submit that comments offered in the course of this debate on this conference report do not impact the legislative intent in any way with regard to the Kyoto issue."

Representative Mollohan went on to state:

> "If [Mr. Knollenberg] is trying to establish a legislative history with regard to the Kyoto language, I repeat that I think this is a poor place to do it. The facts are that there is language in the House report on that subject. The language in the Senate report differs, and there could not be any consensus drawn of the congressional intent with regard to that topic by looking at the 2000 report, the report accompanying this bill. The language in the 1999 report accompanying the VA appropriations was agreed to by both the House and the Senate.
>
> However, I would note that the Senate worked long and hard for 2 years now on this language. That language was agreed to by both bodies in last year's report. This year, there was not agreement on the Kyoto language between the House and the Senate." (Congressional Record, October 14, 1999, p. H10055)

an argument. The U.S. government is working to develop the least-cost, most effective ways to address climate change. Whether we act pursuant to the UNFCCC, the Kyoto Protocol, or unilaterally, there is a growing consensus among government, industry, and environmental groups that an appropriate emissions trading system could reduce compliance costs. There is certainly no congressional intent to preclude discussion of the smartest ways to protect the environment.

Additionally, during last year's conference committee meeting on the VA-HUD bill, Rep. Knollenberg offered report language which would have had the effect of ensuring that CO_2 emissions trading would be considered only relevant to implementation of the Kyoto Protocol. His amendment stated:

> In addition to the House and Senate report language the conference notes that the Clean Development Mechanism and CO_2 emissions trading are called for solely under the Kyoto Protocol.

Representative Knollenberg withdrew this amendment before a vote took place. It is odd that Representative Knollenberg would now argue that CO_2 emissions trading is banned by the Kyoto appropriations language, when this amendment was never accepted into the conference report.

Despite Rep. Knollenberg's arguments, neither the text of the Kyoto appropriations language nor its congressional intent would support an argument that prohibits discussions, workshops, seminars, policy development, or other nonregulatory activity. Even regulatory activities that address climate change are not prohibited, if the activities don't have the purpose of implementing or preparing to implement the Kyoto Protocol.

IV. Conclusion.

Despite the Administration's repeated statements that it has no intention of implementing the Kyoto Protocol prior to ratification, the Kyoto appropriations language has been enacted as if the Administration has ever had that intention. However, the Kyoto appropriations language is narrowly constructed and has no effect on Constitutional authorities, nor does it interfere with activities under the UNFCCC. President Clinton reiterated this view in his statement made upon signing the FY2000 Consolidated Appropriations Act. He stated that:

> "I continue to believe that various provisions prohibiting implementation of the Kyoto Protocol . . . are unnecessary, as my Administration has no intent of implementing the Protocol prior to ratification. I will consider activities that meet our responsibilities under the ratified U.N. Framework Convention on Climate Change to be consistent with this provision. Finally, to the extent these provisions could be read to prevent the United States from negotiating with foreign governments about climate change, it would be inconsistent with my

[C]onstitutional authority. Accordingly, I will construe this provision as not detracting from authority to engage in the many activities, both formal and informal, that constitute negotiations relating to climate change."

Even without knowing the details of the meeting in Germany, it seems improbable that the Administration could have violated the Kyoto appropriations language. In fact, we see no basis for Rep. Knollenberg's concerns that the Administration is currently acting in violation of the Kyoto appropriations language. The activities discussed in Rep. Knollenberg's letter appear to be prudent activities, authorized by the Constitution, and called for by the UNFCCC.

Thank you for your consideration of this matter. Additionally, we request that if you decide to comply with Rep. Knollenberg's request that you provide us with a separate determination of whether EPA's activities fail to comply with the Kyoto appropriations language. We look forward to hearing from you on this issue.

Sincerely,

Henry A. Waxman
Member of Congress

Frank Pallone
Member of Congress

VICE PRESIDENT GORE ANNOUNCES NEW ENERGY EFFICIENCY STANDARDS FOR WATER HEATERS

Vice President Al Gore today announced proposed standards to improve the energy efficiency of residential water heaters that would result in consumer savings of more than $23 billion in energy over the next two decades. The standards are also expected to reduce greenhouse gas emissions by 36 million metric tons over the next 20 years, the equivalent of taking 28 million cars off the road.

"As a nation, we spend approximately $20 billion to heat water each year, accounting for about 14 percent of all household energy consumed," Vice President Gore said. "These new standards will help save consumers money on energy bills and reduce greenhouse gases and other pollution."

Under the proposed rule, all residential water heaters, whether manufactured in the US or imported, would need to meet the new standards by the beginning of 2004. Over the life of the new water heaters, the average consumer will save more than $100.

The water heater standards announced today are part of the Department of Energy's Lighting and Appliance Standards Program. DOE expects to issue energy efficiency rules for clothes washers, fluorescent lamp ballasts, residential central air conditioners, and for commercial heating and air conditioning which would nearly triple the energy savings announced today.

"These efforts reflect our commitment to use the latest technologies to promote energy security, consumer savings and environmental protection," the Vice President said.

By 2020, the proposed water heater standards would reduce electricity use annually by the equivalent of what is generated in a year by three large coal-fired power plants.

The proposed standards, to be published in the Federal Register on April 28, 2000, are based on a detailed economic analysis performed by the Department of Energy. DOE will hold a public hearing on the standards on June 20, 2000 in Washington, D.C. DOE expects to issue a final rule by the end of this year.

For more information, visit the DOE Clean Energy for the 21st Century web page at www.eren.doe.gov/cleanenergy.

- -

Emission reduction commitments from the private-business sector:

BP Amoco:
- 10% reduction from 1990 Baseline by 2010.
- Installed a system of group-wide emissions trading.

Baxter International:
- Lowered CO2 emissions in 1998 by 230,000 metric tons.
- Cut energy-related CO2 25% per unit between 1990 to 1998.
- Participant in Climate Wise program

Dow Chemical:
- Has reduced CO2 equivalents by 57% from 1990-2000.
- Has a stated a goal for 2005 to improve energy efficiency by 20 percent.

Du Pont:
- 65% reduction of carbon equivalent emissions by 2010, from 1990 baseline.
- Holding energy use flat by 2010, using 1990 as a baseline.
- Using renewable resources for 10% of global energy use by 2010.
- Reduced GHG emissions by 45% from 1990 levels by 2000
- Improved energy efficiency by 15% below 1990 levels.

Enron:
- Dedicated a 192.8 MW wind power plant in Storm Lake, Iowa.
- Sponsoring conferences on emissions trading, CDM and Joint Implementation in North America, India, Ukraine, and Europe.
- Installed the 116 MW gas-fired cogeneration plant, Elektrocieplownia Nowa Sarzyna (ENS).

Entergy:
- Committed to eliminating 4 million tons of CO2 per year from 1995 to 2000.
- Participant in the U.S. Government's Climate Challenge Program .
- Manages over 20,000 acres of company forest land for carbon sequestration, wildlife habitat, watershed management, recreation and timber production.

IBM:
- Achieved an estimated 20% reduction in global CO2 emissions from 1990 through 1997.
- Pledged to achieve average annual CO2 emissions reductions equivalent to 4% of the emissions associated with the company's annual energy use through 2004 from a baseline of 1998.

Johnson & Johnson:
- Pledged to reduce greenhouse gas emissions by seven percent below 1990 levels by the year 2010, with an interim goal of four percent below 1990 levels by 2005.

Shell:
- Renewed commitment to meet the agreed Kyoto targets to reduce greenhouse gas emissions.

- Installed a system of group-wide emissions trading.

Tokyo Electric Power Co Inc (TEPCO)

- Will invest 800 million yen a year for the next 30 years into an Australian reforestation plan, potentially creating 40,000 hectares of forest over the next 10 years (a 10,000 hectare forest absorbs up to 50,000 tons of carbon dioxide emissions per year).

United Technologies Corporation:

- Initiated a voluntary program to reduce its worldwide energy and water consumption by 25% as a percent of sales by 2007, decreasing CO2 emissions by approximately the same amount.

THE WHITE HOUSE

WASHINGTON

February 16, 2000

Dear Interested Party:

Attached please find a summary of President Clinton's FY 2001 budget proposal to fight global climate change. Against a backdrop of growing scientific consensus that the Earth is warming – and that human activities are at least partly to blame – the FY 2001 budget is proposing $2.4 billion in funding to combat global climate change, a 43 percent increase over FY 2000 enacted levels. This includes a series of new initiatives, such as accelerated efforts to develop clean energy at home and abroad and a new Clean Air Partnership Fund to boost state and local efforts to reduce greenhouse gases and air pollution. Recognizing the crucial need for sound science, the President is also proposing more than $1.7 billion for basic research into the science of climate change, bringing the total request for FY 2001 to over $4 billion.

President Clinton is also proposing a five-year, $4 billion tax incentive package to spur clean energy technologies and increase investment in energy efficient technology and renewable energy. The common thread in all these proposals is the conviction that new energy technologies can help us expand the economy and reduce greenhouse gas pollution at the same time.

As the President said in his State of the Union address just a few weeks ago, "The greatest environmental challenge of the new century is global warming." We believe that the President's FY 2001 budget represents an aggressive and innovative approach to this tremendous challenge.

Sincerely,

Roger S. Ballentine
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President Clinton's FY 2001 Climate Change Budget

"The greatest environmental challenge of the new century is global warming . . . If we fail to reduce the emission of greenhouse gases, deadly heat waves and droughts will become more frequent, coastal areas will flood, and economies will be disrupted. That is going to happen, unless we act. Many people . . . still believe you cannot cut greenhouse gas emissions without slowing economic growth. In the Industrial Age that may well have been true. But in this digital economy, it is not true anymore. New technologies make it possible to cut harmful emissions and provide even more growth."

-- President Bill Clinton, State of the Union Address, January 27, 2000

Meeting the Challenge of Global Warming. Against a backdrop of growing scientific consensus that the Earth is warming – and that human activities are at least partly to blame – President Clinton's FY 2001 budget is proposing $2.4 billion (a 43 percent increase over FY 2000 enacted levels) in funding to combat global climate change. This includes a series of new initiatives, such as accelerated efforts to develop clean energy sources both at home and abroad and a new Clean Air Partnership Fund to boost state and local efforts to reduce greenhouse gases and air pollution, as well as a five-year package of tax incentives to spur clean energy technologies and increased investment for R&D in energy efficient technology and renewable energy. In addition, the President is proposing more than $1.7 billion for global change research, for a total package for FY 2001 of over $4 billion.

International Clean Energy Initiative. To help accelerate the development and deployment of clean energy technologies around the world, President Clinton is proposing $201 million (a more than 100 percent increase over FY 2000 enacted levels) for a multi-agency initiative to encourage open competitive markets; remove market barriers in developing countries to clean energy technologies; and to provide new incentives for clean energy technology innovation and export. The initiative will promote U.S. clean energy exports, create high-value jobs, and assist developing countries in fighting air pollution and climate change.

Bioenergy & Bio-based Products Initiative. The budget includes $289 million to accelerate the development of bio-based technologies, which convert crops, trees and other "biomass" into a vast array of fuels and products – an increase of $93 million over FY 2000 enacted levels. In addition to helping meet environmental challenges like global warming, this initiative will increase the viability of alternative energy sources, support farm incomes, and diversify and strengthen the rural economy.

Clean Air Partnership Fund. The President proposes $85 million for a new fund to provide grants to state and local governments for projects that reduce both greenhouse gases and pollutants like soot, smog, and air toxics.

Climate Change Technology Initiative (CCTI). The CCTI is a package of targeted tax incentives and investments aimed at increasing energy efficiency and spurring the broader use of renewable energy. The package will save consumers money and reduce greenhouse gas emissions at the same time. CCTI investments have risen substantially each of the past two years. The President's new budget proposes a still more accelerated effort.

> **$4.0 billion in Tax Incentives over 5 years.** The proposed package contains $4.0 billion over five years in tax cuts ($201 million for FY 2001) for consumers who purchase energy efficient products and for producers of energy from renewable sources. This year's CCTI tax package is $400 million greater than last year's proposed five-year package. Highlights include:

- Tax credits for energy efficient homes. Consumers can receive a $1000-2000 credit toward the purchase of a new energy efficient home; a 20 percent tax credit for the purchase of selected energy efficient products for homes and buildings; and a $1000-2000 credit for installing a solar energy system.

- Tax credits for fuel-efficient cars. The package extends the current tax credit (of up to $4000) through 2006 for qualified electric and fuel cell vehicles and also includes a tax credit of $500-3000 for the purchase of a qualifying hybrid vehicle from 2003-2006.

- Tax credits for clean energy. The package extends the 1.5 cent per kilowatt hour tax credit for the production of electricity from wind and closed-loop biomass; provides credits for open-loop biomass facilities and coal-biomass cofiring; and provides credits for electricity produced from methane from certain landfills.

$1.4 billion for Energy Efficiency & Clean Energy. The proposed package contains over $1.4 billion in FY 2001 to research, develop, and deploy clean technologies for the four major carbon-emitting sectors of the economy -- buildings, transportation, industry, and electricity – a 30 percent increase over the amount appropriated in FY 2000. Highlights include:

- Partnership for a New Generation of Vehicles. PNGV is a government-industry effort to develop comfortable, affordable cars that meet all applicable safety and environmental standards and get up to three times the fuel efficiency of today's cars. The combined proposal for PNGV in the FY 2001 budget is $255 million, an increase of $30 million over FY 2000 enacted levels.

- Partnership for Advancing Technology in Housing. PATH is a government-industry partnership to improve the energy efficiency of new homes by more than 50 percent and to retrofit 15 million existing homes to make them 30 percent more energy efficient within a decade. The FY 2001 budget request for building efficiency efforts, such as PATH, Energy Star, and Building America, totals $275 million, a 42 percent increase over FY 2000 appropriations.

- Renewable Energy. The President proposes $410 million for the Department of Energy's solar and renewable energy programs, a 32 percent increase over the amount appropriated in FY 2000. The package includes expanded efforts in key renewable technologies, such as wind, bioenergy, photovoltaics, and geothermal energy.

Cleaner Fossil Fuels. The budget request contains $233 million for R&D to develop next-generation technologies for coal combustion with much higher energy efficiency and lower greenhouse gas emissions.

Weatherization & State Energy Grants. The budget request includes $191 million -- a $22 million increase over FY 2000 appropriations -- to deliver energy conservation services to low-income Americans and to assist state energy offices in addressing their energy priorities.

U.S. Global Change Research Program. The FY 2001 request includes over $1.7 billion for scientific research to improve our understanding of human and natural forces that influence the Earth's climate system and to assess the likely consequences of global warming.

President Clinton's FY 2001 Climate Change Budget

The President's climate change package for FY 2001 totals over $4.1 billion – an increase of $760 million from the amount enacted for FY 2000. This includes $2.4 billion for programs directly aimed at combating global warming – a 43 percent increase over FY 2000 enacted levels. This includes a series of new initiatives, such as accelerated efforts to promote the development and deployment of clean energy technologies around the world; a stepped-up program to develop bioenergy and bio-based products; and a new Clean Air Partnership Fund to boost state and local efforts to reduce both greenhouse gases and ground-level air pollutants. It also includes the Climate Change Technology Initiative (CCTI), which mixes tax incentives and direct spending to spur the research, development, and deployment of energy efficient technology and renewable energy and other climate-related investments, such as R&D of highly efficient technologies for the combustion and use of coal and natural gas, weatherization, and state energy grants. The President is also proposing over $1.7 billion for the United States Global Change Research Program, to enhance our understanding of the human and natural forces that influence the Earth's climate system.

Table 1. Climate Change-Related Domestic Programs ($ in Millions)

	FY 2000 Enacted	FY 2001 Request	Change
Climate Change Solutions			
International Clean Energy Initiative	98	201	+103
Biofuels & Bioproducts Initiative	196	289	+93
Clean Air Partnership Fund	0	85	+85
Climate Change Technology Initiative--tax incentives [1]	N/A	201	+201
Climate Change Technology Initiative--investments	1,095	1,432	+337
Other Climate-Related Investments (cleaner coal & Natural gas; weatherization; state energy grants)	413	424	+11
Subtotal, Climate Solutions [2]	1,665	2,386	+721
Global Change Research Program	1,701	1,740	+39
TOTAL	3,366	4,126	+760

1 First year of a proposed five year, $4.0 billion package.

2 Subtotal excludes double counts for funds included in new initiatives and cleaner coal which are also part of the CCTI.

International Clean Energy Initiative

To accelerate the development and deployment of clean energy technologies around the world, President Clinton is proposing the International Clean Energy Initiative – a $200 million multi-agency effort (a more than 100 percent increase over FY 2000 enacted levels) to encourage open competitive markets and remove market barriers to clean energy technologies in developing and transition countries and to provide new incentives for clean energy technology innovation and export. This initiative will promote U.S. exports and create high-value jobs, and will assist countries to power their economic development while fighting air pollution and climate change.

Window of Opportunity for America and the World. Developing country energy use will overtake that of industrial countries by 2020. These energy technology markets are projected to total $4 to $5 trillion over the next 20 years and $15 to $25 trillion over the next 50 years. Developing country energy use is expected to account for three-fourths of the increase in global energy use between now and 2050.

Advanced, low-polluting energy technologies, developed and manufactured in the United States, can provide these energy services efficiently, but existing markets often do not value environmental and efficiency benefits. In addition, environmentally superior options often carry higher up-front costs, may be unfamiliar, or are perceived as more risky by decision-makers in developing countries. The initiative builds on a recent set of recommendations by the President's Committee of Advisors on Science and Technology (PCAST) and is directed at leveling the playing field between cleaner U.S. energy technologies and services and polluting alternatives.

Real Benefits At Home and Abroad. The initiative will help lay the technical and policy foundation that will allow developing and transition countries to build a clean energy future, leapfrogging past the polluting energy technologies used by the industrial countries, while building competitive markets open to U.S. firms. The goals of this initiative include:

- Doubling clean energy technology exports by 2005, creating as much as $5 billion in new export revenues for U.S. companies and as many as 100,000 new U.S. jobs.

- Cutting energy use in targeted country buildings and appliances in half through advanced building design tools and building equipment codes and standards.

- Developing integrated renewable energy technologies that have the potential to power the full range of energy services for the 2 billion people in developing countries that do not now have electricity.

- Sharply reducing sulfur, particulate, and greenhouse gas emissions by developing advanced coal-fired power plants and low-cost hydrogen fuels.

- Maximizing use of combined heat & power systems through technical and policy assistance.

- Reducing methane emissions from pipelines and other fossil sources by an amount equal to as much as 100 million metric tons of carbon per year by 2005.

- Providing technical and policy support to encourage the development of natural gas grids.

- Reducing energy use in the industrial sector through the introduction of best practice methods, including advanced sensors and controls, and energy efficient motor drive systems.

- Conducting research in nuclear energy to address cost, waste, safety, and proliferation concerns.

- Providing technical and policy assistance in support of energy sector reform that creates open, competitive markets while protecting the public interest.

Initiative Structure. This initiative will strengthen efforts to streamline current bureaucratic procedures to better assist U.S. firms wishing to invest in clean energy projects in developing and transition countries. This initiative will also encourage public-private partnerships with foreign counterparts to demonstrate clean energy technologies, drive down their cost, and facilitate private sector financing for their large-scale deployment. The initiative will employ a range of proven policy tools, including U.S. technical and policy assistance to developing countries through personnel exchanges, conducting collaborative R&D with key foreign research groups, developing integrated renewable energy, energy efficiency, and advanced fossil energy technologies and pilot projects, and providing a range of trade supports to expand clean energy exports.

The initiative's requested $100 million increase for these activities includes an additional $46 million for the Department of Energy (DOE); $30 million for the U.S. Agency for International Development; $15 million for the Export-Import Bank; $5 million for the Trade and Development Agency; and $4 million for the Department of Commerce. A $3 million increase in base programs is also requested at DOE, bringing the total increase to $103 million.

Bioenergy & Bioproducts Initiative

President Clinton's FY 2001 Budget includes $289 million to accelerate the development and use of bio-based technologies, which convert crops, trees, and other "biomass" into fuels, power, chemicals, and other products. This initiative supports the President's August 1999 Executive Order 13134 and Memorandum on Promoting Biobased Products and Bioenergy, aimed at tripling U.S. use of biobased products and bioenergy by 2010. The initiative provides an increase of more than $93 million (47 percent) over the amounts available for FY 2000, with $49 million directed towards the Department of Energy (DOE) and $44 million for stepped-up efforts at the Department of Agriculture (USDA). (Funding in DOE is also considered part of the Climate Change Technology Initiative.) In addition to this increase in R&D, the Commodity Credit Corporation will provide $100 million in FY 2000 and up to $150 million in FY 2001 and 2002 in incentive payments to encourage production of biobased fuels. The initiative will increase the viability of alternative energy sources and help meet environmental challenges like global warming, while diversifying and strengthening the rural economy.

New Economic Opportunities for a New Century. Continuing advances in forest and farm technology, molecular biology, and other areas are fueling a revolution in the use of biomass to make low-polluting products, such as:

- **transportation fuels**, like cellulosic ethanol from agricultural waste;
- **electricity**, by burning wood chips and switchgrass along with coal in existing plants and by converting paper industry wastes into fuel gases for advanced gas turbines;
- **commercial products**, such as chemicals, glues, paints, packing materials, and textiles.

Already, creative companies such as **Cargill-Dow Polymers** are making this vision a reality, recently announcing plans to build a $300 million production facility that will convert corn based sugars into plastic fibers than can be used to make products that are all natural and biodegradable.
Meeting the President's goal of tripling U.S. use of bioenergy and bioproducts will add billions in new income for farmers, producing 50,000 new, high-technology jobs in small processing plants in rural American and up to 130,000 such jobs in biopower, bioproducts, and biofuels industries.

Cleaner Energy, Cleaner Environment. Bioenergy and bioproducts can dramatically reduce greenhouse gas emissions that contribute to global warming. Since crops absorb carbon during growth, their use for energy and other applications results in near zero net carbon release. Tripling our use of bioenergy and bioproducts by 2010 will reduce annual greenhouse gas emissions by up to 100 million tons – the equivalent of taking over 70 million cars off the road.

Making Biomass Competitive With Fossil Fuels. A major goal of this initiative is to make biomass a viable competitor to fossil fuels as an energy source and chemical feedstock while protecting the environment. This goal is achievable, but it will require an unprecedented effort to support research in universities, companies, and our national laboratories. In the past few years, for example, federal research has developed techniques that greatly accelerate the production of sugars and other useful chemicals from materials like corn stover and wood. The research funded under this initiative will ensure a continuing flow of the basic innovations on which such investments can be made.

Many uses for biomass materials are possible in the near future and this initiative will support research concepts on a competitive basis. This will include support for integrated systems capable of processing feedstocks simultaneously into a variety of products such as fuels, chemicals, and electricity. Much like today's petroleum-based refineries, the mix of products from these facilities will depend on market conditions. The research aims to understand the basic chemistry of cellulose and other materials in biomass, and develop new thermal, chemical, and bio-chemical techniques for converting these materials into useful forms.

Initiative Structure. The President's August 1999 Executive Order instructs DOE, USDA, the National Science Foundation, the Environmental Protection Agency and other agencies, to work closely together in supporting the broad range of needed research and development efforts. These efforts will support research partnerships linking industry, university, and government research facilities selected on a competitive basis. Key areas of new research activity will include:

- Development of inexpensive systems to break down cellulose into low-cost sugars, allowing woody and grassy crops and agricultural waste, such as corn stalks, to take the place of high-value grain and food crops as biofuel feedstocks.
- Renewable bioproducts, using multi-disciplinary and university/industry partnerships to develop and accelerate adoption of possible "leap-frog" technologies for converting crops, trees and residues into chemical feedstocks and consumer products.
- Biopower, promoting both the integration of biomass gasification systems with modern gas-turbine/steam-turbine generation systems, and the co-firing of biomass with coal.
- Expanded Forest Service research on faster-growing trees and the use of small-diameter trees for commercial, biobased products.
- Methane gas recovery pilots to reduce greenhouse gas emissions from livestock operations and provide assistance to farmers that want to produce or market biobased products.
- Expanded Agricultural Research Service research to develop biobased materials from commodities and bioproducts, and convert biomass to energy.
- Competitive resources for research partnerships with universities, complementing the new Initiative for Future Agriculture and Food Systems announced by USDA earlier this month.
- Rural development grants to rural electric cooperatives to develop pilot projects to demonstrate the commercial viability of small-scale biomass fuel generation, grants for technical assistance for processing and marketing biobased products, and loans for facilities and operating capital for organizations engaged in biobased production activities.

Clean Air Partnership Fund

To help protect public health and ease the threat of global warming, President Clinton is proposing $85 million for the creation of a new Clean Air Partnership Fund. The Fund will provide grants to states, localities, and tribes to support efforts that achieve reductions in both greenhouse gas emissions and ground-level air pollutants. First proposed as part of last year's FY 2000 budget, the Fund will be administered by the Environmental Protection Agency under existing authority.

Integrated Pollution Control. The Fund will stimulate integrated, cost-effective pollution control strategies. It directs new resources to state, local, and tribal governments to finance projects and programs that achieve accelerated reductions in both air pollutants, such as soot, smog, and air toxics, and in greenhouse gases.

A Quicker Path to Cleaner Air. By providing new resources for projects that accelerate pollution reductions, the Fund will enable communities to achieve multi-pollutant clean air goals sooner and reduce greenhouse gas emissions at the same time.

Technological Innovation. The Fund will help spur both public and private sector innovations in next-generation pollution control technology.

A Magnet for Local Investment & Innovation. The Fund will encourage public-private partnerships to demonstrate ways to create a cleaner environment at the local level. The Fund can be used to support local revolving funds, low-interest loan programs, matching grants, and other mechanisms that will leverage the original Federal investment, greatly increasing its impact.

"Win-Win" Clean Air Projects. The Fund will support a wide range of practical projects that will mean cleaner air, reduced greenhouse gas emissions, and real savings for taxpayers and consumers. These could include projects such as building combined heat and power facilities that put waste heat to work, reducing emissions of both sulfur dioxide and carbon dioxide; retrofitting municipal buildings to make them more energy efficient, reducing pollution resulting from electricity generation; and upgrading municipal vehicle fleets to make them more fuel efficient.

Climate Change Technology Initiative: $4.0 Billion in Tax Incentives

The President is proposing a new $4.0 billion package in tax incentives over five years to help reduce greenhouse gas emissions by spurring the purchase of energy efficient products and the use of renewable energy (see Table 2). This year's CCTI tax package is $400 million greater than last year's proposed five-year package.

Table 2. CCTI Tax Incentives ($ in Millions)

	Revenue Effect	
	FY 2001	**Total FY01-05**
Homes and Buildings		
Provide tax credit for energy efficient building equipment	-18	-201
Provide tax credit for new energy efficient homes	- 82	-633
Provide tax credit for solar energy systems	-9	-132
Vehicles		
Extend tax credit for electric and fuel cell vehicles and provide tax credits for qualified hybrid vehicles	0	-2078
Clean Energy		
Extend tax credit for electricity produced from wind and closed-loop biomass; provide credits for open-loop biomass facilities and coal-biomass cofiring; and provide credits for methane from certain landfills	-91	-976
Industry		
Provide 15-year recovery period for distributed power property	-1	-10
TOTAL*	**-201**	**-4030**

*Totals may not add due to rounding.

HOMES AND BUILDINGS

- ***Tax credit to consumers who purchase new energy efficient homes.*** To encourage the purchase of new energy efficient homes, consumers would receive a tax credit of $1,000 for homes purchased from 2001-2003 that use at least 30 percent less energy than the standard under the 1998 International Energy Conservation Code (IECC) and a credit of $2,000 for homes purchased from 2001-2005 that use at least 50 percent less energy than the IECC standard.

- ***Tax credit for energy efficient equipment in new and existing homes or buildings.*** This credit will encourage the purchase of electric heat pump water heaters, natural gas heat pumps, and fuel cells. The credit would apply to both residential and commercial equipment. The credit would be 20 percent of the cost of the investment, subject to a cap, for equipment purchased from 2001-2004.

- ***Tax credit for solar energy systems.*** A 15 percent tax credit will encourage the purchase by consumers and businesses of solar energy systems. The maximum credit would be $2,000 for rooftop photovoltaic systems placed in service from 2001-2007 and $1,000 for solar water heating systems placed in service from 2001-2005.

VEHICLES

- ***Tax credits for electric, fuel cell, and qualified hybrid vehicles.*** Cars and light trucks (including minivans, sport utilities, and pickups) currently account for 20 percent of greenhouse gas emissions. Tax credits for electric, fuel cell, and hybrid vehicles will help to move advanced technologies from the laboratory to the highway. These technologies can significantly reduce emissions of carbon dioxide, the most prevalent greenhouse gas.

  -- **Extend the current tax credit for electric vehicles and fuel cell vehicles.** Under current law, a 10 percent credit, up to $4,000, is provided for the cost of qualified electric vehicles and fuel cell vehicles. The credit begins to phase down in 2002 and phases out in 2005. The President's proposal would extend the tax credit at its $4,000 maximum level through 2006.

  -- **Tax credits for hybrid vehicles.** The credit – available for all qualifying vehicles, including cars, minivans, sport utility vehicles, and pickup trucks – would range from $500 to $3,000 for qualified hybrid vehicles purchased from 2003-2006, depending upon the vehicle's design performance.

CLEAN ENERGY

- ***Tax credit for electricity produced from wind.*** Current law encourages the production of electricity from wind, which emits no greenhouse gases, through a tax credit of 1.5 cents per kilowatt hour (adjusted for inflation after 1992). The current tax credit covers facilities placed in service before January 1, 2002. The President proposes a 2.5-year extension of this tax credit.

- ***Tax credits for electricity produced from biomass.*** Biomass refers to trees, crops and agricultural wastes used to produce power, fuels or chemicals. This package of credits would:

  -- **Extend current "closed-loop" biomass credit.** This proposal extends for 2.5 years the current 1.5 cent per kilowatt hour tax credit (adjusted for inflation after 1992), which covers facilities placed in service before January 1, 2002.

-- **Provide credits for "open loop" biomass facilities.** This proposal expands the definition of biomass eligible for the 1.5 cent tax credit to include certain forest-related resources and agricultural and other sources for facilities placed in service from 2001-2005, and provides a 1.0 cent credit for electricity produced from 2001-2003 from facilities placed in service prior to January 1, 2001.

-- **Provide a credit for cofiring biomass and coal.** This proposal adds a 0.5 cent per kilowatt hour tax credit for electricity produced by cofiring biomass in coal plants from 2001-2005.

-- **Provide credit for methane from landfills.** This proposal adds a 1.5 cent per kilowatt hour credit for electricity produced from landfills not subject to EPA's 1996 New Source Performance Standards/Emissions Guidelines (NSPS/EG) and 1.0 cent per kilowatt hour for landfills subject to NSPS/EG. Qualified facilities would be facilities placed in service after December 31, 2000 and before January 1, 2006.

INDUSTRY

- ***15-year recovery period for distributed power property.*** The development of distributed power technologies has made it possible to generate electricity locally at dispersed industrial, commercial, and residential locations. Such technologies can be more energy efficient and generate fewer greenhouse gases than conventional generation methods. This proposal would simplify and rationalize the current depreciation system by assigning a single 15-year recovery period to distributed power property.

Climate Change Technology Initiative: $1.4 Billion for Efficient Energy and Clean Energy

The President's FY 2001 budget proposes over $1.4 billion for the research, development, and deployment of renewable energy technologies, energy efficient products and buildings that will help reduce U.S. greenhouse gas emissions. This represents a $337 million increase (30 percent) over FY 2000 spending (see Table 3). The President's proposed investment package covers the four major carbon-emitting sectors of the economy -- buildings, transportation, industry, and electricity -- as well as carbon sequestration (see Table 4). The following sections highlight selected programs in each of these areas of effort. The full agency programs extend well beyond what is described here.

Table 3. CCTI Funding by Agency ($ in Millions)

	FY 1999 Enacted	FY 2000 Enacted	FY 2001 Request	Change from 2000
Energy	902	980	1,169	+189
EPA	109	103	227	+124
Housing & Urban Development	10	10	12	+2
Agriculture	0	0	24	+24
Commerce	0	2	0	-2
TOTAL*	**1,021**	**1,095**	**1,432**	**+337**

*Totals may not add due to rounding.

Table 4. CCTI Funding by Area of Activity ($ in Millions)

	FY 1999 Enacted	FY 2000 Enacted	FY 2001 Request	Change from 2000
Buildings	176	194	275	+81
Transportation	285	309	382	+73
Industry	187	189	251	+62
Electricity	310	321	406	+85
Carbon Sequestration	14	30	52	+22
Management, Planning & Analysis	48	51	65	+14
TOTAL*	**1,021**	**1,095**	**1,432**	**+337**

* Totals may not add due to rounding.

BUILDINGS

- *Partnership for Advancing Technology in Housing.* PATH is a partnership between the Federal government and building industry to develop and deploy housing technologies to make new homes 50 percent more energy efficient and to make at least 15 million existing homes 30 percent more energy efficient within a decade. PATH has established five pilot communities in Denver, Los Angeles, Pittsburgh, and Tuscon. The program coordinates work in the Department of Housing and Urban Development, the Department of Energy (DOE), the Environmental Protection Agency (EPA), FEMA, the Department of Commerce and other agencies, ensuring, for example, that research conducted in DOE's enhanced residential buildings program is quickly transferred into practice. The FY 2001 budget request for building efficiency efforts, such as PATH, Energy Star, and Building America, totals $275 million, a 42 percent increase over FY 2000 appropriations.

- *Energy Efficient Appliances and Products.* Various DOE and EPA programs aim to promote the dissemination of energy efficient appliances and products:

  -- DOE will accelerate its program to establish **energy efficiency standards** for commercial heating and cooling, water heaters, and electrical distribution transformers, and will begin efforts to harmonize international energy-efficiency standards and test methods to promote exports of efficient U.S. products.

  -- EPA and DOE's **Energy Star Products** program saves consumers money and reduces greenhouse gas emissions at the same time by promoting the use of energy efficient products – everything from computers to refrigerators to central air-conditioning units. New funding will support the launch of new Energy Star product lines and will promote the Energy Star labeling program in 6-10 export markets.

- *Energy Efficient Commercial Buildings.* DOE and EPA work in partnership with industry to research, develop, and deploy new technologies and practices to improve the energy performance of commercial buildings. Participants include the Empire State Building, the World Trade Center, and Chicago's Sears Tower. Buildings in the top 25 percent in energy efficiency qualify for EPA's **"Energy Star Buildings"** label.

- *Energy Smart Schools/Energy Star Label for Schools.* DOE and EPA have two programs that are working in coordination to improve energy efficiency in U.S. primary and secondary schools, bringing together public and private sector resources to cut schools' energy bills so that the savings can be reinvested in students and their education.

TRANSPORTATION

- ***Partnership for a New Generation of Vehicles.*** PNGV is a government-industry effort that aims to develop attractive, affordable cars that meet all applicable safety and environmental standards and get up to three times the fuel efficiency of today's cars. Since 1993, great strides have been made in producing lower-cost, light-weight materials, inexpensive fuel cells, and advanced internal combustion engines for use in hybrid vehicles. The program aims to produce a prototype mid-sized family car capable of 80 miles per gallon with a two-thirds reduction in carbon emissions by 2004. In January 2000, the auto-industry partners unveiled their PNGV "concept cars" at the Detroit Auto Show, which keeps the program on schedule for meeting its 2004 goal. The FY 2001 budget includes $255 million for PNGV-related work, an increase of $30 million over the amount appropriated for FY 2000.

- ***Light and Heavy Trucks.*** Similar government-industry efforts are aimed at developing cleaner, more efficient diesel engines for both light and heavy trucks.

  -- By 2003, DOE aims to develop **advanced diesel cycle engine technologies** for pickup trucks, vans, and sport utility vehicles which achieve at least a 35 percent fuel efficiency improvement relative to current gasoline-fueled trucks while meeting strict emission standards.

  -- By 2004, DOE, in coordination with EPA and the Department of Defense, aims to develop **engine and vehicle technologies for heavy trucks** that will increase the fuel economy to 10 mpg from the current average of 7 mpg.

INDUSTRY

- ***Industries of the Future.*** This DOE program works cooperatively with the nation's most energy-intensive industries – such as aluminum, glass, chemicals, forest products, mining, petroleum refining, and steel – developing technologies that increase energy and resource efficiency. Promising collaborative efforts include improvements in the process of making steel, pulp and paper, and other energy-intensive products that could dramatically increase efficiency, lower greenhouse gas emissions, and improve competitiveness.

- ***Industrial Combined Heat and Power (CHP) Systems.*** DOE is developing new industrial CHP systems to capture thermal heat would otherwise be wasted. These systems are expected to be 15 percent more energy efficient and 80 percent cleaner than conventional power systems and cut electricity costs by 10 percent. In addition, EPA and DOE are also working to eliminate barriers to the rapid dissemination of combined heat and power technology.

- ***Voluntary Industrial Partnerships.*** EPA will expand its industry partnership programs, such as **Climate Wise** and the **Voluntary Aluminum Industrial Partnership**, to encourage businesses to take advantage of cost-effective emissions reductions opportunities -- including emissions of the most potent greenhouse gases, such as methane, perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and sulfur hexaflouride (SF6).

- ***Agriculture and Forestry.*** The Department of Agriculture (USDA) will undertake R&D and support demonstration projects aimed at both lowering greenhouse gas emissions from agriculture and forestry and reducing their vulnerability to climate change.

    --The **Natural Resources Conservation Service** will invest $3 million in projects to demonstrate and test various means of reducing greenhouse gas emissions in agriculture, such as compost-based waste-handling facilities, rotational grazing systems, and improved feed and forage systems.

    --The **Agricultural Research Service** will devote $8.5 million towards climate change related activities, including the development of new technology and expertise for reducing agriculture's vulnerability to a changing climate. Field experiments will seek to measure various potential effects of climate change, such as varying amounts and patterns of rainfall on forage production.

The FY 2001 budget also includes important USDA funding for developing advanced biomass energy technologies; R&D and demonstration projects for carbon sequestration; research to study the role of farms, forests, and other natural or managed lands in capturing and storing carbon; and a comprehensive U.S. soil carbon inventory (see p.16 below).

ELECTRICITY

- ***Photovoltaic (PV) Energy Systems.*** Over the past 20 years, Federal R&D has resulted in a 90 percent cost reduction in solar photovoltaics. DOE will accelerate R&D of the next-generation photovoltaic cells; increase manufacturing R&D; increase research in buildings-integrated applications; and fund efforts to develop new, unconventional technologies.

    -- Million Solar Roofs. In June, 1997, the President announced an initiative to encourage the installation of one million solar systems by 2010, which would reduce carbon emissions equivalent to the annual emissions from 850,000 cars. To date, DOE has received commitments for over 900,000 solar rooftop installations. In FY 2001, DOE expects 40,000 systems to be installed under this program, bringing the total to 90,000.

    -- **Technology Advances.** By 2004, DOE aims to increase the efficiency of thin-film PV modules in multi-megawatt production from 7 percent to 12 percent and to reduce module manufacturing costs by 40 percent (from $2.50/watt to $1.50/watt). Specific performance measures for FY 2001 include achieving 14 percent stable efficiency in prototype thin-film modules and, in a new initiative begun in FY 2000, identifying at least three promising non-conventional PV technologies for further development.

- ***Biomass Power.*** DOE supports biopower systems R&D addressing three major technology areas: co-firing biomass with fossil fuels such as coal and natural gas, small modular biopower systems, and advanced biomass gasification. This work is also included in the Bioenergy and Bioproducts Initiative described in above (see pp.4-5 above).

- ***Wind Powering America.*** This initiative, announced in June 1999, will accelerate DOE's research, development, testing and field validation of next-generation wind technologies, with a goal of supplying 5 percent of U.S. electricity through wind technologies by 2020. This will be supported by an aggressive R&D program that will reduce the cost of electricity in favorable wind sites to 2.5 cents per kilowatt hour by 2002, and will move specialized cold-weather wind turbines from development to demonstration in 2000, leading to commercialization in 2001.

- ***Hydrogen.*** DOE will accelerate research on low-cost hydrogen production and storage, prerequisites to the widespread use of hydrogen as a fuel.

- ***High Temperature Superconductivity.*** DOE supports industry-led projects to capitalize on recent breakthroughs in superconducting wire technology, aimed at developing devices such as advanced motors, power cables, and transformers. These technologies would allow more electricity to reach the consumer without an increase in fossil fuel input.

CARBON SEQUESTRATION

- ***R&D for Sequestration.*** Research initiatives are being funded to find ways to sequester (store) carbon. Examples include:

  -- **Enhancing Forest and Farmland Sinks.** The **Forest Service**, in conjunction with other USDA agencies, will spend $3 million for R&D and demonstration projects for optimizing forest, farmland, and rangeland carbon sinks. The focus of such projects will include storage of carbon in forest soils and increased durability and use of wood products to sequester carbon.

  -- **Enhancing natural geological and oceanic processes.** DOE will support research into the feasibility of capturing and storing carbon dioxide in underground geological structures and in the deep ocean.

Other Climate-Related Investments

There are a number of additional programs for which funding is proposed in the FY 2000 budget that – while not part of the Climate Change Technology Initiative (CCTI) per se – contribute to improving energy efficiency and reducing greenhouse gas emissions. These programs include:

- ***Cleaner Coal and Natural Gas.*** The FY 2000 budget includes a total of $232 million (of which $56 million is part of CCTI) to support the Department of Energy's (DOE) aggressive R&D effort to develop next-generation technologies for the combustion and use of coal and natural gas. For example, research and development of integrated gasification combined cycle technology could lead to ultra-high efficiency coal plants with significantly lower greenhouse gas emissions.

- ***Low Income Weatherization and State Energy Grants.*** These DOE programs facilitate energy efficiency investments at the State and local level. The **Weatherization Assistance Program**, for example, delivers energy conservation services, such as insulation, to low-income Americans, reducing energy costs for consumers, improving health and safety, and reducing carbon emissions. The total FY 2001 budget request for these two programs is $191 million – a $22 million increase over FY 2000 appropriations.

- ***Agricultural & Forestry Conservation Programs.*** The Administration's 2001 Farm Safety Net Initiative proposes an increase of $1.3 billion in FY 2001 funding for Department of Agriculture conservation programs. Many of these same programs have the co-benefit of reducing carbon emissions resulting from agriculture and forestry and enhancing the ability of "sinks," such as forests and farmlands, to sequester or store carbon. This includes programs such as the **Conservation Reserve Program**, the **Environmental Quality Incentives Program**, and the **Farmland Protection Program**. In general, these programs assist farmers, ranchers, and other landowners in conserving and improving soil, water, and other natural resources associated with rural land.

U.S. Global Change Research Program

The United States Global Change Research Program (USGCRP) seeks to provide a sound scientific understanding of both the human and natural forces that influence the Earth's climate system. USGCRP science results provide useful information for environmental decision-making on issues such as climate change, ozone depletion, changes in ecosystems, and land use. This multi-agency effort is coordinated through the National Science and Technology Council.

For FY 2001, the President is requesting $1.74 billion for the USGCRP, an increase of $39 million above the amount enacted for FY 2000. $843 million is for scientific research and improvements to surface-based monitoring, (an increase of $79 million, or about 10 percent). $923 million is for NASA's development of Earth observing satellites to monitor climate change and other global changes (a decrease of $34 million, reflecting the phasing of funding for large development projects). Important USGCRP budget highlights include:

- ***Improved Climate Observations.*** The FY 2001 budget provides $26 million to enhance NOAA surface-based observations, including creation of a climate reference network to provide, for the first time, automated, simultaneous, and ideally located measurements of changing temperatures, precipitation, and soil moisture. Measurements of atmospheric trace gases, aerosols, ocean temperatures, and ocean currents will also be expanded.

- ***The Global Water Cycle.*** The FY 2001 budget provides $308 million (an increase of $35 million, or about 13 percent) for research on changes in the Earth's water cycle, which is one of the primary determinants of the Earth's climate. The water cycle is emerging as a top research priority because changes appear to occurring already. The launch of NASA's EOS Aqua spacecraft in December 2000 will support this research by provide new global measurements of humidity, cloud properties, precipitation, snow, and sea ice.

- ***Ecosystem Changes.*** The FY 2001 budget provides $224 million for research on the potential impacts of climate change and other stresses on forests, coastal areas, croplands, and other ecosystems (an increase of $19 million, or 9 percent). New studies will improve our understanding of the relationships among land cover, land use, climate, and weather, and help identify "thresholds" for significant changes in ecosystems.

- ***Carbon Cycle Initiative.*** The FY 2001 budget request continues strong support for the multi-agency carbon cycle science initiative begun in FY 2000, providing $227 million (an increase of $23 million or 11 percent). This request includes funds to study how carbon cycles between the atmosphere, the oceans, and land, and the role of farms, forests, and other natural or managed lands in capturing carbon. Such carbon "sinks" may help the United States and other nations offset greenhouse gas emissions. Key agencies include the Departments of Agriculture (USDA), Energy, Interior, NASA, the National Science Foundation, and the Smithsonian Institution. Included in the request is $13.5 million (an increase of over $12 million) to significantly expand USDA Natural Resources Conservation Service soil carbon inventory and analysis efforts.

000 12:54 OES/EGC 202 647 0191 P.02/03
17:00 FAX 1 202 647 0423 Dept of State, OIG

JOSEPH K. KNOLLENBERG

Congress of the United States
House of Representatives
Washington, DC 20515–2211

COMMITTEE ON APPROPRIATIONS

COMMITTEE ON THE BUDGET

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

OFFICE OF INSPECTOR GENERAL
2000 MAR -1 P 12:32

February 15, 2000

Jacquelyn L. Williams-Bridgers
Inspector General
Room 6817
U.S. Department of State
Washington, DC 20520-6817

Dear Inspector General Williams-Bridgers:

On February 2nd and 3rd of this year a joint German-US environmental policy workshop was held in Berlin, Germany. The title for the two-day workshop was "Sustainable Climate Protection Policies – Assessing the Costs and Benefits of Completing the Kyoto Protocols." One of the clearly stated goals for the meeting was to examine common ways of implementing the Kyoto Protocol mechanisms. Among the topics discussed were; emissions trading and carbon taxes, energy costs and economic impacts, and the necessary preconditions for successfully implementing the protocol. The workshop was organized by the German Stiftung für Wissenschaft und Politik (Research Institute for International Affairs) and coordination took place through the State Department Office of the Under Secretary for Global Affairs.

You are likely aware that six of the fiscal year 2000 appropriations laws contained explicit language restricting use of those funds towards the preparation for, or implementation of, the 1997 Kyoto Protocol: (1) Department of the Interior and Related Agencies Appropriations Act, 2000 (P.L. 106-113); (2) Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (P.L. 106-74); (3) Energy and Water Development Appropriations Act, 2000 (P.L. 106-60); (4) Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (P.P. 106-78); (5) Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (P.L. 106-113); and (6) Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (P.L. 106-113). It is my strong concern that the expenditures for State Department employees attending this workshop are in direct violation of the FY 2000 appropriations acts.

I request that your office investigate the costs incurred for preparation, travel and lodging of all State Department employees who attended this workshop. The list of items to be examined includes, but should not be limited to; daily salaries, trans-Atlantic flights, other transportation, meals, hotels and a myriad of administrative items such as the cost of secretarial support, paper and all other general expenses. I further request that your office conduct a thorough review of any other meetings, conferences or related department work, where funds have been or are planned to be expended for implementing Kyoto mechanisms in direct violation of the aforementioned appropriations acts.

It is hoped that this review can be completed in a sufficient level of detail and before February 29, 2000.

Sincerely,

Joe Knollenberg
Member of Congress

Congress of the United States

Washington, DC 20515

February 1, 2000

Honorable J. Dennis Hastert
Speaker
US House of Representatives
H232 Capitol
Washington DC 20515

Dear Mr. Speaker:

It is time that Congress begin to take responsible action to address the threat of global climate change. We are writing to urge you to ensure that the House refrain from using the appropriations process to block sensible efforts to address this serious issue.

There is no longer credible scientific debate over whether climate change is, in fact, occurring. Over the past several years, some have argued that satellite data disproves the existence of global climate change. In an important new report, the National Academy of Sciences's National Research Council (NRC) concluded that just the opposite is true: the worldwide rise in temperatures is "undoubtably real" and appears to have accelerated in recent decades.

Though the NRC report demonstrates that new scientific research is confirming what we have long suspected about global warming, it should not be the final word on climate change science. There will always be a need for additional research, but such a need should not be used as an excuse for delay.

The measures needed to combat global warming not only are justified by the science, but they are in the best interests of our economy and public health. Implementation of energy efficiency measures would save consumers money, create hundreds of thousands of jobs, enhance U.S. economic competitiveness internationally, and provide public health and economic benefits by slowing the growth of greenhouse gas emissions and other air pollutants.

Increasingly, business groups are abandoning a monolithic approach that denies the existence of global climate change and are looking for constructive ways to engage in the search for solutions. Ford, DaimlerChrysler, British Petroleum, Shell Oil and Dow Chemical have all withdrawn from the Global Climate Coalition, a lobbying group opposed to the Kyoto climate treaty that takes great pains to amplify scientific uncertainties about climate change.

For the last several years, Congress has all but denied the significance of climate change through its actions. It is time to stop this pattern and resolve to move constructively forward. We urge you to keep the FY 2001 appropriations bills free of anti-environmental riders that would hinder us in this process and to offer the House the kind of leadership necessary to address this serious environmental threat.

Thank you for your consideration.

Sincerely,

GEORGE MILLER, M.C.

HENRY WAXMAN, M.C.

SHERROD BROWN, M.C.

ROSA L. DELAURO, M.C.

FRANK PALLONE JR., M.C.

ALCEE L. HASTINGS, M.C.

BARBARA LEE, M.C.

MICHAEL E. CAPUANO, M.C.

JOHN F. TIERNEY, M.C.

LLOYD DOGGETT, M.C.

THOMAS H. ALLEN, M.C.

ANTHONY D. WEINER, M.C.

EDWARD J. MARKEY, M.C.

TAMMY BALDWIN, M.C.

BERNARD SANDERS, M.C.

JULIAN C. DIXON, M.C.

ROBERT WEXLER, M.C.

JOHN CONYERS JR., M.C.

EARL BLUMENAUER, M.C.

JAMES H. MALONEY, M.C.

MARK UDALL, MC.

ANNA G. ESHOO, M.C.

JAY INSLEE, M.C.

LOUISE MCINTOSH SLAUGHTER, M.C.

JIM MCDERMOTT, M.C.

FORTNEY "PETE" STARK, M.C.

MAJOR R. OWENS, M.C.

MAURICE D. HINCHEY, M.C.

WILLIAM D. DELAHUNT, M.C.

ROBERT E. ANDERWS, M.C.

William Clay

WILLIAM CLAY, M.C.

Nancy Pelosi

NANCY PELOSI, M.C.

BRUCE F. VENTO, M.C.

Bob Filner

BOB FILNER, M.C.

ELEANOR HOLMES NORTON, M.C.

J. ROBERT KERREY
NEBRASKA

United States Senate

WASHINGTON, DC 20510–2704

May 3, 2000

Senator Thad Cochran
Chairman
Subcommittee on Agriculture Appropriations
136 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Cochran:

We are writing to urge you to oppose any anti-agricultural and anti-environmental legislative riders on the FY2001 Agricultural Appropriations bill. Specifically, we are concerned about ongoing attempts by some members of Congress to limit the ability of the U.S. to even participate in discussions or negotiations about flexible, cost-effective measures that would allow U.S. agriculture to provide low-cost, environmentally beneficial means to sequester carbon and reduce U.S. greenhouse gas emissions, while also providing a valuable new commodity for the agricultural sector and rural areas.

There is no longer a debate about whether the science of climate change is real; the debate now is how -- and how quickly -- to act. Whether we agree with the current status of international negotiations or the protocol being negotiated, we can agree that any protocol submitted for ratification by the U.S. Senate must be equitable to American interests and offer low-cost, flexible solutions. In addition to providing food and fiber, agriculture serves an environmental role by providing benefits to air, soil, and water through agricultural best practices. Agriculture also offers a low-cost, environmentally beneficial means of sequestering carbon and reducing U.S. greenhouse gas emissions. If we are not able to take advantage of the low-cost, flexible mechanisms, and if the U.S. Government is not free to negotiation these mechanisms, agriculture loses, and we all lose.

The farm economy is now in its third consecutive year of low prices and weak markets. If implemented correctly, agricultural greenhouse gas mitigation strategies can greatly contribute to the climate change issue, help bolster the economic backbone of American farms, and protect the environment. These strategies make economic and ecological sense for farmers and the public. Again, we encourage you to oppose any riders restricting the U.S.'s ability to fight the potentially devastating consequences of climate change.

Sincerely,

Bob Kerrey
J. Robert Kerrey

Max Baucus
Max Baucus

United States Senate

WASHINGTON, D.C. 20510

May 8, 2000

The Honorable Mitch McConnell
The Honorable Patrick Leahy
Subcommittee on Foreign Operations, Export Financing, and Related Programs Appropriations
United States Senate
Washington, DC 20510

Dear Chairman McConnell and Ranking Member Leahy:

We are writing to draw your attention to an important issue as you begin deliberations on the Foreign Operations FY2001 Appropriation bill.

Over the past two years, Congressional appropriators have included provisions in the Foreign Operations and other appropriation bills intended to prohibit the use of funds to "propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol" prior to its ratification. (See 106th Congress, H.R.3422, Sec. 583.) It has come to our attention that similar and possibly more expansive language may be proposed for inclusion in this year's Foreign Operations Appropriation bill. We urge to you to reject any such provisions because they have potential to interfere with clearly authorized administrative activities and because they suggest that the Constitution does not sufficiently delineate powers vested in the Executive Branch and powers vested in the Senate with regard to treaties, a notion with which we strongly disagree.

As you know, the Clinton Administration is currently engaged in international discussions and activities pursuant to the United Nations Framework Convention on Climate Change (UNFCCC). These include scientific and economic research, policy development, such as sharing our successful national experience with market-based programs to reduce pollution, technical assistance and ongoing negotiations to reduce global greenhouse gas (GHG) emissions. Significant progress was achieved on this front in March when India set goals to produce 10 percent of its electricity from renewable sources by 2012 and improve energy efficiency in power production by 15 percent by 2008. In addition, Argentina has announced its intention to undertake a national program to reduce GHG emissions.

It is our belief that these Clinton Administration activities do not constitute implementation or preparation for implementation of the Kyoto Protocol, and we know of no proposed activities that would. The Foreign Relations Committee held two oversight hearings this past year to investigate whether certain activities of the Agency for International Development and the Council on Environmental Quality constituted implementation or preparation for implementation, and no such evidence emerged. The hearings made clear that the Clinton Administration has the authority to undertake these activities under the Constitution and the UNFCCC. The hearing records also attest to the environmental, economic and social benefits of engaging developing nations in a global effort to reduce GHG emissions.

The UNFCCC, which has been ratified by the U.S. and 180 other countries, commits the U.S. to engaging nations in a broad range of activities and provides the Administration the authority to do so in several provisions. In just one instance, for example, the UNFCCC's Article 4 subparagraph (c) states that all Parties will:

> Promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors.

More important, the Constitution vests power over foreign policy and treaties with the Executive Branch, providing clear authority for the Executive Branch to undertake a broad range of discussions and other activities with other nations related to the ongoing negotiations to reduce global GHG emissions. We point out that the Bush Administration undertook similar activities as part of its foreign policy program.

Despite our confidence that the Administration has not violated and has not yet been hindered by Section 583 of the Foreign Operations FY2000 Appropriation bill, we believe that such provisions are unnecessary and potentially problematic.

Foremost, we believe that such a provision sets a dangerous precedent and has the potential to *weaken the very constitutional principle its supporters purport to uphold. It is our view that* Article 2 of the Constitution makes it absolutely clear that the Executive Branch cannot *implement a treaty without Senate consent* – *and we know of no credible argument otherwise.* Section 583 of the Foreign Operations FY2000 Appropriation bill and similar provisions could *be construed to mean the Senate views Article 2 as ambiguous and in need of annual clarification* or reaffirmation. We believe it is not necessary for the Senate to clarify or reaffirm its powers under the Constitution. *If the Clinton Administration were to implement the Kyoto Protocol* unconstitutionally, we would implore the Senate to quickly assert its powers with regard to treaties, put an end to such activity and seek the proper legal recourse, and we believe that no authority beyond the Constitution would be necessary to do so.

Further, such provisions open the process to abuse by those who – it appears – hope to undermine existing Administration authority under the Constitution and the UNFCCC. For example, Representative Joseph Knollenberg has requested that the State Department's Inspector General investigate the Department's participation in an environmental policy workshop in Germany this year to determine if the Administration violated language attached to the Commerce, Justice, State FY2000 Appropriation bill. Based on what we know of this meeting, we expect the State Department will be fully exonerated, and we question whether the intent of the request is to uncover a truly unconstitutional act or simply to hinder activities that Mr. Knollenberg may oppose but that are clearly constitutional and that have been authorized by Congress. It is important to note that in the legislative history of these provisions, Mr. Knollenberg has not, in our view, offered a single example of a hypothetical administrative activity that would not be taken as a power vested with the Executive Branch in the Constitution, is not authorized under the UNFCCC, clean air, energy or other statutes, or is not clearly unconstitutional.

For these reasons, we urge you to oppose attaching any such provisions to the Foreign Operations FY2001 Appropriation bill. We thank you for considering our views.

Sincerely,

cc:
The Honorable Ted Stevens, Chairman of the Senate Committee on Appropriations
The Honorable Robert C. Byrd, Ranking Member of the Senate Committee on Appropriations

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Washington, DC 20515–0529
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8436 West Third Street
Suite 600
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Ranking Member
Committee on Government Reform

Member
Committee on Commerce
Democratic Steering Committee

Congress of the United States
House of Representatives
Washington, DC 20515–0529

HENRY A. WAXMAN
29th District, California

May 11, 2000

The Honorable David Obey
Ranking Member
House Appropriations Committee
2314 RHOB
Washington, D.C. 20515

Dear Dave,

I have recently become aware of Rep. Knollenberg's latest anti-environmental rider regarding the U.S.'s efforts to address the threat of climate change. As you know, this rider was accepted into the agriculture appropriations bill in subcommittee and may be included in other appropriations bills. Although I'm sure you already know how far-reaching this proposal is, I wanted to share my thoughts with you on this troubling proposal.

In each of the last two years, Rep. Knollenberg has argued for appropriations language that would prevent the Administration from proposing or issuing rules, regulations, decrees, or orders for the purpose of implementing or preparing to implement the Kyoto Protocol prior to ratification. Congress has acceded to this narrow language with the understanding that existing authorities and obligations under the ratified United Nation Framework Convention on Climate Change (UNFCCC), the Clean Air Act, the Constitution, and other laws are not limited. Rep. Knollenberg's new language appears to override these authorities and applies to a much broader range of activities, including international discussions of the Kyoto Protocol.

The draft language, as circulated, states "Hereafter no funds shall be used for the Kyoto Protocol, including such Kyoto mechanisms as carbon emissions trading schemes and the Clean Development Mechanism that are found solely in the Kyoto Protocol and nowhere else in the laws of United States." This language is so broad that it could be interpreted to prohibit all U.S. international activity on climate change and to remove consideration of cost-effective domestic and international mechanisms to address climate change.

These concerns are elaborated on below.

I The Draft Language Prohibits the U.S. From Participating in International Discussions on Climate Change.

The Kyoto Protocol is a work in progress. Each year, representatives from many nations come together under the auspices of the Protocol to discuss how best to respond to the challenge of climate change. For progress to be made at these formal annual meetings, staff level meetings must take place throughout the year. These meetings are essential for the U.S. They provide our nation an opportunity to participate in -- and to shape -- the international response to climate change.

The Knollenberg language, however, provides that "no funds shall be used for the Kyoto Protocol." This language thus prohibits the U.S. from participating in these international negotiations and meetings. Congress would effectively -- and perhaps unconstitutionally -- bar our government from discussing and negotiating an international response to climate change. We would lose our opportunity to influence how the world responds to global warming, which could in turn harm U.S. environmental and economic interests.

II The Draft Language Could Prohibit the Administration from Honoring the Senate's Resolution Regarding the Kyoto Protocol.

In July 1997, the Senate passed S.Res. 98 by 95-0. S.Res. 98 encourages the Administration to negotiate "specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties." By prohibiting any funds from being spent on the Kyoto Protocol, the Knollenberg language would prevent the Administration from meeting this Senate expectation.

Additionally, the S.Res. 98 also states that when the Kyoto Protocol is submitted to the Senate for ratification, it "should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol . . . and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement." The Knollenberg language is so broad that it also appears to prohibit this policy development and analysis from occurring.

III The Draft Language Could Prohibit Policy Development on the Most Cost-Effective Mechanisms to Address the Threat of Climate Change.

The U.S. government is working to develop the least-cost, most effective ways to address climate change. Whether we act pursuant to the UNFCCC, the Kyoto Protocol, or unilaterally, there is a growing consensus among government, industry, and environmental groups that an appropriate emissions trading system could reduce the costs of protecting the environment.

One of the key elements of the Kyoto Protocol is the Clean Development Mechanism (CDM). The CDM would provide an international mechanism to reduce costs of addressing climate change by allowing the Parties of the Kyoto Protocol to take advantage of the least-cost carbon reductions first. Its development is thus an important component of a rational response to the threat of global warming.

The Knollenberg language, however, expressly bans the use of funds for the CDM. By prohibiting policy development on these strategies, the draft language is likely to subject the U.S. to higher than necessary costs to protect the environment and generate needless opposition to protecting the environment.

For example, increased energy efficiency, increased use of renewable energy, and agricultural or forestry practices that store carbon may all prove to play an effective role in addressing climate change. Blocking the development of these cost-effective strategies would ultimately increase costs by promoting only the most-expensive solutions to climate change.

Many test projects are now being deployed that could be used in these programs. For example, the State of New Jersey is developing pilot projects on emissions trading to address climate change. Texaco recently announced that it will fund a $900,000, 70-year reforestation project in the Lower Mississippi River Valley to sequester greenhouse gases. Similarly, American Electric Power, PacifiCorp, and BP Amoco, have teamed up with the Friends of Nature Foundation and The Nature Conservancy to jointly implement the $9.6 million Noel Kempff Mercado Climate Action Project -- the largest forest based carbon project in the world. Policy development must be continued on these programs to determine if such projects offer viable solutions to climate change.

Many leading U.S. companies have joined the Business Environmental Leadership Council at the Pew Center on Global Climate Change. They include ABB, American Electric Power, Air Products, Baxter, Boeing, BP Amoco, CH2MHill, DuPont, Enron, Entergy, Holnam, Intercontinental Energy Corporation, Lockheed Martin, Maytag, PG&E Corporation, Shell International, Sunoco, Toyota, United Technologies, Weyerhaeuser, and Whirlpool.

These companies have recognized the threat of climate change and have stated, "[W]e believe that one of our most serious challenges at home and abroad will be addressing global climate change as we work to sustain a growing global economy. Our companies recognize that the risks and complexities of climate change are so important that we must work together to meet this challenge." Moreover, these companies have recognized the need to develop market mechanisms such as emissions trading. Specifically, they have stated:

> "The Kyoto agreement represents a first step in the international process, but more must be done both to implement the market-based mechanisms that were adopted in principle in Kyoto and to more fully involve the rest of the world in the solution."

As consensus grows regarding market-based mechanisms, Congress should not act to preemptively eliminate their consideration.

IV Public Interest Organizations Oppose the Knollenberg Rider

The new Knollenberg rider is uniformly opposed by Environmental Defense, Friends of the Earth, National Environmental Trust, National Wildlife Federation, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club, The Nature Conservancy, Union of Concerned Scientists, U.S. Public Interest Research Group, and the World Wildlife Fund. These groups have stated:

"We are very concerned about Representative Knollenberg's language for FY2001. The current draft language is so broad and devastating that it could be interpreted to shut down virtually all U.S. participation in international activity on climate change. Such language would hurt both the environment and this country's ability to negotiate effective and fair international agreements on climate change. We believe that it is disingenuous and counterproductive for this draft report language to request analyses of the costs and impacts on the U.S. economy of any climate treaty, while at the same time the rider seeks to prohibit exactly such analysis by the executive branch."

Adopting the Knollenberg climate change language would be a dramatic setback in our efforts to address climate change. I appreciate your past efforts to make sure our nation is able to take common-sense steps to address the challenge climate change presents, and I urge you to ensure that this year's Appropriations bills are passed free of riders that would impede climate change efforts.

Sincerely,

Henry A. Waxman
Member of Congress

TOTAL P.05

Congress of the United States
House of Representatives
Washington, D.C. 20515

May 12, 2000

What do these Companies Have in Common?

American Electric Power	Entergy	Sunoco
Baxter	Intercontinental Energy Corporation	Toyota
Boeing	Lockheed Martin	United Technologies
BP Amoco	Maytag	Weyerhaeuser
CH2MHill	PG&E Corporation	Whirlpool
DuPont	Shell International	
Enron		

Dear Colleague:

Each of the companies listed above are members of the Business Environmental Leadership Council at the Pew Center on Global Climate Change. To their credit, these corporations have recognized the threat of climate change and are willing to engage in a dialogue on how to address it.

In a joint statement, these companies state, "[W]e believe that one of our most serious challenges at home and abroad will be addressing global climate change as we work to sustain a growing global economy. Our companies recognize that the risks and complexities of climate change are so important that we must work together to meet this challenge." Each signed onto the following statement of principles:

"1. We accept the views of most scientists that enough is known about the science and environmental impacts of climate change for us to take actions to address its consequences.

2. Businesses can and should take concrete steps now in the U.S. and abroad to assess opportunities for emission reductions, establish and meet emission reduction objectives, and invest in new, more efficient products, practices and technologies.

3. The Kyoto agreement represents a first step in the international process, but more must be done both to implement the market-based mechanisms that were adopted in principle in Kyoto and to more fully involve the rest of the world in the solution.

4. We can make significant progress in addressing climate and sustaining economic growth in the United States by adopting reasonable policies, programs and transition strategies."

Companies like these are joining a growing consensus among environmental groups, industry and academicians that the use of market-based mechanisms, such as emissions trading, will be an important tool in our efforts to address climate change.

Surprisingly, despite being one of the most cost-effective ways to address climate change, emissions trading is coming under attack during this year's appropriations process. We hope you will join us in ensuring that Congress doesn't forbid policy development on one of the smartest ways to protect our environment.

Sincerely,

Henry A. Waxman
Member of Congress

Sherwood L. Boehlert
Member of Congress

National Environmental Trust

Environmental Defense * Friends of the Earth * National Environmental Trust * National Wildlife Fund * Natural Resources Defense Council * Physicians for Social Responsibility * Sierra Club * Union of Concerned Scientists * U.S. Public Interest Research Group * World Wildlife Fund

May 16, 2000

RE: Anti-Environment Riders in the FY2001 Agriculture Appropriations Bill

Dear Representative:

The FY2001 Agriculture Appropriations bill contains several anti-environment provisions, which if allowed to become law could significantly interfere with the ability of the United States to both address the issue of global warming and protect our own economic and environmental interests. We urge you to oppose these provisions and any other riders that are damaging to the environment.

The FY2001 Agriculture Appropriations bill contains language that is so broad and devastating it could shut down virtually all U.S. participation in international activity on climate change. This language and the significant appropriations reductions for many of USDA's climate change programs would stop existing USDA efforts to identify the opportunities for American agriculture to be part of the solution.

Global warming is real. The scientific debate no longer focuses on whether climate change is occurring. Rather, it is now centered on identifying the rate of change and the range and severity of expected impacts. The attached map, based upon peer-reviewed science, provides over 80 illustrations of the local consequences of global warming around the world. Some of the examples are direct manifestations of global warming while others are events that foreshadow future impacts if global warming remains unchecked.

Accordingly, the political and policy debate should, and now is, shifting to a discussion of the appropriate response strategies. The U.S. has a vital role to play in these discussions in order to protect its own environmental and economic interests. Yet, for the last two years, Representative Joseph Knollenberg has used the Appropriations process to insert language in a growing number of Appropriations bills intended to limit and cripple U.S. participation in these discussions.

This year Representative Knollenberg has gone even further. The language currently contained in the FY2001 Agriculture Appropriations bill would:

- Prevent U.S. involvement in negotiating rules that would enable the export of clean technology to developing countries, frustrating efforts to expand developing country participation in climate change mitigation;
- Prevent the U.S. from even participating in discussions about cost-effective measures or even representing U.S. interests in those discussions;

- Force the U.S. into the untenable position of having Congress interfere with international treaty negotiations and potentially forcing the U.S. to withdraw unilaterally from those negotiations; and
- Stop efforts to measure and verify the emission reduction potentials and costs of actions such as increased energy efficiency, and increased use of renewable energy, as well as to analyze how these actions should be regulated in the international context.

Furthermore, the agriculture sector has the potential to contribute to the solution to global warming through the promotion of pro-environment land and soil conservation techniques. Yet this bill significantly reduces funding for the National Resource Conservation Service's soil surveys and inventories, which are critical to research activities, carbon cycle research and other aspects of the Department's research and outreach to farmers.

Please support efforts to remove the Knollenberg language from the bill. This is not a vote about the Kyoto protocol. The Kyoto protocol is a work in progress. Each year, representatives from many nations come together under the auspices of the United Nations Framework Convention on Climate Change to discuss how best to respond to the challenge of climate change. For progress to be made at these formal annual meetings, staff-level meetings must take place throughout the year. Both the formal and informal meetings are essential for the U.S. They provide our nation an opportunity to participate in – and to shape – the international response to climate change.

The Knollenberg language could prohibit the U.S. from participating in these international negotiations and meetings. If so, Congress would effectively – and perhaps unconstitutionally – bar our government from discussing and negotiating an international response to climate change. The U.S. would lose the opportunity to influence how the world responds to global warming as well as miss an opportunity to protect its own environmental and economic interests.

When the Kyoto protocol and supporting agreements are final, they will then be submitted to the Congress in accordance with the Constitution for the advice and consent of the Senate. We look forward to that debate and strongly believe that it needs to occur. Until then, please do not let a minority in Congress abuse the appropriations process to circumvent that very important debate and the policy development work necessary to inform it.

Sincerely,

Environmental Defense
Friends of the Earth
National Environmental Trust
National Wildlife Fund
Natural Resources Defense Council

Physicians for Social Responsibility
Sierra Club
Union of Concerned Scientists
U.S. Public Interest Research Group
World Wildlife Fund

STRIKE THE EMERSON/KNOLLENBERG RIDER IN HOUSE AGRICULTURAL APPROPRIATIONS BILL FOR FY2001

The Emerson/Knollenberg rider in the House Agricultural Appropriations bill is one of the most egregious riders on global warming ever considered by the U.S. House of Representatives. The language must be removed from the Appropriations bill.

The Emerson/Knollenberg language is so broad that it could be interpreted to prohibit all U.S. international activity on climate change and suppress consideration of cost-effective domestic and international opportunities to address climate change.

The current Emerson/Knollenberg language could:

- Prevent U.S. involvement in finalizing rules that would enable the export of clean technology to developing countries, frustrating efforts to expand developing country participation in climate change mitigation;
- Prevent the U.S. from even participating in discussions about cost effective measures;
- Force the U.S. into the untenable position of having Congress interfere with international treaty negotiations and potentially forcing the U.S. to withdraw unilaterally from those negotiations, which would have serious short and long term consequences; and
- Stop efforts to measure and verify the emission reduction potentials and costs of actions, such as increased energy efficiency, increased use of renewable energy, and to analyze how they should be regulated in the international context.

THE SCIENTIFIC EVIDENCE OF GLOBAL WARMING PRESENTS A COMPELLING CASE FOR IMMEDIATE ACTION

- Humans have been releasing unprecedented levels of greenhouse gases (GHGs) from fossil fuel use and deforestation.
- As a direct result, concentrations of greenhouse gases in the atmosphere are at their highest levels in the last 400,000 years. Carbon dioxide concentrations are at 365 parts per million (ppm), 30% above pre-industrial levels of about 275 ppm.
- Analysis of carbon in ice core samples proves that human contribution dominates the increases in GHGs. (Wigley, 1999).
- 1990s were probably the warmest decade of the millenium. The six warmest years in the 140 year record of thermometer measurements were 1998, 1997, 1995, 1990, 1999, 1991. (Jones et al., 1999).
- NOAA research provides conclusive evidence of increases in ocean temperatures in the three major oceans. This is consistent with the global warming trend observed in the surface temperature record. (Science, March 24, 2000).
- Surface warming has accelerated in the past 25 years.
- Warming of 2 to 6.5 degrees Fahrenheit is projected from 1990 to 2100 under business as usual scenarios.
- The evidence of local impacts is rapidly accumulating, particularly more intense rainstorms that probably contribute to flooding; episodes of coral bleaching; glacier melting; and early arrival of spring.
- The rate of sea level rise is expected to accelerate as much as 2 to 5 times due to the thermal expansion of the oceans and the partial melting of the mountain glaciers and polar ice caps, which would affect large areas along Florida, the Gulf Coast, and the Chesapeake Bay.

Clinton Presidential Records
Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

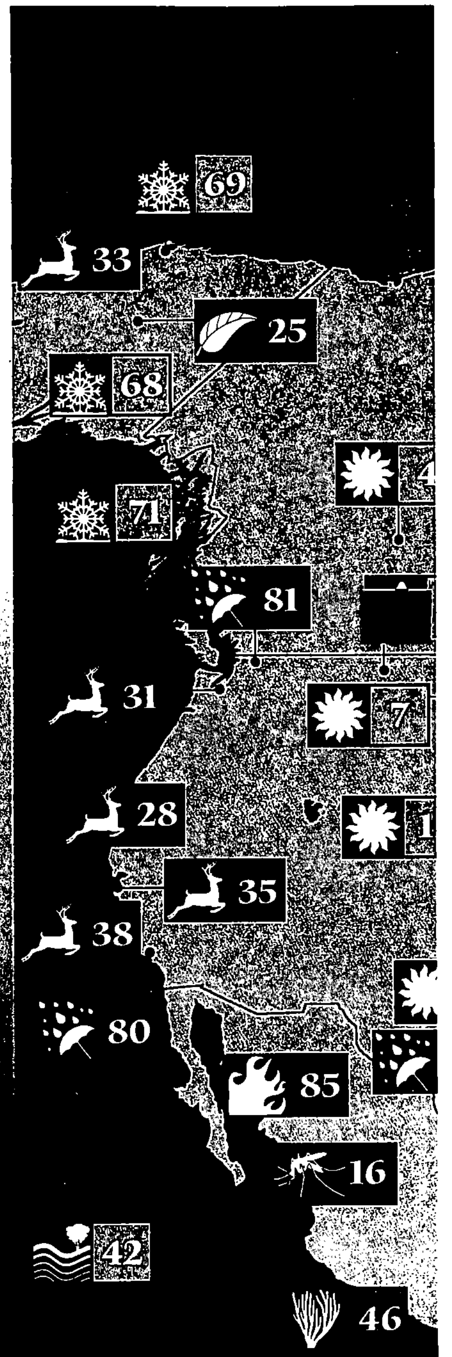
This marker identifies the place of an oversized document(s). Given our digitization capabilities, we are sometimes unable to adequately scan such large documents. The title from the original document is indicated below.

Oversized documents have not been scanned in their entirety for the purpose of digitization. To see the documents please contact or visit the Clinton Presidential Library's Research Room.

Global average temperatures have warmed about 1°F since 1900. The ten warmest years on record have occurred since 1983, seven of them since 1990. Global temperature in 1998 was the hottest in the historical record, and recent temperatures may have been the highest of the past millennium.

This map illustrates the local consequences of global warming. Events are divided into two categories. Some of the events are direct manifestations of a widespread and long-term trend toward warmer global temperatures as projected by models of a changing climate. These "fingerprints" of climate change are highlighted in yellow. The map also identifies events that foreshadow the types of impacts likely to become more frequent and widespread with continued warming. These "harbingers" of climate change are highlighted in red. For these events, evidence for a direct link to long-term climate change cannot be confirmed or ruled out at this time. Although factors other than climate may have intensified the severity of some of the events on the map, scientists predict such problems will increase if [illegible]

THE EARTH *is* HEATING UP.



GLOBAL WARMING

EARLY WARNING SIGNS

The Boston Globe

THURSDAY, MAY 18, 2000

McCain voices concern on global warming signs

By H. Josef Hebert
ASSOCIATED PRESS

WASHINGTON – Senator John McCain expressed concern yesterday about the "mounting evidence" pointing to global climate change and the potential for harm, but said any action should be based on science "and not on rhetoric or political expedience."

The former presidential contender made good on a campaign promise and held a hearing before his Senate Commerce Committee on global warming. A half dozen scientists told him that the surface of the earth is warming, that concentrations of so-called "greenhouse gases" have significantly increased in the atmosphere, and that there's plenty of evidence humans have something to do with it.

McCain, an Arizona Republican, had been dogged during his unsuccessful presidential campaign by a group of environmental activists who pressed him on the climate issue, especially in New Hampshire. That prompted him to promise hearings on the matter.

It is a signature issue for Vice President Al Gore. Texas Governor George Bush has been vague on the issue, saying he increasingly has come to the conclusion that there may be a warming of the earth but wants more scientific evidence.

In opening the session, McCain said he had no specific plan to address the problem, but that he was "concerned about mounting evidence that indicates something is happening."

McCain made no mention of the Kyoto agreement, signed by President Clinton, that calls for industrial nations to cut emissions that are believed to be warming the Earth – principally carbon dioxide from the burning of fossil fuels. The pact is in limbo, with Congress in no mood to ratify it because, many lawmakers believe, it would be too costly and have marginal impact unless countries like China and India also are required to reduce emissions.

House lawmakers are expected this week to debate a provision that would restrict the ability of the Clinton administration to discuss with other countries measures that would reduce the cost of implementing the Kyoto accord.

The Washington Post

Don't Step Back on Warming

THE SCIENTIFIC community has largely moved from debating whether there is global warming to trying to assess its likely effects. Growing numbers in industry are facing up to the issue, voluntarily seeking to reduce their emissions of the greenhouse gases that are helping heat up the planet. But at least some quarters of Congress seem to be stuck on the same old treadmill of denying the evidence and attacking the Kyoto accords, which set a timetable for reducing U.S. emissions of greenhouse gases.

For the past two years, riders on budget bills have forbidden the administration from taking steps to implement the accords. This year's version of the language, even more sweeping than in the past, is already attached to the agriculture appropriations bill expected to come before the House tomorrow. Neal Lane, assistant to the president for science and technology, told a Senate hearing yesterday that the rider would not only undermine U.S. ability to conduct negotiations on climate issues but also would require the administration to stop work on some of the most important tools for holding down the cost of fighting global warming. The restrictions passed last year have been used to ask inspector generals at the Environmental Protection Agency and the Department of Energy to investigate whether officials broke the law by attending a climate change workshop in Germany last year. (They didn't, the IGs said.) A similar investigation is still underway at the State Department.

This kind of sparring is a waste of time, energy and money. This amendment would take a step backward just as it becomes clearer than ever that climate change is a real problem that policy-makers will ignore at their—at our—peril. Congress may not be ready to authorize meaningful action. The least it can do is stay out of the way.

The Washington Post

Thursday, May 18, 2000 A7

McCain on Climate Change

Sen. John McCain (R-Ariz.) expressed concern about the "mounting evidence" pointing to global climate change and the potential for harm but said any action should be based on science "and not on rhetoric or political expedience."

The former GOP presidential contender made good on a campaign promise and held a hearing before his Senate Commerce Committee on global warming. A half-dozen scientists told him that the surface of the Earth is warming, that concentrations of "greenhouse gases" have significantly increased in the atmosphere and that there's plenty of evidence humans have something to do with it.

McCain had been dogged during his unsuccessful presidential campaign by a group of environmental activists, especially in New Hampshire, who pressed him on the climate issue.

— Compiled from reports by the Associated Press

Associated Press

McCain: Global Warming for Real

Associated Press

Wednesday May 17 6:04 PM ET
By H. JOSEF HEBERT, Associated Press Writer

WASHINGTON (AP) - Sen. John McCain (news - web sites) expressed concern Wednesday about the ``mounting evidence'' pointing to global climate change and the potential for harm, but said any action should be based on science ``and not on rhetoric or political expedience.''

The former GOP presidential contender made good on a campaign promise and held a hearing before his Senate Commerce Committee on global warming. A half dozen scientists told him that the surface of the Earth is warming, that concentrations of so-called ``greenhouse gases'' have significantly increased in the atmosphere and that there's plenty of evidence humans have something to do with it.

McCain, an Arizona Republican, had been dogged during his unsuccessful president campaign by a group of environmental activists, especially in New Hampshire, who pressed him on the climate issue. That prompted him to promise hearings on the matter.

It is a signature issue for Vice President Al Gore (news - web sites). Texas Gov. George Bush has been vague on the issue, saying that he increasingly has come to the conclusion that there may be a warming of the Earth but want's more scientific evidence.

In opening the session, McCain said he had no specific plan to address the problem, but that he was ``concerned about mounting evidence that indicates something is happening. It is of the utmost importance that we examine this issue and examine it thoroughly.''

McCain made no mention of the Kyoto agreement, signed by President Clinton, that calls for industrial nations to cut emissions that are believed to be warming the Earth - principally carbon dioxide from the burning of fossil fuels. The pact is in limbo, with Congress in no mood to ratify it because, many lawmakers believe, it would be too costly and have marginal impact unless countries like China and India also are required to reduce emissions.

Later this week, in the House, lawmakers are expected to debate a provision that would restrict the ability of the Clinton administration to even discuss with other countries measures that would reduce the cost of implementing the Kyoto accord.

--more--

Neal Lane, the president's science and technology adviser, said when asked about the House provision by Sen. John Kerry, D-Mass., that it could ``stifle" administration attempts to negotiate issues that would make the Kyoto agreement more palatable as well as efforts to get developing countries to participate.

McCain asked the panel of scientists, including Lane, to separate what is known and not known about climate change.

``It's quite clear that the Earth is warming" and that surface temperatures will continue to rise during the next century, Lane said. ``There is mounting scientific evidence that climate change is already affecting ecosystems."

Robert Watson, chairman of the United Nations-sponsored Intergovernmental Panel on Climate Change, insisted that ``a large majority of scientists" believe the threat of global warming is real, although there are ``a half dozen or so contrarians."

``The overwhelming majority of scientific experts recognize that scientific uncertainties exist, but still believe that human-induced climate change is inevitable," said Watson.

John Christy, a climatologist at the University of Alabama-Huntsville, admitted he was ``the most skeptical among the panelists" when it came to climate change.

Christy has questioned surface temperature readings that show the Earth has been warming. These readings are contradicted by readings over the past 20 years of atmospheric temperature readings that show no increase.

``Sixty percent of the atmosphere is going in a direction opposite from the (computer climate) models," said Christy. He also said that broad global temperature data may be misleading since it does not address local or regional climate changes or impact.

The U.N. climate panel in 1995 produced a report that said that the Earth is warming because growing concentrations of man-made gases in the atmosphere are trapping the Earth's heat much like a greenhouse. The panel is to produce another report next year that will likely come to the same conclusion with even more definitive evidence, suggested Watson.

Jerry Mahlman, an expert on climate modeling at the National Oceanic and Atmospheric Administration, said that ``there is no remaining doubt that increased greenhouse gases are caused by human activity." And, he continued, it's a ``virtually certain bet that this problem will refuse to go away."

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Global Warming Science Index
May 2000

With Highlights from 1999

In this month's Index:

Climate Is Warming At Faster Rate!

Global Warming Destroys Coral Reefs

Melting Glaciers Could Spell Disaster For Southeast U.S

Impacts On Wildlife Behavior And Populations

Ozone Depletion Linked To Global Warming

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GLOBAL WARMING SCIENCE INDEX

January – May 2000

Below is a compilation of the most recently published scientific findings relevant to global warming, from ecological impacts to atmospheric science.

Please contact Ozone Action (202-265-6738, ext. 16) if you require any of the documents listed or would like contact information for the published scientists.

"Global Warming, El Nino Destroy Coral in Belize"

The Orlando Sentinel, May 4, 2000

"The highest sea temperatures ever recorded, which scientists suspect were caused by global warming and the El Nino weather phenomenon, have destroyed coral in Belize for the first time in 3,000 years. American scientists, reporting in the science journal Nature on Wednesday, said temperatures reaching up to 88.7 degrees bleached the Belizean barrier reef causing the coral to collapse and endangering the fragile marine environment. 'There is growing concern that global climate change is degrading coral reef ecosystems, with coral mortality increasing as a result of bleaching and emergent diseases. Our results from Belize appear to justify this concern,' said Richard Aronson of the Dauphin Island Sea Lab in Alabama."

Referenced Research:
Ecosystems: Coral bleach-out in Belize
Aronson, Richard B. et al., *Nature*, vol. 405, May 4, 2000, p. 36.

Additional media coverage: The Washington Post, Sun-Sentinel, The New York Times, NPR, USA Today

"Greenland glaciers could be particularly hard-hit by global warming"

Associated Press, April 6, 2000

"Worried about the effects of global warming, scientists watching for signs of melting now say a key threat comes from glaciers in Greenland. Scientists fear that a rise in the Earth's average temperature could make the oceans rise and swamp low-lying coastal cities in the coming century.

'The glaciers of Greenland, more than 9,000 miles to the north, are more likely to melt with dire consequences as Earth warms up,' said Kurt Cuffey, a geographer at the University of California, Berkeley, 'If nothing is done to stabilize our climate and sea levels rise as much as 6 meters (20 feet), you'll flood the southern half of Florida, the southern half of Louisiana. A 2-degree global warming doesn't sound like much, but you have to realize the consequences can be really quite disastrous'."

Referenced Research:
Substantial contribution to sea-level rise during the last interglacial from the Greenland ice sheet
Cuffey, Kurt M. and Marshall, Shawn J., *Nature*, vol. 404, April 6, 2000, pp. 591 – 594.

Additional media coverage: Chicago Tribune, Calgary Herald, The Cincinnati Enquirer, Investor's Business Daily

"New Survey Shows Growing Loss of Arctic Atmosphere's Ozone"

The New York Times, April 6, 2000

"Unusual cold and a sharp loss of ozone in the Arctic stratosphere over the winter just past have heightened concern that changes in global climate may delay recovery of the earth's partly depleted ozone layer, scientists said yesterday.

Ozone depletion and global climate change are essentially separate phenomena, but they can interact in some ways. For example, emissions of heat-trapping industrial gases like carbon dioxide, which warm the lower atmosphere, have the opposite effect in the stratosphere: they cool it.

Over Antarctica, the coldest place on earth, severe ozone depletion takes place every winter. In the Arctic, some winters are too warm for a major depletion. But this year the temperature stayed well below the threshold for long periods, sometimes reaching 120 degrees below zero."

Referenced Research:
NASA-European Measurements See Significant Arctic Ozone Loss
Press Release, Jet Propulsion Laboratory, California Institute of Technology, NASA, April 5, 2000.

Additional Media Coverage: USA Today, Chicago Tribune, New Scientist, Aerospace Daily, Scripps Howard News Service, The Electricity Daily, City News Service, AP Worldstream

"The Oceans Absorb Much of Global Warming, Study Confirms"

New York Times, March 24, 2000

"An important piece of the global-warming picture has come into clearer focus with a confirmation by scientists that the world's oceans have soaked up much of the warming of the last four decades, delaying its full effect on the atmosphere and thus on climate.

This means that to whatever extent the planet is being warmed by emissions of greenhouse gases like carbon dioxide, which are produced by the burning of coal, oil and natural gas, only part of that heating has materialized so far at and above the earth's surface. Some experts believe that about half the greenhouse warming is still in the oceanic pipeline and will inevitably percolate to the air in the decades just ahead."

Referenced Research:
Warming of the World Ocean
Levitus, Sydney et al., *Science*, vol. 287, March 24, 2000, pp. 2225 – 2229.

Additional media coverage: The Washington Post, The Christian Science Monitor, The Associated Press, The Record, The Post and Courier, The Pantagraph, The Desert News, The Dayton Daily News, The Charelston Gazzette, The Advocate, The Calgary Herald, The Ottawa Citizen, The Toronto Star

"Climate is Warming At Steep Rate, Study Says; Weather: Effects Could Be Severe, Federal Researchers Warn. Scientists Still Debate if Man Or Nature Is To Blame."

Los Angeles Times, Feb. 23, 2000

"A new analysis by government scientists indicates the Earth's climate is warming at an unprecedented rate, suggesting that the future impact of global warming may be more severe and sudden than predicted.

'Such a steep warming rate was not expected to occur until well into the 21st century,' said Tom Karl, the National Oceanic and Atmospheric Administration climatologist who led the study. Such a trend probably would mean a continuation of the recent three-year string of steamy summers and mild winters seen by much of the nation, and eventually perhaps increased flooding of low-lying areas. 'The next few years are going to be very interesting,' Karl said. 'It could be the beginning of a new increase in temperatures'."

Referenced Research:
Record Breaking Temperatures Seen as Possible Evidence of Faster Rate of Global Warming, NOAA Reports
Press Release, NOAA, February 22, 2000.

Additional media coverage: CNN

"How Climate Change Alters Rhythms of the Wild; the more scientists look, the more connections they see between shifts in climate and changes in animal behavior and populations"

Science, Feb. 4, 2000
"Strengthening the case against warming, [biologist Jerram] Brown says, is the fact that many other species in the Northern Hemisphere, from birds to frogs, are also breeding earlier than they were years ago. 'While no one study can prove that earlier breeding is caused by global warming,' he says, 'it all fits in'.

For more than 2 decades, climate modelers have warned that global warming may transform our environment by pushing corn belts north, expanding deserts, and melting ice caps. Now biologists are getting in on the action, compiling an impressive array of data suggesting that climate changes big and small can have profound effects on species. Climate's fingerprints are turning up in observations compiled over years and decades."

Referenced Research:
How Climate Change Alters Rhythms of the Wild
Wuethrich, Bernice. *Science*, vol. 287, February 4, 2000, pp. 793-795.

"Global Warming is 'Real,' Report Finds"

The Washington Post, Jan. 13, 2000
"A worldwide rise in temperatures at the Earth's surface is "undoubtedly real" and appears to have accelerated in recent decades, an independent scientific panel concluded in a major new report yesterday.

The panel estimated the increase in temperatures over the past century between 0.7 and 1.4 degrees Fahrenheit—a 30 percent increase from earlier projections that reflects record-shattering high temperatures in the late 1990s.

Partly deflating a key argument used by skeptics of global warming, the report also dismissed as insignificant a glaring contradiction between two sets of measurements…'The difference between the surface and upper-air trends in no way invalidates the conclusion that the Earth's temperature is rising,' said John M. Wallace, a professor of atmospheric sciences a the University of Washington and chairman of the panel."

Reference Research:
Reconciling Observations of Global Temperature Change
Study released by National Research Council, National Academy of Sciences, January 12, 2000.

Additional media coverage: CNN, CBS, The Wall Street Journal, The New York Times, Chicago Sun-Times, The Detroit News, Copley News Service, Los Angeles Times, The Houston Chronicle, Columbia Journalism Review, Air Conditioning, Heating & Refrigeration News

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Global Warming Science Index
Highlights of 1999
(in chronological order)

March

"Warming and Europe's Seasons", *Washington Post*, March 1, 1999
Referenced research: **Growing season extended in Europe**, *Nature*, February 25, 1999

"Hot Year Was Killer For Coral", *Washington Post*, March 5, 1999
Referenced research: Report by State Dept officials and scientists

"Shrinkage Detected in Greenland's Ice", *Washington Post*, March 5, 1999
Referenced research: **Rapid Thinning of Parts of the Southern Greenland Ice Sheet**, *Science*, March 5, 1999

"Song of the Millennium: Cool Prelude and a Fiery Coda," *New York Times*, March 9, 1999
Referenced research: **Northern Hemisphere temperatures during the past millennium: Inferences, uncertainties, and limitations** *Geophysical Research Letters*, March 15, 1999

North American forest sink cannot be as big as former study hypothesized
Published research: **North American Carbon Sink**, *Science*, March 19, 1999

"When Meteorologists See Red: Worldwide warming has tripped up U.S. forecasters"
Science News, March 20, 1999 Unpublished research

Arctic ozone layer recovery to be delayed by global warming
Published research: **Arctic Ozone Loss Due to Denitrification**, *Science*, March 26, 1999

April

CO_2 absorbed by oceans predicted to harm coral reefs by changing water chemistry
Referenced research: **Geochemical Consequences of Increased Atmospheric Carbon Dioxide on Coral Reefs**, *Science*, April 2, 1999

"Rainforest Being Destroyed Faster Than Expected" *NBC Nightly News*, April 4, 1999
Referenced research: **Large-scale impoverishment of Amazonian forests by logging and fire**, *Nature*, April 8, 1999

"Melting in Antarctic Quickens" *Washington Post*, April 12, 1999
Referenced research: *Journal of Glaciology*

"Frog Decline Linked to Climate Shift" *Washington Post*, April 15, 1999
Referenced research: **Biological response to climate change on a tropical mountain**, *Nature*, April 15, 1999.

May

"Climate Experts' New Worry: Altered Air Patterns" *New York Times*, May 18, 1999
Referenced research: **Signature of recent climate change in frequencies of natural atmospheric circulation regimes**, *Nature* April 29, 1999.

"We're to blame", *New Scientist*, May 22, 1999
Referenced research: **The variability in the carbon sinks as reconstructed for the last 1000 years** *Geophysical Research Letters*, May 15, 1999

"Warming and Wildlife Behavior" *Washington Post*, May 24, 1999
Referenced research: **Birds extend their ranges northwards,** *Nature* May 20, 1999

June

"Himalayan Glaciers are Melting Fast" *The London Independent*, June 3, 1999
Referenced research: **Surface air temperature and its changes over the past 150 years,** *Review of Geophysics,* May 1999.

"Ice Core Samples Give Evidence of Climate Change'" *Charleston Daily Mail*, June 7, 1999 (also *SF Chronicle*)
Referenced research: **Climate and atmospheric history of the past 420,000 years from the Vostok ice core, Antarctica,** *Nature*, June 3, 1999.

"Warming World's Sea Life in Danger: Change of Climate is a Threat," *Seattle Post Intelligencer*, June 8, 1999
Referenced research: **Turning Up the Heat: How Global Warming Threatens Life in the Sea,** World Wildlife Fund

"Butterflies Shifting North: Global Warming Sends Some Packing" *ABCNews.com*, June 9, 1999 (also *NPR, AP, LA Times*)
Referenced research: **Poleward shifts in geographical ranges of butterfly species associated with regional warming,** *Nature,* June 10, 1999

"Get Out the Snow Shovels: Wet Winters Linked to Global Warming" *U.S. News & World Report*, June 14, 1999
Referenced research: **Simulation of recent northern winter climate trends by greenhouse gas forcing,** *Nature*, June 3, 1999

"Rare Diseases Making A Comeback" *BBC Online*, June 15, 1999
Referenced research: **Report to World Health Organization,** June 1999.

"Global Warming Means More Bugs, U.S. Study Shows" *Reuters*, June 25, 1999 (also *National Public Radio, ABC News*)
Referenced research: **Response of Plant-Insect Associations to Paleocene-Eocene Warming,** *Science*, June 25, 1999.

"Rare Clouds May Predict Dim Future: Noctilucents Indicate Problem, Experts Say" *The Denver Post*, June 25, 1999 (also the *Salt Lake Tribune, San Francisco Examiner, Rocky Mountain News, Chicago Sun-Times, Christian Science Monitor, Pittsburgh Post-Gazette*, and *National Public Radio*)

"Human Imprint on Climate Change Grows Clearer" *New York Times*, June 29, 1999
Referenced research: **Causes of twentieth-century temperatures change near the Earth's surface,** *Nature*, June 10, 1999 and others.

July

Changes In Ocean Circulation Caused By Global Warming, *Industrial Health & Hazards Update*, July 1, 1999
Referenced research: **Global Warming And Marine Carbon Cycle Feedbacks On Future Atmospheric CO2**, *Science* April 16, 1999

"North Atlantic, Hold the Ice" *Minneapolis Star Tribune*, July 14, 1999
Referenced research: **Lack of icebergs another sign of global warming**, *Science*, July 2, 1999.

"Jet Travel Heats Up" *The Atlanta Journal and Constitution*, July 18, 1999 (also the *Seattle Times*, *Dallas Morning News*, *Times Picayune*, *CNN* and *Reuters*)
Referenced research: **Global distribution of contrail radiative forcing**, *Geophysical Research Letters*, July 1, 1999.

"Link is Found Between Epidemics and the Warming of the Oceans" *Philadelphia Inquirer*, July 19, 1999 (also the *London Observer* and *Scientific American*)
Referenced research: **Climate and Health**, *Science*, July 16, 1999.

"Scientists See Ominous Signs of Rapid Global Warming, Climate is Changing Quickly. . ." *San Francisco Examiner*, July 19, 1999 (also *AP*, *Milwaukee Sentinel* and *Ventura Star*) -
Referenced research: **The Science of Climate Change: Global and U.S. Perspectives**, published by the Pew Center on Global Climate Change, July 1999.

"Cleaning Up the Atmosphere" *The Washington Post*, July 26, 1999
Referenced research: **The U.S. Carbon Budget: Contributions from Land-Use Change**, *Science*, July 23, 1999.

August

"The North's Voracious Carbon Past" *Science*, Aug. 20, 1999
Referenced research: **The U.S. Carbon budget: Contributions from Land-Use Change**, *Science* Vol. 285, July 23, 1999, p. 574-575.

September

"Bleach Threat to the Barrier Reef Australia" *The Daily Telegraph*, Sept. 4, 1999
Referenced research: **Climate Change, Coral Bleaching and the Future of the World's Coral Reefs**, Greenpeace, July, 1999

"Is The Sea Now A Giant Petri Dish?" *Business Week*, Sept. 20, 1999
Referenced research: **Emerging Marine Diseases - Climate Links and Anthropogenic Factors**, *Science*, Sept. 3, 1999

"Wait till next time: If a little heated water in the Atlantic can create Floyd, what storms will global warming bring?" *Time*, Sept. 27, 1999 (also in *US News and World Report*, *National Public Radio*, *Newsweek*, and the *Pittsburgh Post-Gazette*)
Various published scientists quoted.

October

"Study: Global warming focus flawed...too much attention is on carbon dioxide" *MSNBC Staff and Wire reports*, Oct. 6, 1999
Referenced research: **Multi-gas assessment of the Kyoto Protocol**, Reilly, J., Prinn, R., *Nature*, Vol. 401, Oct. 7, 1999, p. 549-555.

November

"Arctic Sea Ice Melts by Almost Half" *The Independent (London)* Nov. 16, 1999 (also in the*Boston Globe, The Times (London), The Tampa Tribune, San Jose Mercury News, New Scientist, Dayton Daily News, Belfast News Letter, CBS News, Deuthsche Presse-Agenter, Greenwire,* and the *The New York Times*)
Referenced research: **Thinning of the Arctic Sea-Ice Cover**, *Geophysical Research Letters*, December 1, 1999.

"The Americas: Global Warming Causing Polar Bear Decline" *Financial Times (London)*, Nov. 16,1999
Referenced research: **Long-Term Trends In The Population Ecology Of Polar Bears In Western Hudson Bay In Relation To Climatic Change**, *Arctic*, Sept. 1999

"Help Rid Homes of Deadly Mosquitos" *Business World*, November 19, 1999
Referenced research: **How Will Climate Change Affect Human Health?,.**, *American Scientist*, Nov. 1, 1999

"New Ice Age Could Be On The Way: Gulf Stream System Faces Breakdown, say Scientists", *The Scotsman*, Nov. 25, 1999
Referenced research: **Northern Hemisphere Ice Sheet Influences on Global Climate Change**, *Science*, Nov. 5, 1999.

"Increase in Water Vapor Could Threaten Ozone", *Chemical and Engineering News*, Nov. 29, 1999.
Referenced research: **The Effect of Climate Change On Ozone Depletion Through Changes in Stratospheric Water Vapor**, *Nature*, Nov. 25, 1999.

December

"Study: Arctic Sea Ice is Rapidly Dwindling; Global Warming Called Likely Cause" *Washington Post*, December 3, 1999 (also covered in the *New York Times, AP, Seattle Times, Baltimore Sun, Houston Chronicle, National Post, Sun-Sentinel, Times-Picayune, Times Union, News & Record, Post and Courier, Austin American-Statesman, Fresno Bee, Agence France Press, Daily Telegraph,* and *Calgary Herald*)
Referenced research: **Global Warming and Northern hemisphere Sea Ice Extent**, *Science*, December 3, 1999.

Oppose the Emerson-Knollenberg Climate Rider in the FY01 Agriculture Appropriations Bill

May 18, 2000

Dear Representative:

On behalf of the thousands of members of Friends of the Earth, I urge you to oppose an anti-environmental rider attached to the Fiscal Year 2001 Agriculture Appropriations Bill by Representatives Jo Ann Emerson (R-MO) and Joe Knollenberg (R-MI). The rider would prevent U.S. participation in the 1997 Kyoto Protocol to reduce greenhouse gases.

It is indisputable that global warming is a threat to the environment and its inhabitants. The 1990's were the warmest decade on record. Concentrations of greenhouse gases in the atmosphere are at their highest levels in the last 400,000 years. This year -- for the first time -- the National Oceanic and Atmospheric Agency (NOAA) reported an increase of temperatures in three oceans. Congress should be looking for ways to solve this problem instead of turning a blind eye to scientific reality. The rider takes a significant step backwards at a time when forward progress is urgently needed.

The Kyoto Protocol is an international climate treaty that seeks to reduce the amount of greenhouse gasses in the atmosphere with the cooperation of both developed and developing nations. The Protocol is a work in progress, with many provisions still under negotiation.

The Emerson-Knollenberg language would unwisely and unjustifiably prevent the use of funds for the Kyoto Protocol. Even worse, the language is so broad it would:

- Severely undermine the United States' leverage in negotiating critical unresolved provisions of the Protocol.
- Prevent United States involvement in finalizing rules that would enable the export of clean, renewable energy technologies to developing countries.
- Prohibit policy development of cost effective mechanisms to address the threat of climate change.

Restricting the United States' participation in efforts to reduce global warming is irresponsible and unwarranted. The Emerson-Knollenberg language is a slap in the face of the U.S. Senate's own resolution, which passed 95-0, that encourages commitments to reduce greenhouse gas emissions for developing nations (S.Res. 98, 1997). We cannot on the one hand ask for meaningful participation of developing countries in solving global warming and on the other hand restrict implementation of the very mechanisms internationally designed to address the problem. We urge you to oppose this, and any other harmful anti-environmental riders.

Sincerely,

Courtney Cuff
Legislative Director

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OPPOSE THE EMERSON-KNOLLENBERG GAG-RULE RIDER ON GLOBAL WARMING IN THE FY2001 AGRICULTURE APPROPRIATIONS BILL

The House FY2001 Agricultural Appropriations Bill contains language that ignores the scientific evidence and the growing political momentum towards addressing global warming.

Senate Commerce Committee Hearing on Global Warming

The Senate Commerce Committee held a hearing on Wednesday, May 17th designed to present the latest scientific understanding of global warming. During the hearing, chaired by Senator John McCain, several of the nation's leading scientists confirmed that global warming is "undoubtedly" real. According to the attached Associated Press report of the hearing:

- Robert Watson, chairman of the United Nations-sponsored Intergovernmental Panel on Climate Change, insisted that "a large majority of scientists" believe the threat of global warming is real, although there are "a half dozen or so contrarians."
- "The overwhelming majority of scientific experts recognize that scientific uncertainties exist, but still believe that human-induced climate change is inevitable," said Watson.
- In response to a question about the impact of the Knollenberg language, Neal Lane, the president's science and technology advisor said that it will 'stifle' administration efforts to negotiate issues that would make the Kyoto agreement more palatable as well as efforts to get developing countries to participate.

Negative Effects of the Knollenberg FY2001 language

The House FY2001 Agriculture Appropriations Bill contains language that prohibits the U.S. government, including the U.S. Department of Agriculture, from taking any steps to address global warming. This language would:

- Prohibit the U.S. from participating in formal and informal discussions and negotiations designed to address global warming internationally.
- Stop the development of cost-effective mechanisms and policies to address the threat posed by global warming.
- Prevent U.S. involvement in negotiating rules that would enable the export of U.S. clean technologies to developing countries thus depriving them of our expertise as well as depriving U.S. companies of new market opportunities.

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