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Knollenberg Riders '99

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1. "Knollenberg riders" (sponsored by Rep. Joe Knollenberg (R-MICH)) purport merely to prohibit the implementation of the Kyoto Protocol on climate change, but in practice they are an attempt to squelch virtually all aspects of Administration climate change policy.

They are attached to 5 appropriations bills: VAHUD (which funds EPA), CSJ(Commerce, State, Justice), Foreign Operations, Agriculture, Energy and Water (which funds DOE Renewables budget) and Interior (which funds DOE energy-efficiency budget). Report language similar to the bill language appears in a 6th bill, funding Treasury.

Summary of Major Climate Change Appropriations Bills 9/28/99

- A. **VA-HUD bill** - (which funds EPA) House report rider (worst of the bunch) attached. Attempts to prohibit any climate change programs at all; calls for "balance" in scientific representation—i.e., the few right-wing, industry funded skeptic scientists must be represented in any meetings, forums, etc on an equal basis with 2000 mainstream scientists who believe global warming is occurring.

Clean Air Partnership Fund: New program to support state and local efforts to reduce greenhouse gases:

Admin request: \$200m House: \$36m Senate: \$000

Remainder EPA Climate Change Funding:

--Admin request: \$216 m House: \$105 m Senate: \$102m

- B. **Interior bill** - (for Energy Efficiency Programs under DOE) contains standard Knollenberg rider.

--Admin. Request \$686m House: \$570m Senate: \$557m

- C. **Energy and Water bill** - (for Renewable Energy Programs in DOE) contains Knollenberg-type rider.

--Admin. Request \$437m House: \$347m Senate: \$339m Conf. \$311m

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Congress and Global Warming: Short-Changing Our Future

While the evidence of global warming continues to mount, some in Congress are trying to strangle common-sense programs that save energy, save consumers and businesses money, and reduce global warming pollution. Appropriations bills working their way through Congress deny funding increases proposed by President Clinton to accelerate research and development of clean energy technologies for the 21st century. What's more, many of the bills include legislative "riders" that would throw roadblocks in the way of any Administration efforts to address climate change.

Special-Interest Assaults on Common-Sense Programs. Restrictive language attached to a number of fiscal year 2000 spending bills would put climate policy in a straitjacket. The Administration recently fought off or weakened some of the most far-fetched of these special-interest "riders." One sought to suppress scientific research on climate, and another tried to bar implementation of the President's new executive order to reduce federal energy use and save taxpayers \$750 million a year.

Still alive, however, is the Knollenberg rider. Building on a similar provision in last year's VA-HUD Appropriations bill, the language purports merely to prohibit implementation of the Kyoto Protocol in advance of Senate ratification. In practice, though, it would give naysayers in Congress a toe-hold to object to virtually all aspects of Administration climate policies, even when they clearly save money for consumers and businesses. Potential impacts include:

- **Rolling back voluntary programs to reduce energy waste and greenhouse gas emissions.** Report language from the House VA-HUD Appropriations Subcommittee seeks to vastly expand the prohibition on Kyoto-related activities to cover "non-regulatory actions, such as programs and initiatives." This undoes an agreement reached last year to ensure continuation of successful voluntary programs such as Green Lights and Energy Star, which have a proven track record of saving money for both consumers and businesses. In addition, it would block legitimate climate research and policy analysis.
- **Dictating Scientific Process.** The Report language also would require that a small minority of critics be given equal standing with mainstream scientists in educational seminars or activities -- even on questions about which there is broad scientific consensus. This is the kind of "balance" that tobacco companies used to fight for on the dangers of smoking.
- **Unconstitutional interference?** This year the rider has been attached to a wide range of spending bills, including those funding the State Department, the Agency for International Development, the Department of Energy, the Department of the Interior, the Environmental Protection Agency, NASA, the National Oceanic and Atmospheric Administration, and the National Science Foundation. Applying these restrictions to international negotiations and activities raises serious Constitutional concerns and could prevent the Administration from advancing bipartisan objectives of engaging developing countries and reducing the cost of addressing climate change.

Smart Investments At Risk. The Administration secured a record \$1 billion in fiscal year 1999

for the Climate Change Technology Initiative (CCTI), a package of investments to research, develop and deploy energy efficiency technology and renewable energy. For fiscal year 2000, the Administration is proposing \$1.37 billion for investments in forward-thinking clean energy technologies -- a 34 percent increase over. So far, Congress has appropriated almost none of this increase. Examples where CCTI and other climate-related investments are being under-funded include:

- ***Weatherization Assistance and State Grants.*** *FY 2000 request: \$191 million; Congress under-funding by \$25 million.* The same week dozens of older Americans are dying from the heat, Congress is short-changing this program to deliver conservation services, such as insulation, to millions of low-income families. The program improves health and safety, reduces carbon emissions, and reduces energy costs for those least able to afford them.
- ***Renewable Energy.*** *FY 2000 request: \$399 million; Congress under-funding by about \$90 million.* Federal R&D investments can help make clean energy technologies such as wind, solar, bioenergy, and geothermal energy affordable for American consumers. Current spending bills, however, would *cut these efforts below FY 1999 levels* by some \$27 million-\$35 million.
- ***Partnership for a New Generation of Vehicles.*** *FY 2000 request: \$264 million; Congress currently under-funding by \$58 million.* PNGV is a partnership between the federal government and automakers to develop cars with three times the fuel economy of today's models with no sacrifice in comfort or performance. At current House and Senate levels, the program would not meet its technical objectives and would have to terminate a number of promising efforts, such as developing highly efficient high-power energy storage devices and the development of advanced fuel cells.
- ***Clean Air Partnership Fund.*** *FY 2000 request: \$200 million; Congress under-funding by \$159 million.* This initiative would provide grants to state and local governments for projects that reduce both greenhouse gases and pollutants like soot, smog and air toxics.

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PRESIDENT CLINTON: LEADING THE FIGHT AGAINST GLOBAL WARMING
JUNE 3, 1999

President Clinton, in a Cabinet meeting today, issued an Executive Order to help meet the challenge of global warming by significantly improving energy efficiency in Federal buildings. By 2010, the resulting energy savings will reduce annual greenhouse gas emissions by 2.4 million tons – the equivalent of taking 1.7 million cars off the road – and save taxpayers over \$750 million a year. As a prime example of the savings that can be achieved, the President also announced a major contract to retrofit over 800 buildings at five military installations in the Washington, D.C. area, saving over \$219 million in energy and related costs.

Leading By Example. The Federal Government is the nation's largest energy consumer with an annual bill of over \$8 billion – more than \$4 billion to heat, cool, and power its 500,000 buildings. Federal agencies have already reduced energy consumption 17% per square foot relative to 1985 levels. Today's Order builds on that progress by:

Setting Aggressive Goals – The Order requires Federal agencies to achieve by 2010:

- **35% greater energy efficiency** in buildings relative to 1985 levels; and,
- **30% cut in greenhouse gas emissions** from building-related energy use relative to 1990.

Mobilizing Cutting-Edge Strategies – The Order directs agencies to maximize the use of:

- **Energy Saving Performance Contracts and Utility Contracts**, in which private companies make energy improvements on Federal facilities at their own expense and receive a portion of the resulting savings;
- **Life-cycle cost analysis**, so agencies see the long-term savings from energy investments;
- **ENERGY STAR & other energy efficient products**, everything from light bulbs to boilers; and,
- **Renewable energy** technologies and sources (solar, wind, geothermal, and biomass).

Strengthening Accountability – The Order requires that annual scorecards evaluating agency progress be submitted to the President; gives OMB, in consultation with the Department of Energy (DOE), oversight authority; and directs agencies to appoint energy management teams to help meet the goals of the Order.

Concrete Steps, Concrete Savings. The partnership announced today between the Department of Defense and Viron/Pepco Energy Services – the largest-ever Energy Saving Performance Contract – will cut energy use in 837 buildings at Ft. Belvoir, Ft. A.P. Hill, Ft. Meyer, Ft. McNair, and Ft. Meade. Other examples of energy-saving actions of the kind today's Order is designed to promote include:

- The Defense Logistics Agency (DLA) and the DOE have teamed up to offer high efficiency compact florescent light bulbs at half price to Federal purchasers;
- 18 Federal agencies (including the Smithsonian Institution, NASA, and the Postal Service) will receive DOE funding for more than 100 renewable energy systems;
- A New York GSA building housing the FBI and the IRS has been retrofitted to ENERGY STAR Building standards, with an annual energy cost savings of \$1.3 million; and,
- Environmental Protection Agency's laboratory in Richmond, California has become the first major Federal facility supplied 100% with renewable energy (geothermal and biomass).

Incentives For Businesses and Consumers, Too. To help American businesses and consumers reap the same kinds of energy and cost savings, the President today also called on Congress to enact his proposed **\$3.6 billion package of tax incentives** for the purchase of energy efficient homes, appliances, cars, and energy from renewable sources.

PRESIDENT CLINTON AND VICE PRESIDENT GORE: GROWING CLEAN ENERGY FOR THE 21ST CENTURY

August 12, 1999

Today, President Clinton will announce new steps to spur bio-based technologies that can help grow the economy, enhance U.S. energy security, and meet environmental challenges like global warming. The President will issue an Executive Order coordinating Federal efforts to accelerate these 21st century technologies – which can convert crops, trees, and other “biomass” into a vast array of fuels and materials – and set a goal of tripling U.S. use of bioenergy and bioproducts by 2010. Meeting this goal could create \$15 billion to \$20 billion in new income for farmers and rural America, and reduce annual greenhouse gas emissions by up to 100 million tons – the equivalent of taking more than 70 million cars off the road. In addition, the President will call on Congress to approve his proposed research funding and tax credits to promote energy efficiency, bioenergy, and other clean energy sources.

New Economic Opportunities for a New Century. Advances in farm, forestry, and other biological sciences are fueling a revolution in the use of biomass (trees, crops, and agricultural and forestry wastes) to make low polluting products, such as:

- **transportation fuels**, like cellulosic ethanol from agricultural waste;
- **electricity**, by burning willows and switchgrass along with coal in existing plants and by converting paper industry by-products into fuel gases; and,
- **commercial products**, such as chemicals, glues, paints – even furniture and textiles.

By creating high-tech jobs and new economic opportunities, meeting the President’s goal of tripling U.S. use of bioenergy and bioproducts could add \$15 billion to \$20 billion in new income for farmers and many rural communities.

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.
- In addition, the deep-rooted plants commonly used for biomass are helpful in controlling erosion, filtering chemicals from water runoff, and slowing floodwaters.

Energy Security. Meeting the President’s goal of tripling our use of bioproducts and bioenergy will allow us to cut back on the almost 4 billion barrels of oil we are projected to import in 2010.

Federal Leadership. Leading scientific and industry groups are calling for a stronger Federal role to help move these promising technologies from the laboratory to the marketplace. Today’s Executive Order creates a powerful new research management team focused on an ambitious set of goals. It:

- Establishes a permanent council consisting of the Secretaries of Energy and Agriculture, the EPA Administrator, the Director of the National Science Foundation, and other agency heads to develop a detailed biomass research program to be presented annually as part of the Federal budget.
- Directs the council to review major agency regulations, incentives and programs to ensure that they effectively promote the use of bioproducts and bioenergy.
- Creates an outside advisory group with representatives from bio-based industries, farm and forestry sectors, universities, and environmental groups.

In a separate Executive Memorandum, the President instructed the Secretaries of Energy and Agriculture to prepare a report within the next 120 days on options for modifying existing DOE and USDA programs with a goal of tripling U.S. use of bio-based products and bioenergy by 2010.

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Financial Times

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Green lobbyists breathe down the neck of 'Ozone Man'

As Al Gore redraws his campaign plans, he also finds himself in trouble on the environmental front, writes Nancy Dunne

It was "Ozone Man" to the rescue in Kyoto two years ago, when negotiations over a treaty to address global climate change were deadlocked.

US Vice-President Al Gore, so nicknamed by former President George Bush for his well-publicised commitment to the environment, swooped into the Japanese city for a speech and in less than 24 hours had strengthened the minimalist US position and helped forge a compromise which led to the Kyoto Protocol.

The White House now lists the breakthrough on climate change as a big accomplishment of the Clinton environmental team. But it has yet to send the treaty to the US Senate for approval, which many critics say characterises the administration's failure to take strong leadership on environmental issues.

Widespread disillusionment with the administration's environmental record culminated in a recent endorsement by the Friends of the Earth political action committee of Bill Bradley, a former senator and Mr Gore's opponent for the Democratic party's presidential nomination.

Although Friends of the Earth, with 20,000 members in the US, is one of the smaller environmental groups, it was a significant setback for Mr Gore, whose best-selling book Earth in

the Balance had raked the hopes of US greens for a new era of environmental progress.

On climate change, perhaps the most important issue of the decade, the administration has bowed to vehicle and energy industry and union lobbies, despite popular support for action in what has become the warmest decade in recorded history.

Although many environmentalists criticised the Kyoto treaty as inadequate - greenhouse emissions are to be reduced 7 per cent below 1990 levels by 2008-2012 - they are even more upset about the administration's failure to follow through on implementation.

They concede that the treaty faces certain defeat in the Senate, where a group of influential Republicans has vowed to block it. But they say such lapses in leadership have become more the rule than the exception in an administration that has failed to use the White House to mobilise public support.

"This administration may have caused more international environmental damage than any before it," said Brent Blackwelder, president of Friends of the Earth. "Its trade agreements have undermined environmental protections, and now it is pushing towards a new global timber agreement



Al Gore, pictured at a fundraising reception this week, has suffered a rebuff from Friends of the Earth

which will accelerate the decline of forests."

The administration blocked the international biosafety agreement, which was to have dealt with the risk of biological pollution, and failed to curb environmentally damaging lending by the multinational institutions, he said. It signed legislation which would ultimately reduce the Environmental Protection Agency's budget.

While disappointment with the administration's record is widespread, most of the mainstream green groups are not ready to withdraw support from the vice-president. Many say they do not know whether to blame him or President Bill Clinton for the lapses, and most are reluctant to expose Mr Gore to criticism, as they consider the Clinton record an improvement over the two previous Republican administrations.

In fact, the White House

can boast some real achievements, according to Bruce Hamilton of the Sierra Club environmental pressure group.

These include the California Desert Protection Act, which protects millions of acres of wilderness; the designation of a portion of south-eastern Utah, threatened with oil and gas development, as a national monument; protection of Alaska's Arctic Slope; and strong action on air pollution.

"The agencies have done a good, but not excellent, job," Mr Hamilton said. "However, we are disappointed by many actions they haven't taken, and there are many lawsuits for failing to do things required by law."

Environmentalists reluctantly accept that the "spin control" machinery, which dominates the administration's actions on other fronts, controls environmental strategy as well.

Early this month the White House put out a statement on the International Day for the Preservation of the Ozone Layer, taking credit for reductions in ozone-depleting chemicals begun in the Bush administration.

In fact, according to John Passacantando of Ozone Action, a national group focused on atmospheric protection, the administration actually slowed the phasing out of chlorofluorocarbons when Dupont offered to end their production in 1995, a year early.

Other steps the administration claimed would strengthen international efforts to restore the ozone layer were "not bold risk-taking stuff but rather timid measures that all but the most anti-environmental forces would easily accept", Mr Passacantando said.

While the White House has sought to balance the interests of business and the environment, it has also had

to manoeuvre against the most anti-environmental Congress in recent history.

Treaties on climate change, law of the sea, desertification and biodiversity conservation stand virtually no chance of passage. Congress has prohibited any spending to implement the Kyoto Protocol.

Every year the Republican-dominated Congress adds anti-environmental amendments to key appropriations bills - only some of which have brought presidential vetoes. This year there are about 40 provisions expected, ranging from a proposal to restrict rules for wetland development, and prohibitions on stricter fuel economy standards from sports-utility vehicles.

How the administration handles these will be closely watched by environmental groups, who have yet to decide whether support for Ozone Man is worth the effort.

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Kyoto Protocol, prior to its ratification. Based on an identical provision in the 1999 Appropriations Act, the bill language prohibits the development of rules, regulations, decrees, orders, and non-regulatory actions, such as programs or initiatives, for the purpose of implementing, or in preparation of implementing the Kyoto Protocol.

The Byrd-Hagel Resolution (S. Res. 98), which passed with a vote of 95-0 in July 1997, remains the clearest statement of the will of the Senate with regard to the Kyoto Protocol. Through the prohibition contained herein, the Committee is committed to ensuring that the Administration not implement the Kyoto Protocol without prior Congressional consent, including approval of any implementing legislation, regulation, programs or initiatives.

It has come to the attention of the Committee that the Agency is proposing to add 40 new ambient air toxics monitors during fiscal year 2000 to the 19 monitors which have already been funded. Because of the potential significance of the information to be gained from this monitoring program and the potential investment needed, the Committee believes that it is important for the Agency to have a well developed plan in place to direct the installation and operation of any new monitors. As a result, the Committee directs EPA to develop a comprehensive plan to guide the Agency's efforts in establishing a monitoring program for air toxics. The plan should describe in detail the overall goals and objectives of the monitoring program, including whether the data generated will be used to: (1) characterize ambient concentrations and the public's exposure to air toxics at the national, regional or local level; (2) quantify public health risks at the national, regional, or local level; (3) guide regulatory decisions; (4) evaluate and improve emissions inventories; (5) validate dispersion models; and/or (6) help identify sources of emissions.

Once the objectives and goals have been determined, the plan should provide information on: (1) the number of monitors and measurements that will be needed to satisfy these goals; (2) the specific pollutants to be measured and the ability of the present technology to make measurements for the specific pollutants; and (3) the approximate level of investment needed over time to meet the program's goals and objectives. It is important that the plan include a realistic assessment of the amount of data likely to be generated given existing and anticipated budgetary expenditures, a timeline for when the data will be available for analysis, and an assessment of the likely usefulness of the data in drawing statistically valid estimates of the public's exposure to air toxics on a national or regional level.

If the data generated from the monitoring program are expected to support regulatory decisions, the plan should list the specific regulatory programs impacted or expected to be impacted and describe in detail how the data will be used to guide decisionmaking. Given the likely strengths and limitations of the data, the plan should also assess how the Agency will integrate the resulting information with other sources of information on air toxics from emission inventories, such as the National Toxics Inventory, and air toxics models, such as the ASPEN model and associated National Air Toxic Assessment. The plan should assure that a signifi-

about Brownfields, urban sprawl, empowerment zones, and redevelopment. In addition, there was little if any opportunity prior to the release of the guidance for any public or stakeholder input. Therefore, the Committee provided in the fiscal year 1999 Appropriation Act that no funds be used to implement the interim guidance. Identical bill language to continue this prohibition has also been included in the fiscal year 2000 Act.

At this point, there does not appear to be a clear strategy to resolve this issue. A FACA Committee was established and has met on several occasions, but has not appeared to have resolved any of the major issues on how the Agency should handle Title VI complaints. Currently, the Agency is in the process of establishing a new stakeholder process for input on some of these same contentious issues. The Committee is concerned that there may be conflicts between internal and external guidance developed by EPA that will make it difficult to resolve complaints in a fair and efficient manner. Equally important, developing internal guidance before final guidance has been subjected to full public comments conflicts with Congressional intent.

On January 20, 1999, the General Counsel of the United States General Accounting Office issued an opinion (B-281575) that EPA's Interim Guidance clearly affects the rights of non-Agency parties and constitutes a "rule" under the Small Business Review and Enforcement Fairness Act (SBREFA), which is subject to Congressional review. If the Agency intends to promulgate guidance rather than a rulemaking, procedural requirements of a rulemaking should be followed including input from the small business community, sufficient time for notice and comment, published response to comments provided to the agency, interagency review, and analysis of any unfunded mandates on State and local governments. The Committee is very concerned that there be sufficient time for review of any new guidance given the lack of stakeholder review prior to the release of the Interim Guidance last year. In addition, the Committee requests that EPA examine successful State and local programs as model programs, and look at the possibility of delegating initial review and resolution of Title VI claims to States with such established model programs.

The Committee has also again this year included bill language which prohibits the use of funds to take certain actions for the purpose of implementing or preparing to implement, the Kyoto Protocol. The Committee is concerned with reports that, during the past year, the Agency may have strayed across the fine line separating education from advocacy. Although the Agency may under the current prohibition continue to conduct educational seminars and activities, if should ensure balance in those programs. Balance does not mean merely that there is an acknowledgment of viewpoints different from those of the Administration, but that qualified representatives of those viewpoints are included in the programs and in numbers roughly equal to the participants representing the Administration's positions. One dissenting voice in what is otherwise an obviously stacked or biased program does not constitute balance.

The bill language is intended to prohibit funds provided in this bill from being used to implement actions called for under the

In other words, this language requires small minority of non-climate change scientists to be represented in equal #'s with overwhelming # of mainstream scientists.