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LEGISLATIVE UPDATE

A CHANGING CLIMATE IN THE U.S. CONGRESS

by Emily Alves*

When the 110th Congress convened last January, the new Democratic majority repeatedly pledged that comprehensive and aggressive legislation to address global climate change would be a top priority. Many freshmen members of Congress were elected on platforms of improving America's energy security by investing in clean technologies and reducing our dependence on oil. Heightened interest in the connection between carbon pollution and U.S. energy consumption has provided further incentive to follow through on such promises.

An important cornerstone in developing a framework to address climate change was the passage of the Energy Independence and Security Act, on December 17, 2007.¹ The most notable achievement in the bill was the first increase in Corporate Average Fuel Economy ("CAFE") standards for automobiles in over three decades. Starting in 2020, all new cars will be required to have a fuel economy of thirty-five miles per gallon. This mandate is expected to save up to 3.7 billion metric tons of greenhouse gas emissions by 2030, which will go a long way towards reducing overall emissions.² Another important component of the bill is a mandate to increase the production of biofuels to thirty-six billion gallons by 2015, which will help shift energy production from foreign oil to domestic and lower greenhouse gas emitting sources.³ The bill further requires a whole suite of energy efficiency standards for appliances, most notably a new mandate for all light bulbs to use seventy percent less electricity by 2020.⁴

Dropped from the bill at the last minute was a tax package intended to roll back tax breaks for oil companies in favor of incentives for renewable energies. Lawmakers were forced to remove the package under the threat of a filibuster as well as a Presidential veto. The House also conceded to removing a provision in their original bill that would have mandated a renewable portfolio standard. That provision faced fierce opposition in the Senate from lawmakers concerned that their particular regions had insufficient renewable resources to meet the standard.

The Farm Bill, H.R. 2419, is another legislative initiative with global warming implications.⁵ The agricultural sector is

responsible for seventy-one percent of nitrous oxide emissions and thirty percent of methane emissions in the U.S.—two greenhouse gasses that are considered even more potent than carbon dioxide.⁶ While various environmental safeguards can be found throughout the Farm Bill, the most important in terms of reducing greenhouse gas emissions is the conservations title. The funding provided in this title, which supports programs geared at protecting wildlife, keeping water reserves clean, and pro-

moting energy efficiency, was in high demand after the last Farm Bill in 2002. There is a great deal of pressure to expand the funding of this title so that farmers may engage in conservation practices that include no-till agriculture and general crop and manure management

that will vastly reduce greenhouse gases. At the close of the first session of Congress in December, both chambers had passed their own versions of the Farm Bill, and the plan is to start merging the two in early 2008.

In terms of climate specific legislation, more than 125 bills were introduced within the first few months of the 110th Congress, compared with 106 climate specific bills introduced in the last two Congresses combined.⁷ The legislation varies widely in their methods and in levels of targeted reductions. The most common solution proposed is that of a national cap-and-trade system, which would assign permits to companies allowing them to emit a certain amount of carbon pollution. The debate around these proposals concerns whether the government should oversee such an operation, and whether the permits should be auctioned off or freely given. Another far less common proposal is to institute a carbon tax. Under this system, polluters would be required to pay a tax based on the tonnage of their carbon emissions.

Of all these bills, only one has actually seen a vote. The America's Climate Security Act of 2007, S. 2191, was intro-

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duced last October by Senator Joseph Lieberman of Connecticut and Senator John Warner of Virginia.⁸ The bill aims to reduce U.S. carbon emissions to a level somewhere between sixty-two and sixty-six percent of today's level by 2050.⁹ The bill would set up a declining cap on U.S. carbon emissions that would cover eighty-six percent of all current U.S. emissions.¹⁰ The bill strives to achieve these methods through several means. It would set up a cap and trade system to be regulated by the Environmental Protection Agency, which would be required to implement an emissions tracking and monitoring system. It would also create a carbon market efficiency board to monitor any trading of emissions and make necessary adjustments for permit allowances. The bill was successfully voted out of the Senate Environment and Public Works Committee on December 5, 2007 by a vote of 11-8.¹¹ According to several capitol hill staffers, floor action is expected to be brought to the Senate floor around Memorial Day.

It remains uncertain what further steps Congress will take to address climate change as it reconvenes for the second session of the 110th Congress. With 2008 being an election year, lawmakers' attention may be diverted elsewhere. If, however, lawmakers choose to continue making climate legislation a priority, they certainly have momentum to build upon.



Endnotes: Legislative Update

¹ The Library of Congress, <http://thomas.loc.gov/> (last visited Jan. 5, 2008).

² *Contributions of the Energy Bill (H.R. 6) to Meeting the Global Warming Pollution Reductions Targets of S.2191*, NAT. RESOURCE DEF. COUNCIL, available at http://docs.nrdc.org/globalwarming/glo_07121901A.pdf (last visited Feb. 15, 2008).

³ Steve Mufson, *House Sends President an Energy Bill to Sign*, WASH. POST, Dec. 19, 2007, at A10.

⁴ Julie Scelfo, *Any Other Bright Ideas?*, N.Y. TIMES, Jan. 10, 2008, available at <http://www.nytimes.com/2008/01/10/garden/10lighting.html> (last visited Feb. 20, 2008).

⁵ The Library of Congress, *supra* note 1.

⁶ Evan Branosky, *A Greener Farm Bill*, WORLD RESOURCES INST., available at <http://www.wri.org/stories/2007/03/greener-farm-bill#> (last visited Jan. 3, 2008).

⁷ *What's Being Done in Congress*, THE PEW CENTER ON GLOBAL CLIMATE CHANGE, http://www.pewclimate.org/what_s_being_done/in_the_congress/ (last visited Jan. 5, 2008).

⁸ The Library of Congress, *supra* note 1.

⁹ *NRDC Legislative Fact Sheet: Lieberman-Warner Climate Security Act*, NAT. RESOURCE DEF. COUNCIL, available at http://www.nrdc.org/legislation/factsheets/leg_07121101A.pdf (last visited Jan. 3, 2008).

¹⁰ *NRDC, id.*

¹¹ *NRDC, id.*