

Federal Climate and Energy Activities Weekly Roundup
June 1 – June 5

Next Steps for House Climate and Energy Legislation: The American Clean Energy and Security Act (Waxman-Markey) could reach the House floor later this month. This week, House Speaker Nancy Pelosi (D-CA) gave the chairmen of the eight Committees which, in addition to the Energy and Commerce Committee, have jurisdiction over portions of the climate change and energy bill until June 19 to markup the measure. However, she later stated that June 19 is more a goal than a hard deadline and that she is open to flexibility for those committees that are making progress but require more time. Majority Leader Steny Hoyer (D-MD) has told reporters that House will consider the bill on the floor before the August recess, but Energy and Commerce Committee Chairman Henry Waxman (D-CA) favors finishing the climate change bill before the July 4th Recess and then turning to healthcare reform rather than trying to do the two simultaneously. The deadline for Committee consideration of the bill could be problematic for at least two of the relevant committees—Ways and Means, and Agriculture. Ways and Means Chairman Charlie Rangel (D-NY) has expressed concern about the cap and trade system, and has stated previously that he prefers a carbon tax, and Agriculture Chairman Collin Peterson (D-MN) has said he would oppose the bill because of concerns about the way EPA measures emissions resulting indirectly from ethanol production. Both Rangel and Peterson are also concerned about the potential for fraud in the carbon market set up by the cap and trade program. Democrats on the Ways and Means Committee in particular do not have consensus on the bill, and therefore Rangel may be forced to punt rather than marking up the bill in his committee.

Senate Renewable Electricity Standard Mark Up: On June 4, the Senate Energy and Natural Resources Committee continued consideration of Committee Chairman Jeff Bingaman's (D-NM) proposal to create a national Renewable Electricity Standard (RES). As drafted, the proposal would require utilities to get 15 percent of their electricity from renewable sources by 2021. Utilities would have the flexibility to reduce the percentage of renewables to as low as 11 percent if they were able to get equivalent gains in energy efficiency. The Committee adopted several amendments, including two by Ranking Member Lisa Murkowski (R-AL)—an amendment allowing the Secretary of Energy to authorize a variance from the requirement for utilities that cannot meet the requirement because of transmission constraints, and an amendment to allow increases in existing capacity of nuclear power to be excluded from the baseline. The committee will continue and finish its markup of the bill on June 9 when it considers an amendment from Senator Evan Bayh (D-IN) that would allow states, rather than the federal government, to collect alternative compliance payments from utilities that are unable to meet the standard. Bingaman originally wanted a higher standard (20 percent renewable energy by 2021), but changed his proposal in order to get it out of Committee. However, he said this week that he plans on supporting a stronger standard when the bill gets to the Senate floor. The Committee also finished portions of the bill focusing on building efficiency codes at the June 4 mark up. The RES proposal will be part of the larger energy bill Bingaman is assembling. Bingaman expects to finalize and get Committee passage of the energy bill as a whole next week.

Update on Senate Climate Change Activities: Despite not having introduced a cap and trade bill as of this time, Senate Environment and Public Works Chairman Barbara Boxer (D-CA) is working behind the scene to forge consensus on climate change legislation with key moderate Democrats, with the goal of finding a deal that is agreeable to at least 60 Senators. This week she set up a private briefing on the House bill for several of the critical Senators with House Energy and Commerce Committee Chairman Henry Waxman (D-CA) Energy and Environment Subcommittee Chairman Edward Markey (D-MA), and Representative Rick Boucher (D-VA). A number of other briefings are likely to occur in the coming weeks.

International Negotiations: The latest round of international negotiations to replace the Kyoto protocol kicked off June 1 in Bonn Germany in advance of the U. N. Framework Convention on Climate Change (UNFCCC) meeting scheduled for December in Copenhagen. The UNFCCC's Working Group for Long-Term Cooperative Action has produced a draft agreement for discussion addressing a number of controversial topics including reduction commitments by wealthy countries, which countries would be required to reduce emissions, how to raise money to help countries adapt to climate change, and how to balance mitigation and adaptation. The meeting is scheduled to last two weeks.

House Science and Technology Committee Passes National Climate Services Bill: On June 3, the House Committee on Science and Technology passed H.R. 2407, a bill to establish a National Climate Service. The bill would establish a National Climate Service similar in nature to the National Weather Service to be housed at the National Oceanic and Atmospheric Administration (NOAA). The Committee agreed to an amendment that would direct the White House Office of Science and Technology Policy to oversee a three-year process setting up the climate service and support the collaboration with other relevant agencies. Another amendment added ensures that the climate service would not have the power to mandate state or regional actions to mitigate climate change. The bill is intended to replace placeholder language in the American Clean Energy and Security Act, though Committee Chairman Bart Gordon (D-TN) has said he would seek to move it as a stand-alone measure if the larger climate and energy bill does not move forward.

New Legislation

- The Climate and Ocean Research and Coordination Act of 2009 (H.R. 2685) introduced June 3 by Rep. Madeleine Bordallo (GU). The bill would establish a National Oceanic and Atmospheric Administration and a National Climate Enterprise.

Status: Referred to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the speaker.

- A bill to direct the Secretary of Energy to establish a grant program to facilitate the production of renewable energy from municipal solid waste, and for other purposes (S.1172) introduced June 3 by Sen. Sherrod Brown (D-OH).

Status: Referred to the Senate Committee on Energy and Natural Resources.

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- A bill to amend the Public Utility Regulatory Policies Act of 1978 to authorize the Secretary of Energy to make loans to electric utilities to carry out projects to comply with any Federal renewable electricity standard, and for other purposes (S.1175) introduced June 3 by Sen. Maria Cantwell (D-WA).

Status: Referred to the Committee on Energy and Natural Resources.