

## US ELECTIONS

# Challenges in Congress

To lead the United States, and the world, on taking strong action to curb greenhouse gas emissions, the next president will first have to overcome obstacles in Congress.

Amanda Leigh Haag reports.

Whichever candidate is sworn in as the next US president come 20 January will inherit a daunting list of challenges — not least of which is tackling federal legislation on climate change and restoring the role of the United States as a leader in international climate negotiations. These issues will be vying for the president's attention among other pressing matters such as a sinking economy, an unpopular war in Iraq, record-high oil and gas prices, and a growing need to free the country from dependence on foreign fossil fuels. Both Barack Obama and John McCain bring different strengths to the table on climate change and energy policy, but will one fare better than the other in moving these issues forward in Congress?

With less than a year to appoint a team that can lead the United States into an international climate treaty in Copenhagen in December 2009 — the deadline for agreeing a successor to the Kyoto Protocol — the newly inaugurated



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president will need to make climate legislation, and reducing domestic greenhouse gas emissions, a priority.

Most agree that this will probably be achieved through a federal cap-and-trade system, whereby utilities are given an economic incentive to limit their emissions and can trade their excess allowances on the market. For the United States to be a constructive participant in the Copenhagen negotiations, it will need to be well on

its way to implementing such a system, says Reid Detchon, executive director of energy and climate at the United Nations Foundation, Washington DC.

But either candidate will face an awkward balancing act between having to deal immediately with negotiations on the world stage at the same time as facing domestic decisions about cap-and-trade legislation, he says. Given the time that it takes to pass a new bill, it is unlikely that a federal law will be in place by December 2009, Detchon and other experts agree. Nevertheless, it will be important for other nations to get a clear signal that the US is prepared to act. "The rest of the world is going to want an assurance that what the [new] administration proposes it can deliver," says Detchon.

## DOMESTIC DILEMMA

Both McCain and Obama support federal cap-and-trade, but with potentially important differences. Obama plans to auction

## PARTY POSITIONS

### The Republicans

**McCain:** Senator John McCain was championing the cause of climate change long before it jumped party lines and became a centre-stage issue. Early on, McCain bucked his party's lukewarm stance on global warming, co-sponsoring the 2003 McCain-Lieberman Climate Stewardship Act, the first Senate bill calling for mandatory greenhouse gas reductions. In recent years he has proposed various iterations of the original bill, but more aggressive climate proposals circulating through Congress have since overshadowed his. Once



opposed to offshore drilling, McCain changed his mind on the issue earlier this year under pressure from record-high fuel prices

and a push to reduce foreign dependence on oil. McCain has come out aggressively in favour of expanding domestic oil and gas exploration and production, even hinting that his long-held opposition to drilling in the Arctic National Wildlife Refuge (ANWR), a region in northeastern Alaska, could soon change. Perhaps a forewarning of that, McCain supporters now routinely chant the mantra "Drill, baby, drill" at McCain campaign rallies.

**Palin:** For a presidential candidate who long ago made climate change one of his signature issues, McCain's choice of a vice presidential running mate, Alaskan governor Sarah Palin, introduces an ambiguous message to the Republican

ticket when it comes to climate and energy policy. Palin has publicly questioned whether climate change has any manmade influence, only recently softening her wording on the issue by ceding that human activities "can be contributing" to it. Palin has long been in favour of drilling in the ANWR, and in her first live interview since accepting the Republican nomination for vice president, Palin said that for now she and McCain would "agree to disagree" on drilling in the ANWR. "I think, eventually, we're all gonna come together on that one," said Palin. She has sued the federal government to block the recent listing of polar bears as threatened by climate change, for fear that it would stand in the way of drilling ambitions.

100 per cent of the emissions permits, whereas McCain says he will initially give away a substantial share of the emissions allowances to regulated entities, such as coal-fired power plants, and will auction off the emissions permits over time. McCain's scheme would theoretically reduce up-front costs for existing emitters and allow them to invest in clean technology. On the flip side, "it also reduces both the revenue to the government and the economic incentive to change their practices," says Detchon. But McCain's plan might be easier to pass through Congress than Obama's, says Detchon, noting that some industry players favour a gradual phase-in of auctioning or oppose cap-and-trade legislation altogether. "If a substantial share of the utility industry is willing to go along with cap-and-trade legislation, it's substantially easier to pass than if they're digging in their heels and saying, 'hell no.'"

Regardless of the differences between the candidates' positions on legislating greenhouse gases, either one will have to compromise to acquire the 60 votes needed to pass a bill through the Senate, says Manik Roy, director of congressional affairs at the Pew Center on Global Climate Change in Washington DC. "The resulting legislation will be much more a product of where the majority in Congress is than in what the president takes into that part of the debate," says Roy.

How the new president frames climate change within the larger economic picture could also dramatically influence the approval of related legislation, says John Larsen, an associate in the climate and energy programme at the World Resources

Institute, Washington DC. Whereas McCain has traditionally approached climate change as a stand-alone issue, Democrats tend to transform the energy and climate challenge into an opportunity for economic growth and job creation. "Since [Democrats] are running the show in Congress, if Obama is elected he will have the benefit of putting this all together into one larger issue," says Larsen.

#### REGULATE OR LEGISLATE?

But if Congress stalls in approving a cap-and-trade scheme, the next president could use the Environmental Protection Agency (EPA) to regulate greenhouse gas emissions, says Lisa Heinzerling, a professor of law at Georgetown University in Washington DC. In April 2007, the US Supreme Court ruled that the EPA has the authority to regulate greenhouse gases under the Clean Air Act, though the Bush administration has chosen not to exercise this authority. "Within months of a new administration taking over, the EPA could easily — if they are of a mind to — regulate a significant portion of the greenhouse gas emitting sources in the country," says Heinzerling.

Another area in which the new administration could make rapid progress is in revamping the role of government science offices and restoring the integrity and independence of the scientific process within those agencies — something both candidates have vowed to do. One of the first orders of business, says Francesca Grifo, senior scientist and director of the scientific integrity programme at the Union of Concerned

Scientists in Washington DC, needs to be following through on whistleblower protection legislation that has been circulating in Congress and ensuring that the final bill includes protections for scientists. In addition, it will be key for the president to appoint a cabinet-level science advisor early on, says Grifo. "All the decisions that a president makes — at some level — can be improved by scientific input." None of these hurdles should prove particularly challenging for either candidate, according to Grifo. "This is very straightforward, good government."

But some worry that, ultimately, it may not be the candidates' differences — but their similarities — that influence climate legislation. In part because the candidates are both relatively strong on climate policy, the topic has become a non-issue in the campaigns, being overshadowed by the issues du jour, says Roy. As a result, he says, Americans are not being adequately informed of the importance of climate policy. For example, estimates indicate that a federal cap-and-trade scheme would only cost US consumers an additional couple of cents per gallon per year at the pump. But without more debate on the issue, when opponents of the legislation tell Americans that their gasoline and home heating prices will go up, "they'll panic, and it will be tough for these guys to get their proposal through," says Roy. "This really worries me."

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## The Democrats

**Obama:** Senator Barack Obama takes a hard line on climate and energy policy, calling for the United States to step up to a leadership role in international climate negotiations. Obama supports an 80 per cent reduction of greenhouse gas emissions below 1990 levels by 2050, which he proposes to accomplish through a 100 per cent auction-based cap-and-trade scheme to make polluters pay for their carbon dioxide emissions. He plans to funnel the expected \$7 trillion revenue stream to fund the transition to a clean-energy economy. Obama was initially in favour of the federal moratorium on offshore oil drilling but recently made a qualified turnaround on the issue, agreeing to a



compromise package that would allow for limited offshore drilling. In January, Obama came under fire from environmentalists when he co-sponsored legislation on coal-to-liquid fuel production, but he has since clarified his position by saying that he wouldn't support this technology unless it emitted at least 20 per cent less lifecycle carbon than conventional fuels.

**Biden:** A longtime advocate for US leadership on climate change, Joe Biden was the only senator to initially vote against the 1997 Byrd-Hagel Resolution, which asserted that the United States should not agree to mandatory greenhouse gas reductions unless developing countries meet similar requirements. Ultimately, it sounded the death knell for US adoption

of the Kyoto Protocol. From his post on the Senate Foreign Relations Committee, he asked that his vote be recorded as a "No", but was eventually persuaded by his party to support the unanimous resolution. In 2005, Biden co-sponsored a Senate resolution to re-engage the United States in international climate negotiations and to put the nation "back on the right side of history". He also co-sponsors the toothiest climate bill in the Senate, the 2007 Boxer-Sanders Global Warming Pollution Reduction Act, which calls for US reductions in greenhouse gas emissions to 80 per cent below 1990 levels by 2050.

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