



ABC's Weekly Federal Legislative Update June 8, 2020

Introduction

The Senate will mark up the Defense Authorization Bill and consider Executive Branch nominations including the candidate to run the Office of Management and Budget. The House is meeting in proforma session. The following is news from Washington, D.C.

Administration

Congress

[Bipartisan Senate Bill Would Help Farmers Tap Carbon Markets](#)

Last week, a group of bipartisan Senators introduced the "Growing Climate Solutions Act" which would establish a program at USDA to help farmers access carbon offset markets as well as provide third party verification of GHG storage and reduction. The following story discusses the legislation.

On June 5, Nick Sobczyk of [E&E Daily](#) published, "Mike Braun (R-IN) and a bipartisan group of lawmakers yesterday announced legislation aimed at helping farmers use their land to sequester carbon.

"The "Growing Climate Solutions Act" would create a program at the Department of Agriculture to help farmers access carbon offset credit markets and provide third-party verification of greenhouse gas storage and reduction.

"Senators Debbie Stabenow (D-MI), Lindsey Graham (R-SC) and Sheldon Whitehouse (D-RI) have signed on as co-sponsors on the bill. Stabenow is ranking member of the Senate Agriculture Committee.

"As a Main Street Entrepreneur and conservationist, I know firsthand that if we want to address our changing climate then we need to facilitate real solutions that our farmers, environmentalists and industry can all support, which this bill accomplishes," Braun said in a statement.

"The legislation is a far cry from the kind of sweeping policy that would ultimately be needed to curb climate change, but some advocates, including Whitehouse, said it's a step toward wider bipartisan cooperation on the issue in Congress.

"A variety of environmental groups, agriculture trade associations and companies have endorsed the bill, including the Environmental Defense Fund, Nature Conservancy and National Audubon Society.

"Make no mistake, this is a breakthrough, and it signals a broader move coming on climate in this country," Whitehouse said in a statement.

"Carbon offsets are sold around the world in voluntary and compliance markets. But they can be difficult to access for individual farmers and private forest owners looking to use their land more sustainably, according to a summary of the legislation from Braun's office.

"Through a new Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Certification Program at USDA, the bill would offer technical assistance to landowners to help them develop projects to produce carbon credits.

"The voluntary market was valued at nearly \$300 million in 2018, according to Forest Trends, a conservation finance nonprofit.

"Demand could also grow in the years to come as the global airline industry implements the Carbon Offsetting and Reduction Scheme for International Aviation, a United Nations initiative to reduce greenhouse gas emissions from air travel, though the COVID-19 pandemic is threatening to stall the worldwide market.

"The legislation "would provide not only additional revenue streams to our struggling agriculture sector by sequestering greenhouse gases in soil, but also would be a model framework of thoughtful, limited government policy for other industries," Citizens for Responsible Energy Solutions Executive Director Heather Reams said in a statement.

"This bill empowers farmers to help solve the climate change problem," Reams said. "The introduction of the Growing Climate Solutions Act of 2020 could not come at a better time."

[Transportation Bill Faces Perilous Road](#)

House Democrats introduced a transportation bill legislation last week which is part of a larger infrastructure focus. More information on the Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act is below.

E&E Daily reporter Maxine Joselow published on June 4, "House Democrats today will formally introduce a nearly \$500 billion green transportation bill — a big step toward

advancing a climate-friendly infrastructure package that advocates have awaited for months.

“But the transportation legislation faces a rocky road ahead, with Republicans complaining they weren’t involved in drafting the measure and both parties squabbling over how to pay for it.

“The "Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act" would authorize \$494 billion for transportation programs over five years.

“The bill, which would reauthorize the 2015 Fixing America's Surface Transportation (FAST) Act, is the central component of the \$760 billion infrastructure framework that House Democrats floated in January.

“Transportation and Infrastructure Chairman Peter DeFazio (D-OR) unveiled the bill text yesterday and plans to formally introduce the measure today, when the chamber gavels in for a pro forma session.

“The legislation has a strong emphasis on helping states and municipalities prepare for and respond to the effects of climate change.

“It would create a new \$8.3 billion program that incentivizes states to reduce carbon emissions from transportation projects, establish a \$6.25 billion predisaster mitigation program that helps states prepare for extreme weather events, and invest \$1.4 billion in electric vehicle charging and hydrogen refueling stations.

“The T&I Committee is set to consider the measure at a June 17 markup. It's expected to reach the floor July 1.

“Several environmental groups yesterday praised the legislation, including the National Wildlife Federation, Sierra Club and League of Conservation Voters.

“But top Republicans on the T&I Committee complained that they weren't involved in crafting the bill — a process that has been bipartisan in past years, they said.

"Democrats and Republicans alike know the only way to complete a reauthorization is if we work together," T&I ranking member Sam Graves (R-Mo.); Subcommittee on Highways and Transit ranking member Rodney Davis (R-Ill.); and Subcommittee on Railroads, Pipelines and Hazardous Materials ranking member Rick Crawford (R-Ark.) said in a joint statement yesterday.

"For decades, that's been the proven formula for successfully producing surface transportation laws," they added. "Unfortunately, driven by the Speaker's partisan agenda, Committee Republicans were not involved in the development of this bill."

Partisan clash over climate

“On a call with reporters yesterday, DeFazio was asked why he chose to solicit input from T&I Republicans ahead of the June 17 markup, rather than before the bill's introduction.

“DeFazio responded that Republican committee staffers objected to the bill's robust climate provisions.

"I believe there's near unanimity in the Democratic caucus that climate change is real, that it's a very serious problem," he said.

"I had discussions with my ranking member several times over this," he added, referring to Graves. "Staff has been in touch with Republican staff. And that is one of the key areas of disagreement."

“Graves, who has a 4% lifetime score from the League of Conservation Voters, has previously criticized the Green New Deal, the progressive proposal to wean the country off fossil fuels in a decade.

"We don't have to live in a fairy tale, and that's where ideas like the 'Green New Deal' come from," he wrote in an opinion piece on the Fox News website last year.

“Asked for comment, a spokesman for T&I Republicans said in an email to E&E News yesterday: "All along, Ranking Member Graves had said he wasn't going to dismiss any proposals out of hand before seeing them. Unfortunately, we didn't get a chance to see or discuss any language on this bill."

“The spokesman added: "We never saw any proposals or language for today's bill, on any piece of it. So this wasn't a staff issue, and if that's the defense for going in a partisan direction, that's not really a reasonable defense. Faulting Republicans' reaction to a bill that had no Republican input, and using that now as a reason to have never invited Republican participation in the process in the first place, is not a legitimate excuse."

Time crunch

“The clock is ticking for lawmakers to reauthorize surface transportation provisions before the FAST Act expires on Sept. 30.

“But with the nation facing two simultaneous crises — the coronavirus pandemic and unrest over police brutality — it remains unclear whether lawmakers will meet that deadline.

“A possibility floated by infrastructure lobbyists and advocates is that Congress will simply pass a short-term, one-year extension of the FAST Act.

"In that scenario, work on the surface transportation reauthorization would resume in earnest after the November election.

"But on the call with reporters yesterday, Del. Eleanor Holmes Norton (D-D.C.), chairwoman of the T&I Subcommittee on Highways and Transit, said it is imperative that lawmakers avoid a short-term extension.

"About the worst thing possible would be for us to have to extend that bill after all the work that the chairman, the subcommittee chairs and others on the committee have put in," Holmes-Norton said.

"Our bill signals to the country that the major work of the Congress is still operative," she added. "Nothing could make that signal clearer than our bill, which deals with one of the great priorities, transportation and infrastructure."

"If lawmakers do act before November, infrastructure could become a potent campaign issue, said Paul Bledsoe, a former Clinton White House climate adviser now with the Progressive Policy Institute.

"With 40 million Americans newly out of work, a job-focused clean infrastructure push will gain far greater political power," Bledsoe said in an email.

"If Republicans continue to stall until next month on even the next round of relief, while abjuring a comprehensive infrastructure bill altogether, Democrats should make infrastructure jobs a potent campaign issue."

Pay-fors

"Another challenge looming over the surface transportation reauthorization: a lack of consensus over how to pay for it.

"The House Ways and Means Committee has yet to identify a pay-for amid widespread GOP opposition to raising the federal gas and diesel tax.

"In the Senate, the Finance Committee similarly has yet to determine a viable funding mechanism for the \$287 billion highway bill that unanimously cleared the Environment and Public Works panel last summer.

"Rick Scott (R-FL) suggested yesterday that the soaring national deficit could make lawmakers wary of spending billions on infrastructure.

"I think all of us would agree that we need to make investments in infrastructure. What's difficult is this year we're gonna have close to a \$4 trillion deficit, and we're gonna have \$25 trillion-plus worth of debt," Scott said during a Senate Commerce, Science and Transportation Committee hearing on how the COVID-19 pandemic has affected the transportation sector.

"So it's gonna make it hard to figure out how to continue to invest in infrastructure. I did it when I was governor, and we're gonna have to figure out how to get the budget control up here, so we can continue to invest, like when I was governor," said Scott, who served as the 45th governor of Florida from 2011 to 2019.

Clean energy

"Absent from the "INVEST in America Act" are the clean energy provisions sought by industry and advocates alike.

"Those provisions fall under the jurisdiction of the Energy and Commerce Committee. A spokesperson for E&C didn't respond to a request for comment about the panel's infrastructure plans.

"But the \$760 billion infrastructure framework unveiled by House Democrats in January, dubbed "Moving Forward," includes \$34.3 billion for "transformative" clean energy investments.

"Of that amount, \$20 billion would be steered toward energy efficiency projects, while \$4 billion would go toward updating the electric grid and boosting resilience.

"The framework also includes several billion dollars for weatherizing homes, installing electric vehicle charging stations, reducing diesel emissions and replacing methane-leaking natural gas systems, as well as new grants to fund distributed generation and solar projects in low-income communities.

"In addition, the framework would allocate \$25 billion to clean water and nearly \$100 billion to broadband communications — an area that has drawn bipartisan support during the COVID-19 pandemic.

"The energy and environment provisions from E&C mirror a broad infrastructure bill that Democrats introduced one year ago, although that measure was never marked up.

"The January framework also says it will build on the work of the Ways and Means Committee on clean energy and efficiency — a nod to the sweeping clean energy tax bill the panel unveiled last fall that Chairman Richard Neal (D-MA) has said he wants to see on the floor.

[Energy and Environment Issues to Resurface this Summer](#)

The following story discusses the energy and environment Congressional agenda.

Geof Koss and George Cahlink of [E&E Daily](#) wrote on June 1, "After months of being sidelined by the more immediate needs of the COVID-19 pandemic, energy and

environmental legislation is poised to rise on the congressional radar in the coming weeks.

“House Democratic leaders are looking to committees to quickly prep an assortment of big-ticket agenda items for floor debate by the end of the month.

"We're setting aside the first three weeks at least of June to get the committees back to work and focus on legislation," House Majority Leader Steny Hoyer (D-Md.) said during an online roundtable with Southern California business and labor interests Friday.

"We're moving ahead on committees, and hopefully we're going to have a very productive late June and July," he said.

“Legislative fights on energy and the environment loom ahead for the must-pass legislation House Democrats announced Friday that they're planning to move this summer.

“These include the 12 annual spending bills, the fiscal 2021 National Defense Authorization Act (NDAA) and a "green infrastructure" package that includes reauthorizations of expiring surface transportation provisions and the Water Resources Development Act (WRDA).

“The long-awaited infrastructure package may finally provide some relief for clean energy advocates who have patiently been awaiting congressional action to address the hundreds of thousands of jobs lost in the sector from COVID-19. The centerpiece of the package will be the \$760 billion framework unveiled by House Democrats in January.

“The plan, dubbed "Moving Forward," includes major funding for roads, bridges, ports, airports, drinking water, wastewater, clean energy and broadband.

“It would provide \$434 billion for highway and transit programs, \$55 billion for rail, \$34.3 billion for clean energy, and \$25.4 billion for drinking water, with an eye toward steering investments to boost climate resiliency.

Clean energy a 'huge part'

“Although the original proposal did not contain specific provisions addressing clean energy tax incentives, it promised "incentives for renewable energy projects and new technologies to modernize the electric grid, improve resiliency, and further accelerate the transition to a clean energy economy."

“Possible clean energy tax provisions will likely mirror the "GREEN Act," which would extend and expand key breaks for renewables, electric vehicles and efficiency. Ways and Means Chairman Richard Neal (D-Mass.) told E&E News before the pandemic that he was aiming to see the measure brought to the floor before the end of the year.

“Jason Anderson, president and CEO of Cleantech San Diego, a nonprofit that promotes the clean energy economy, said during Friday's roundtable that many clean energy jobs had been lost during the crisis, especially those tied to residential solar panels.

“He said to help the industry recover Congress should extend the investment and the production tax credits, remove barriers to developing clean energy, and invest in clean energy job training.

“Hoyer conceded the initial pandemic response had not focused on clean energy but said that's about to change.

"We're going to be doing a highway bill and infrastructure bill, you're going to be very pleased with it because it's very, very focused on green technology, because we know that's the future and must be the future for our country," he told Anderson.

“Representative Mike Levin (D-CA), a member of the Select Committee on the Climate Crisis, said he's anticipating public works spending that will rival the massive projects pursued by President Franklin Roosevelt during the New Deal.

"Clean energy needs to be a huge part of that along with transportation and water and broadband and all the rest. It's a big opportunity not only to do the right thing for our environment to tackle the climate crisis to flatten that carbon curve, but also to create new jobs in the future," Levin added.

“BuildingAction, a coalition for sustainable buildings that includes industry and professional associations, urged President Trump and congressional leaders last week to ensure that future COVID-19 bills focus on making buildings "healthier and more sustainable" by funding efficiency upgrades.

Senate to debate public lands

“Meanwhile, the Senate this month is expected to take up S. 3422, the "Great American Outdoors Act."

“The bipartisan package would provide permanent funding for the Land and Water Conservation Fund (LWCF) and steer billions of dollars toward the maintenance backlog at the National Park System and other public lands.

“However, the prospects for future COVID-19 stimulus in the Senate remain unclear, given that Republicans have called for a pause on legislating in response to the pandemic.

“Democrats continue to attack the decision by Senate Majority Leader Mitch McConnell (R-KY) to wait on more pandemic relief.

"On Friday, Hoyer called it "incomprehensible" that McConnell has suggested states should go bankrupt rather than expect large aid packages from the federal government.

"He said continuing to delay dollars would prove more costly during the long run and added that the Senate should move on the \$3 trillion "Health and Economic Recovery Omnibus Emergency Solutions Act," H.R. 6800, that the House passed last month.

"Unfortunately, McConnell has said he wants to wait," Hoyer said.

"Speaking at an event in Louisville, Ky., last week, McConnell reiterated his position that Congress should hold off on enacting more relief until the effects of the trillions of dollars already steered toward the ailing economy are assessed.

"In a few weeks, I think we'll be able to begin to measure how much the opening up of the economy begins to restore our economic situation," McConnell said, according to the *Messenger-Inquirer*, a daily publication in western Kentucky.

Other