

# Example of good notes from a congressional lobby meeting

Meeting with fictional Energy and Environment aid to Senator Fiction

CCL Meeting Lead: Joan Williams

Attending: Marti Fitz, Larry Knowles, Gina Myon, and Alphonso Tucker

Staffer: David Chang

Meeting notes: Introductions and appreciation for Senator Fiction's bill on combating human trafficking.

## Discussion follows

CCL: What's the tenor in Congress right now in regards to action on climate?

DC: Tomorrow is the 1st anniversary of the President's climate speech. I was there; it was wonderful to be there. Hot day. The President is doing a lot of things around this. The administration is doing as much as they can, given limits of their authority. Glad that they are leaning forward on that (EPA regs).

Here in Congress what's in front of us is defensive action. The Republicans in Senate and House are trying every way possible to prevent those actions, either through appropriations process (e.g., language to stop work under EPA rules, which tend to be one year of funding for X). Those can be overcome—in some causes a delay of a year will cause problems—“Justice delayed is justice denied”—esp. with EPA power plant rules, which are under a tight timeline). And there's the Congressional Review Act, a final chance for Congress to review Executive Branch implementation of legislation. When they come out with final rules, the CRA can be used to overrule what the executive branch has done. It still has to pass Congress, and the President can veto it, in which case the question is are there enough votes to overcome a veto.

We anticipate we'll face some of that regarding the new rules for new power plants this year. Next year's rule...because of those hurdles [is not guaranteed].

We'll be busy on that front. The Senate last week tried to move some appropriations forward because of desires of Republicans to vote on amendments that would harm EPA power plant and water rules. They ended up not going forward. Still working through. Are on alert. The

EPA will be transitioning into public meetings at the end of the month, looking for comments. We can anticipate more discussions.

CCL: More action on legislation?

DC: We'll see. Pretty confident of turning back Republicans at a 60-vote threshold. It's possible that it might require a simple majority.

CCL: is that allowed?

DC: Sometimes it is. Recently operating on need to have a 60 majority.

CCL: What about trying to use as leverage that if Republicans don't like EPA regulations, a Carbon Tax is better? Impact of Paulson op-ed piece?

DC: The Paulson piece was in the NYT not in WSJ. You're right, should Republicans want to do something on climate change, a market-based approach makes sense, but there's not enough of them ready to tackle that problem yet. The other vocal component is "Hell no"—climate change is a hoax, or not a problem.

CCL: In talking to a member of Congress this morning, we asked what can we do to get through to Republicans? He said to bring in people like Schultz, and other respected conservative Republicans, have the Republicans listen. What do you think?

DC: Liberal Democrats aren't the vehicle for pushing legislation. Needs to come from the Republican side. Assume you and CCLers are doing that. Bob Inglis's efforts are focused on that (getting Republican based support). In Environment and Public works committee last week, 4 EPA admin from various Republican Administrations testified. I encourage you to look at their written testimony. Only 2-3 pages each. Each is good.

The Republican witnesses were the Attorney General of Alabama, a scientist from CA who "raises questions" (seems to acknowledge CC happening, humans to a degree and caused by humans), and a finance person testifying about the failure of European Cap and Trade (which is odd, since this isn't Europe). The Senator pointed out what RGGI has achieved. The Republicans asked their witnesses questions, we asked ours. Usually, there's more engagement across witnesses. It's a good thing that there wasn't, a good sign. Republicans were wary of engaging the EPA administrators. They wanted to get the answers they wanted to get. They don't mind beating up on super liberal person but...

The other thing that impacts your efforts, is if there continues to be talks of broader tax reform (though not this year). This morning I was at a breakfast with the army chief of staff. He pointed out that our state of readiness was low two years ago in sequestration. When we go back to budget negotiations, readiness will suffer. He was making a plea for a bigger macro solution.

CCL: He was worried about national security?

DC: He was concerned that we get a budget. Congress has to undertake that or things you care about will suffer.

CCL: Is there a general lack of interest in [a carbon?] tax?

C: Senator Wyden's committee (Joint Committee on Taxation?) wants to do tax reform. A lot will depend on who has control of the Senate. Still not clear to me that we'll get to tax reform. We may continue to limp along.

CCL: Inglis said that the only type of tax we can sell is one that is completely revenue neutral. If Republicans get ready to propose a Carbon Tax, would Democrats be good with that?

DC: He doesn't want to give revenues back.

CCL: Yes, he does.

DC: Another group of Republicans wants a corporate rebate. We would consider it [revenue neutrality], or whatever policy will reduce carbon emission. But now it's too theoretical. There will be a lot of horse-trading. My caution to everyone proposing a carbon tax is it's nitty gritty money. While advocates of a carbon tax may have great policy ideas, but when it comes down to tax policy writers, they need to write a number to fill gaps—what tax do we need [to balance the budget], divided out, there's our policy. I understand your policy, but I want you to be cognizant of what the political game will be. What's the budget number, what is the tax to get that number? Have to have argument what that would be at. If Republicans are on board for a carbon tax but with a revenue hole, how do we say "no" to that? Democrats will be in the position of being forced to say "that's not good enough."

CCL: As soon as we say Carbon Tax, we're participating in a larger tax discussion, even though we'd like to separate those two?

DC: Yes. And if it's a part of a grand bargain, you can't [guarantee revenue neutrality]. Absent having a big tax debate I don't see it coming up on its on. Unless we take it from a climate change point of view, and that won't be for a while—in part because the EPA proposals are so reasonable. It won't force utilities to come to Congress [for an alternative solution]. They think they can cope.

CCL: So the good news is that if tax reform comes up, carbon taxes could be part of it, and the bad news is that if tax reform comes up, any carbon tax will be part of a larger equation to reach some bottom line number.

DC: XXXXX, ranking Democrat on Tax Committee, and XXXX.

CCL: Is it written from within that committee?

DC: Yes. President can always send legislation they think would work. There are challenges in taxation. The highway tax fund is out of money. Struggling to find a way to fill that shortfall. The federal gas tax hasn't been raised since 1974. It's reasonable to argue to raise it for inflation but that's a non-starter for Republicans.

CCL: [hands out tipping points]. Anything we can do?

DC: EPA rules on power plants hold open the door for state carbon tax. There's a potential way forward. States are labs. In our state itself, there has been some action on state carbon tax? on hold?

CCL: Your feelings about the viability of that?

DC: I have no sense of state level.

CCL: currently sense the sponsors aren't aiming to pass by July, but rewriting for next session.

DC: It has a rebate?

CCL: Yes, extensively, switching from giving money to corporations, research and infrastructure, totally back to families. Are you comfortable in principle with that?

DC: As an option. I'm not going to sign Senator up. I have a relative in Alaska who likes rebate checks. But regional disparities will be an issue.

CCL: Your second point? Any coaching?

DC: Working at the grassroots, which is great. Have to get ready for Congress to get ready. It's not our state senators that are the drawback. Sen Y? Curious?.

CCL: I met with Sen Y's aides...Seemed appreciative of EPA regs, RGGI. EPA should give us credit for what we've done on RGGI.

DC: Unfortunately EPA isn't going to give them that. Metrics EPA used (from 2005). Stems from a calculation of state targets of baselines 2012 forward. Those of us who know how EPA rules work know, but reporting talked of 30% from 2005, that issue will be talked about.

CCL: We also talked about getting rid of all subsidies. We said we agreed, level playing field including a carbon tax. We had to explain. I think Senator Fiction got the explanation. Hadn't seen Paulson article. Interested in REMI.

CCL: We promised to send (Sen. Y) info on REMI, that's all we could do today. Any other suggestions?

DC: There are other groups—The Rotary Clubs, the Elks, faith committees, try to reach those voices. Work in the state, community, mobilizing people to tell their senators and reps... most important.

CCL: Does it make sense to you that we work with these organizations on the national level in our state? (For example, the Catholic Church, at the U.S. level, not just local churches or church groups).

DC: Yes, good.

**Summary comments:**

- Need to have some energy from the Republican side for anything to happen.
- DC seemed to suggest that the fact of the EPA draft rule has been a kind of web blanket for additional environment-related legislation. In other words, that topic has had its day in the sun for a while, and now the stomach for more isn't there.
- Tax reform is a possible shot for the carbon tax to be introduced, but the odds of ending up with what we're looking for (RNCT, \$15/ton, etc.) are low, in that case.
- At the moment, the best options for CCL/climate activists to stand behind are the EPA rules which enable states to introduce state-based carbon tax efforts