

“CLIMATE CHANGE” POLICY

“It is very difficult to find an issue that voters place lower on the list than climate change,” says pollster Whit Ayres.¹⁹ That is why Barack Obama barely mentioned it during his 2008 and 2012 presidential campaigns. And yet in June 2013, the President announced an ambitious climate action plan that he has put at the top of his second-term agenda. The President’s climate plan attempts to bypass Congress because there is as little support in Congress as there is in public opinion for policies that will raise energy costs, destroy jobs, and hamper economic growth, while having no discernible effect on global temperatures. The 114th Congress should use its appropriations and legislative powers to prevent implementation of the President’s climate action plan.

MAJOR POINTS

- Climate policies must have clear and documented net benefits for the United States.
- Any U.S. agreement with foreign countries on the subject of climate change should be in the form of a treaty, which requires Senate consent to ratification under the Constitution.
- Every international agreement must provide net benefits to the United States.
- Scientific and economic analyses used by regulatory agencies must conform to established law and be transparent, reproducible, and unbiased. The estimates for the “social cost of carbon” (SCC) and for the impacts of PM_{2.5} reductions do not meet these criteria.
- Subsidized loans and other financial support for commercial entities are fraught with cronyism and must be eliminated.

APPROPRIATIONS

Congress should prohibit agencies from expending any funds for:

- Rulemaking or benefit-cost analyses that employ the SCC to calculate regulatory benefits or costs. Researchers have determined that estimates of the social cost of carbon are unreliable, and that the Obama Administration has slanted the numbers.²⁰ Basing benefit-cost analyses on the social cost of carbon deliberately ignores the enormous benefits of affordable energy, and is largely an attempt to justify a carbon tax.
- The design, implementation, or administration by any U.S. agency of any international climate change assistance policies or programs as described in President Obama’s FY 2014 Report to Congress on Federal Climate Change Expenditures, or for the Green Climate Fund.
- The design, implementation, or administration of policies or programs recommended by the Interagency Climate Change Adaptation Task Force;²¹ policies or programs related to Strategic Sustainability Performance Plans or Climate Change Adaptation Plans; policies or programs included in the National Fish, Wildlife and Plants Climate Adaptation Strategy; or any Interior Department activities described in President Obama’s FY 2014 Report to Congress on Federal Climate Change Expenditures.²²
- The design, implementation, or administration of the Securities and Exchange Commission’s “Guidance Regarding Disclosure Related to Climate Change,”²³ or any successor thereto.
- The EPA’s use of SCC calculations in any EPA rulemaking until the agency conducts a formal rulemaking on the proper calculation of SCC that complies with the Administrative Procedure Act and the Information Quality Act.
- The EPA finalizing Clean Air Act rules that:
 - a) Attribute co-benefits to a reduction of PM_{2.5};
 - b) Mandate the use of “commercially available” technologies that received federal funding or loan guarantees;
 - c) Require system-wide emissions reductions (“beyond the fence”) rather than site-specific reductions.

- EPA grants or contracts that are not disclosed on a publicly accessible agency website that lists the recipient; award date; purpose; and links to all grant or contract documents.
- The EPA’s Office of Environmental Education.
- The Goddard Institute for Space Studies. Any space-related programs should be shifted to the Goddard Space Flight Center in Greenbelt, Maryland. In recent years, the Goddard Institute has focused significant resources on climate change.
- Publishing or applying data that has not been validated in rulemaking, guidance, or policy from climate models run by NOAA, the National Center for Atmospheric Research, or the Goddard Institute for Space Studies.
- Using or disseminating data or reports from the Intergovernmental Panel on Climate Change or the U.S. Global Climate Change Research Program that do not comply with the Information Quality Act.
- Any climate-related activities involving the U.N. Intergovernmental Panel on Climate Change, the World Bank, the Green Climate Fund, the International Renewable Energy Agency, or any other international climate initiative.
- “Correction” (read: manipulation) of raw temperature data collected by any government agency.
- Any Department of Energy commercial projects, including “carbon capture and storage” and renewable energy.
- The Council on Environmental Quality’s consideration or application of the “social cost of carbon,” or indirect or cumulative greenhouse gas emissions, in any environmental impact statement developed under the National Environmental Policy Act.
- The Department of the Interior’s eight Climate Science Centers and 22 Landscape Conservation Co-operatives (established by Secretarial Order 3289).

LEGISLATION

To achieve the necessary statutory reforms to remedy flawed climate change policies, Congress must:

- Approve resolutions of disapproval (under the Congressional Review Act) of the EPA's greenhouse gas rules for power plants and for the ozone rule.
- Clarify that all EPA research and rulemaking conform to the provisions of the Information Quality Act, and that the agency's application of the act is judicially reviewable.
- Clarify in statute that the Clean Air Act does not apply to the regulation of greenhouse gas emissions or other climate-related rulemaking.
- Require that all research and data used by the EPA, NOAA, and the Department of Energy must be publicly accessible for validation and replication.
- Require public disclosure of all EPA and Interior Department communications and details of negotiations with plaintiffs in all litigation and threatened litigation or settlements.
- Abolish the Global Change Research Program.
- Transfer all space-related functions of the Goddard Institute for Space Studies to the Goddard Space Flight Center.
- Prohibit the use or dissemination of data or research from the Intergovernmental Panel on Climate Change and U.S. Global Climate Change Research Program unless the data and research meet the standards of the Information Quality Act. Require that agencies' application of the act to such data and research is judicially reviewable.
- Approve a resolution of disapproval on the climate change "agreement" between the United States and China.²⁴ The resolution should also state disapproval of any successor agreement to the Kyoto Protocol.

OVERSIGHT

Congress should examine the following:

- The misuse of PM_{2.5} epidemiological studies in rulemaking.
- Continual revisions of the historical surface temperature data by NASA and NOAA.