

selflessly throughout the span of his career. He was a conservative through and through, of that there was no question, but he possessed a great sense of empathy and community, of respect and a fondness for diversity that uniquely set him apart. The story goes that his time on the football field enamored him of his Black colleagues and etched into his mind how repugnant inequality and discrimination could be.

That experience undoubtedly moved him. But it is my belief that such reverence for the dignity of man—regardless of skin color, race, or ethnicity—came innately and naturally to him. For Jack, “compassionate” was not a buzz word placed in front of “conservative” without thought or care. He lived, embodied, and applied compassionate activism to his impressive life’s work, a work outmatched only by his intensity of spirit and undeniable warmth.

“Civility cannot return to our country unless every person feels that they have an equal shot at the American dream,” he once said. “How in the name of American democracy can we say to eastern Europe that democratic capitalism will work there, if we can’t make it work in East L.A., or East Harlem, or East Palo Alto, California? How can we tell South Africa and the new Mandela government that democracy and private property and limited government and the rule of law and civility will work there, if it’s not working in our own backyard here at home or the South Bronx? How can America go into the next century and leave so many people behind?”

Jack was not an ideologue or political lecturer. He emerged as a statesman instead, far more committed to improving the lot of the American people than scoring cheap points in some political game. While we disagreed on some of the issues, most notably his enthusiasm for the Reagan tax cuts, we were in absolute lockstep in our commitment to rebuilding our cities, particularly in terms of housing and economic development. As Housing and Urban Development secretary, Jack met with minority groups, championed public housing, and worked with members like myself, who sat across the aisle, on issues such as revitalizing inner-city neighborhoods through empowerment zones. He served on the Howard University Board of Directors for 14 years, lending his support to President Swygert and the school, including significant personal financial contributions.

When he ran for vice president, Jack campaigned in Harlem, a visit billed as the first from a Republican candidate for president in at least half a century. Many expected raucous demonstrations from the residents in my community—more because of the “R” before his name than because they knew much about Jack Kemp to begin with. No such exchange occurred. I warmly greeted Jack at the local restaurant named Sylvia’s and we traded good-natured barbs: He told me that in a Bob Dole Administration, I would be drug czar; I responded that in a Bill Clinton Administration, I would be Chairman of the Ways and Means Committee.

Jack was a veritable hero and inspiration. It is in that light that we remember him today; in awe of his dedication to accomplishment, in reverence of his conviction.

TRIBUTE TO RICHARD SCOTT ALDEN, JR.

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CALVERT. Madam Speaker, Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. I rise today to recognize and honor one of those individuals: Richard Scott Alden, Jr. On Friday, May 1, 2009, Scott passed away peacefully at his home after a battle with cancer. He will be deeply missed.

Scott was born April 16, 1953 in Pasadena, California. He graduated from Riverside Poly High School in 1971 and received a football scholarship to Arizona State University. While Scott was a Sun Devil, his team won 51 games, four Western Athletic Conference Championships and four Fiesta Bowls.

Scott was a devoted Christian and was “born again” through Christ September, 1975. He graduated from ASU with a degree in Business Administration in June, 1976 and married Ann Stiles later that year. After graduation, Scott began work with his father, Dick Alden, founder of Empire Oil Company, now Western Refining-Wholesale, as General Manager, and in 1990 was advanced to President.

Scott was active in Harvest Men’s Bible Fellowship, Alliance Petroleum Corporation and served as Chairman of the Advisory Board for The Salvation Army.

Scott was predeceased by his daughter, Jennifer. Survived by his wife, Ann Alden; daughter, Elizabeth Alden of Newport Beach; son, David Alden of Long Beach; parents, Richard Alden of Riverside, and David and Nina Mitchell of Riverside; sister, Michelle Fisher of Aliso Viejo; and brother, Eric Alden of Huntington Beach.

On May 8, 2009, a memorial service celebrating Scott’s life will be held at Harvest Christian Fellowship. Scott will always be remembered for his incredible faith, giving spirit, and sense of humor. His dedication to his family, church and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Scott’s family and friends; although Scott may be gone, the light and goodness he brought to the world remain and will never be forgotten.

HONORING WILLOW ROAD ELEMENTARY SCHOOL

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize the students, faculty and staff of the Willow Road Elementary School and congratulate them upon being honored with the Exemplary Reading Program Award from the International Reading Association.

Every year, the International Reading Association recognizes outstanding reading and language arts programs at all grade levels. One school from each State is given the Ex-

emplary Reading Program Award based on the priority of literacy in the curriculum.

Willow Road Elementary School promotes literacy and focuses on improving the students reading, writing, listening and speaking, devoting a large chunk of the school day towards reading. As a result, the school has been a finalist for the State award for the last two years before finally winning the honor this year.

As a member of the House Committee on Education and Labor, I understand the importance of literacy and recognize the benefits of encouraging our students to start reading at an early age. The future of this country is its children; however, their success would not be possible without the work of the teachers and administrators who dedicate their lives to their students. The teachers and staff of the Willow Road Elementary School are the back-bone of the reading program and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration I offer my congratulations and best wishes to the Willow Road Elementary School.

COMMENDING THE EFFORTS OF ADAM LAMBERT

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. BILBRAY. Madam Speaker, today I rise to commend my constituent Adam Lambert for his amazing journey on Season 8 of Fox’s American Idol. Every week Adam has entertained the American public with his artistic renditions of American classics, from Johnny Cash’s “Ring of Fire” to Led Zepplin’s “Whole Lotta Love.” His performances are inspiring young people everywhere to work hard, aim high and follow their dreams.

With still two more weeks of the competition to go, I join with the people of San Diego, California to wish Adam the best of luck. As one of Adam’s favorite artists, Lenny Kravitz once said: “I just need to know that I did the very best I could and that I was true to myself.” Adam, we will be rooting for you and looking forward to your next unique and creative performance.

DELIBERATIVE—ATTORNEY CLIENT PRIVILEGE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mrs. BLACKBURN. Madam Speaker, I would like to submit the following memorandum:

DISCUSSION OF SCIENTIFIC SUPPORT AND ANALYSIS

The NPRM fails to articulate the process by which the Administrator came to the conclusion on p. 30, line 41-46: “The Administrator believes that the scientific findings in totality point to compelling evidence of human-induced climate change, and that serious risks and potential impacts to public health and welfare have been clearly identified, even if they cannot always be quantified with confidence. The Administrator’s

proposed endangerment finding is based on weighing the scientific evidence, considering the uncertainties, and balancing any benefits to human health, society, or the environment that may also occur."

The finding document remains very separate from the TSD, with only occasional references to the IPCC or particular CCSP report findings, and it is up to the reader's interpretation of the TSD to determine how the evidence has been weighed to arrive at the conclusions above. The finding rests heavily on the precautionary principle, but the amount of acknowledged lack of understanding about basic facts surrounding GHGs seem to stretch the precautionary principle to providing for regulation in the face of unprecedented uncertainty. (The TSD notes several areas where essential behaviors of GHGs are "not well determined" and "not well understood" (e.g., why have U.S. methane levels decreased recently?).) This could be remedied by expanding the discussion on pp. 25-31 to articulate more clearly how the Administrator weighed the scientific evidence related to each impact or how/whether she gave more or less weight to particular impacts for either the public health or the welfare finding and how she weighed uncertainty in her deliberations.

For example, the NPRM and TSD outline the following 5 human health effects from climate change: temperature effects, air quality changes, extreme events, climate sensitive diseases and aeroallergens. It is unclear whether temperature effects will result in net mortality increases or decreases and the scientific literature does not provide definitive data or conclusions about aeroallergen impacts. Further, the impact of climate sensitive diseases may be minimal in a rich country like the US. Hence, it seems that the Administrator's public health endangerment conclusion is based on the other two impacts, with the most significant health risks being posed by air quality changes. If so, the discussion here should state this explicitly. Further, the argument for why the increases in ozone from climate change pose a health impact could be fleshed out more thoroughly (p. 27, line 34-39). Since tropospheric ozone is already regulated under the Clean Air Act, EPA should explain why those regulations are inadequate to protect public health from the ozone impacts of climate change.

In addition, the finding could be strengthened by including additional information on benefits, costs, and risks (where this information exists); meeting appropriate standards for peer review; and accepted research protocols. Some issues to cover that would address costs, benefits, and risks include the following:

- Methodology or methodologies used for weighing risks and various outcomes and the risks associated with each;

- Confidence intervals related to model results at the regional and local scales;

- Underlying assumptions of findings, publications on which the findings are based, and "business-as-usual" scenarios;

- Quality and homogeneity of temperature data from surface networks that may affect estimates of past temperature trends, and calibration and verification of models;

- Impacts of climate change on the value of net economic benefits.

The Finding should also acknowledge that EPA has not undertaken a systematic risk analysis or cost-benefit analysis. In the absence of a strong statement of the standards being applied in this decision, there is a concern that EPA is making a finding based on (1) "harm" from substances that have no demonstrated direct health effects, such as respiratory or toxic effects, (2) available scientific data that purports to conclusively es-

tablish the nature and extent of the adverse public health and welfare impacts are almost exclusively from non-EPA sources, and (3) applying a dramatically expanded precautionary principle. If EPA goes forward with a finding of endangerment for all 6 GHGs, it could be establishing a relaxed and expansive new standard for endangerment. Subsequently, EPA would be petitioned to find endangerment and regulate many other "pollutants" for the sake of the precautionary principle (e.g., electromagnetic fields, perchlorates, endocrine disruptors, and noise).

ENDANGERMENT WITHOUT CONSIDERATION OF REGULATORY CONSEQUENCES

EPA should explain whether it considered a finding that methane and the other four non-CO₂ GHGs do in fact contribute to climate change, based on their higher warming potential, but that overriding policy concerns make such a finding infeasible concerning CO₂. Because methane and the other four non-CO₂ GHGs are either already regulated under the CAA or are functionally equivalent to pollutants typically regulated under the CAA, an endangerment finding for these GHGs would be relatively routine. Because GHGs are understood to be long-lived, well-mixed in the atmosphere, and generated by many nations around the globe, the most analogous regulatory approach for controlling GHGs would seem to be Title VI of the CAA. EPA's relevant experience with controlling ozone-depleting substances should inform its decisions on an approach to regulating GHGs.

In contrast, an endangerment finding under section 202 may not be the most appropriate approach for regulating GHGs. Making the decision to regulate CO₂ under the CAA for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities. Should EPA later extend this finding to stationary sources, small businesses and institutions would be subject to costly regulatory programs such as New Source Review.

THE ROLE OF MITIGATION, ADAPTATION, AND/OR BENEFITS OF CLIMATE CHANGE

To the extent that climate change alters our environment, it will create incentives for innovation and adaptation that mitigate the damages from climate change. The document should note this possibility and how it affects the likely impacts of climate change. For example, climate change is likely to unfold slowly and people may migrate from hot regions (e.g., Arizona) to more temperate regions (e.g., Minnesota) and this would mitigate the adverse impacts on health (although people would incur migration costs). Further, climate change is likely to lead to innovation that mitigates the ozone related health impacts; it seems reasonable to assume that in the absence of regulation of GHGs, new medicines that lessen the health impacts of ozone will be developed. Moreover, advances in technology and the development of public health programs (e.g., cooling centers) are likely to lessen the negative welfare impacts of heat waves.

Similarly, the document would appear more balanced if it also highlighted whether particular regions of the US would benefit, and to what extent these positive impacts would mitigate negative impacts elsewhere in the United States. For example, it might be reasonable to conclude that Alaska will benefit from warmer winters for both health and economic reasons. Deschenes and Moretti (2007 Review of Economics and Statistics) demonstrate that extremely cold days are more dangerous to human health than extremely hot days. Please add this paper to the literature review in Section 7(a)

of the TSD. Further, there should be a consideration of the fertilizing effect of CO₂, which may overwhelm the negative impact of additional hot days on agricultural yields in some regions of the US. In other regions, the net effect is likely to be negative.

AGENCY COMPLIANCE WITH OTHER ENVIRONMENTAL MANDATES

There is some concern that an endangerment finding, and some of the language used to support the finding, will make it more difficult to comply with NEPA and other environmental planning statutes.

This finding and the associated emission standards for these six greenhouse gases may make it much more expensive and difficult to develop other air quality standards (NAAQS in particular). For example, EPA has recently asked BLM to use models that sometimes exceed current budgets in developing resource management plans and environmental impact statements. Also, there are currently no models available that forecast the potential impacts of greenhouse gases on climate change at the regional or local level, which are the levels at which our decisions are made. This rule also could make findings that would leave agencies vulnerable to litigation alleging "inadequate NEPA" due to new information (i.e., the endangerment finding) that was not considered when the EIS was developed. Without a model available, an agency would be left with little ability to respond because (i) there are no standards to serve as thresholds, (ii) there are no tools to analyze impacts, and (iii) the cost of analyzing impacts could be exorbitant.

Unnecessarily broad or expansive language with respect to the effects of GHGs or the certainty with which effects will occur could create a basis for finding all GHG emissions significant for purposes of NEPA analysis, thus requiring an EIS for all direct and indirect effects that change GHG emissions in any amount. Similarly, EPA should be very careful to state which effects are significant and their scale to avoid unintentionally trigger NEPA for Federal actions not otherwise considered to have environmental impacts.

FOUR CHEMICALS V. SIX CHEMICALS

EPA proposes to make an endangerment finding on six directly emitted and long-lived GHGs—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride, treated as a group as an air pollutant. The proposal, however, defines the terms "air pollution" and "air pollutant" for purposes of section 202(a) as the six GHGs, two of which are not addressed in the underlying petition and which EPA recognizes are not emitted by new motor vehicles or motor vehicle engines, and on page two, this action is characterized as a "response" to the Supreme Court's decision in *Massachusetts v. EPA*, 549 U.S. 497 (2007), which arose from a petition with respect to the four GHGs. Although the latter two GHGs have similar characteristics and are addressed in UN documents, it is not clear why they are included in the endangerment and "cause or contribute" findings. While it appears that section 202(a) provides sufficiently broad authority for EPA to do so and the draft explains this decision as based on the uniform, global nature of GHG ambient concentrations, a seemingly simpler regulatory action might be to base the definition of "air pollution" or "air pollutant" on the four GHGs emitted by new motor vehicles or motor vehicle engines.

This raises the question of the extent to which EPA intends or does not intend this finding to extend beyond section 202 to the same terms used in other key parts of the CAA, e.g., section 101(a) (general findings

and purpose), section 108 (National Ambient Air Quality Standards), and section 111(b) (New Source Performance Standards). EPA would benefit from making its position explicit in this proposal. Commenters are sure to take this important issue on in some fashion so EPA may as well do what it can to shape the debate and the comments being invited. For example, it could note that the same terms are important parts of other key CAA provisions, but then state that EPA at this time is only addressing and seeking comment on issues directly associated with section 202. Alternatively, it could state that it views these findings as to GHGs to be broadly applicable to the Act as a whole, but nonetheless make clear that EPA is not in this rulemaking attempting to consider or address any of the other regulatory findings that would be necessary to trigger GHG regulation under other CAA programs. A third option would be to invite comment on whether interested parties believed there was any basis for distinguishing the understanding of the terms in the section 202 context from the understanding of the terms in other parts of the Act.

EPA fails to make a case of why the six GHGs should be treated as a single pollutant and why all six should be treated as a group. Treating the gases as a group yields the indefensible result that emissions of PFCs, SF₆ and HFCs other than HFC-134a from motor vehicles are asserted to “cause or contribute: to air pollution, when there are no such emissions from motor vehicles. Further, EPA states that: “Depending on the circumstances . . . it may be appropriate to set standards for individual gases [of the 6], or some combination of group and individual standards.” EPA asserts that these regulatory flexibilities would exist whether or not greenhouse gases are treated as multiple pollutants or as individual pollutants. [See discussion on page 32–33.]

These greenhouse gases differ significantly in terms of physical properties, formation mechanisms, and possible mitigation techniques.

Mobile source CO₂ is formed by burning fossil fuels. Virtually all of the carbon in the fuel is converted to CO₂. The more efficient the combustion process, the more complete the conversion to CO₂. Unlike for traditional criteria pollutants (e.g., NMHC, CO, NO_x), which can be converted to other substances through emissions aftertreatment (i.e., catalytic converters), no mobile aftertreatment device can convert CO₂ to something that does not contribute to global warming. Therefore, mobile source CO₂ emissions can only be reduced by burning less fossil fuel, either by improving fuel economy or converting to less carbon-intensive fuels.

Mobile source CH₄ and N₂O emissions are by-products of fossil fuel combustion. However, burning less fossil fuel does not necessarily mean reducing CH₄ and N₂O emissions. For example, using methane (CH₄) rather than petroleum could increase CH₄ emissions.

Mobile source HFC emissions arise from releases of HFC refrigerants from mobile air conditioners. Therefore, mobile source HFC emissions can only be reduced by using different refrigerants and/or “hardening” mobile air conditioners to reduce the potential for refrigerant leaks.

Mobile source CO₂, CH₄, N₂O, and HFC emissions not only have different global warming potentials, they remain in the atmosphere for different amounts of time and are removed from the atmosphere by different mechanisms.

In contrast to EPA's citation of Class I and Class II substances under Title VI, under Title II, EPA treats mobile source NMHC and NO_x as separate pollutants, even though

both are precursors to the formation of tropospheric ozone (i.e., urban smog), and both are mitigated through a combination of fuel improvements. In fact, current catalytic converters operate by converting HC, CO, and NO_x into CH₄, N₂O, and CO₂ (and water)—combustion process changes, and emissions aftertreatment. Considering that mobile source CO₂, CH₄, N₂O, and HFC emissions are even more distinct from one another than are mobile source NMHC and NO_x emissions, and that EPA classifies NMHC and NO_x as separate pollutants, EPA should classify these as separate pollutants or, alternatively, classify CO₂ as one pollutant, classify CH₄ and N₂O as another pollutant (class), and classify HFCs as a third pollutant (class).

ACCOUNTING FOR THE GLOBAL NATURE OF GREENHOUSE GAS POLLUTION IN THE FINDINGS

In this draft proposal, EPA finds under Clean Air Act (CAA) section 202(a) that (1) “air pollution” in the form of the global mix of six greenhouse gases (or the GHGs) may be reasonably anticipated to endanger public health and welfare (the endangerment finding); and (2) emissions of an “air pollutant” in the form of the global mix of the GHGs from new motor vehicles or motor vehicle engines cause or contribute to that air pollution (the contribution finding). The agency characterizes the “global” nature of the GHG emissions and concentrations (page 16), notes the effects of GHG emissions globally in making the endangerment finding (page 29), and assesses the contribution of the GHGs emitted by section 202(a) sources as a percentage of global emissions (page 36).

The proposal appears to assume, but does not explicitly discuss why (or solicit comment on whether) these are relevant legal inquiries under section 202(a) the Clean Air Act. This is virtually certain to be a subject of public comment; and we recommend that EPA directly address this matter in the proposal. EPA also factors international considerations into the endangerment and contribution findings differently. On page 29, the agency states: “The Administrator judges that impacts to public health and welfare occurring within the U.S. alone warrant her proposed endangerment finding.” On page 36, however, EPA bases its finding on the “significance” of the GHG emissions from section 202(a) sources for purposes of the contribution finding in part on their global contribution: It is the Administrator's judgment that the collective GHG emissions from section 202(a) source categories are significant, whether the comparison is global (over 4 percent of total GHG emissions) or domestic (24 percent of total GHG emissions). The Administrator believes that consideration of the global context is important for the cause or contribute test but that the analysis should not solely consider the global context.

It is unclear from the proposal why a difference in treatment of the two findings is necessary or appropriate. Because the Administrator regards the domestic contribution comparison in itself to be significant, it may be simpler (and less open to challenge) to base the contribution finding solely on domestic considerations. (This would not foreclose a discussion of global contribution, provided, as requested above, it is made clear how relevant this is under section 202(a)).

GROUP VERSUS INDIVIDUAL APPROACH TO “AIR POLLUTANT”

On page 32, EPA proposes to designate the six GHGs, collectively, as the “air pollutant” for which the endangerment finding is being made. The proposal, however, then goes on at pages 33–40 to analyze the contribution issue both as to the six GHGs collectively, and as to each individually. Although EPA hints that it believes either a

collective or individual approach could be valid and would reach similar results, see page 34, the agency never really says expressly whether or not it is soliciting comment on these issues and whether it would be open to considering a pollutant-by-pollutant-based approach for the final rule. We recommend that this be made explicit.

COMMENT SOLICITATION

EPA limits solicitation of comment on the proposal to the simple statements on page six to the effect that it seeks comment on all aspects of this action (data, methodology, and major legal and policy considerations). While this is efficient and legally sufficient, the agency may want to highlight a few key areas in which comment would be most useful. The first two issues that we've identified above might be worthy of an express request for comment. EPA may also need to clarify the relationship between comment on this proposal and the July 30, 2008 Advance Notice of Proposed Rulemaking on Greenhouse Gas Emissions (ANPR). In footnote 11, EPA indicates that it is responding to a few key comments from the ANPRM in this proposal related to the endangerment and contribution findings and asks commenters to “submit to the docket for today's action any comments they want EPA to consider as it makes a decision on this proposed determination.” We recommend that EPA move the footnote 11 discussion up to the main body of the proposal at page 6 and explicitly state that commenters may not rely on prior submission of comments to the ANPR and that if parties wish EPA to consider comments made in response to the ANPR or other rulemakings, they should re-submit those comments here with an appropriate explanation as to how the commenter believes those comments relate to issues raised in this proposal. We can imagine a party trying to make out a challenge to this endangerment finding based on arguments that were raised entirely or primarily in comments submitted in response to the ANPR, not this proposal (a prospect that is somewhat more likely due to the fact that EPA in various places discusses comments made in response to the ANPR).

AGRICULTURAL PRODUCTION

The proposed Finding erroneously suggests that Intergovernmental Panel on Climate Change (IPCC) predicts an increase in both crop and forest production in the U.S. (e.g., pg. 28 lines 21 and 34 of the Proposed Finding, pg. 80 line 26, page 87 line 9). The IPCC findings refer to North America, not the U.S. The Synthesis and Assessment Product 4.3 (SAP 4.3) “The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity in the United States” (U.S. Climate Change Science Program/Backlund et al. 2008), which includes more recent and more geographically-specific publications, tempered IPCC's findings substantially, citing water limitations, northward progression of production zones, diminished grain set period, pest infestations, nutrient limitations, air pollution, and wildfire, among other dampening factors to production in agriculture and forestry in the U.S. Significant increases in production may be possible within North America as a whole, but are unlikely within the U.S. itself.

The Findings document should be corrected to reflect that IPCC is referring to North America rather than the U.S. More importantly, the Findings document should be revised to accurately reflect the discussion in the Technical Support Document (TSD). In addition, the placement of the IPCC prediction near the beginning of each section in the absence of any summarization gives the impression that large production

increases are conclusive. This overrides the very salient and far more equivocal discussion which follows, leaving readers with the mistaken impression that climate change is a boon to U.S. agriculture and forestry. A summary statement which more accurately reflects the content of the technical discussions should be composed to lead each section.

EMISSIONS FROM THE COMBUSTION OF DIFFERENT FUELS VS. EMISSIONS FROM DIFFERENT MOBILE SOURCE CATEGORIES

Mobile source CO₂ is formed by burning fossil fuels. Virtually all of the carbon in the fuel is converted to CO₂. Therefore, and considering that CO₂ remains in the atmosphere for a long time, national aggregate consumption of different types of fuels provides the most accurate basis for estimating CO₂ emissions. IPCC guidelines for national reporting of GHG emissions account for this fact, and EIA and EPA both use fuel consumption—not vehicle sales and fuel economy—as a basis for estimating and reporting CO₂ emissions. According to the IPCC (emphasis added), “Emissions of CO₂ are best calculated on the basis of the amount and type of fuel combusted (*taken to be equal to the fuel sold*, see section 3.2.1.3) and its carbon content.”²

Such reporting addresses petroleum consumption in the aggregate and for different petroleum-based fuels, such as shown below from EIA (<http://www.eia.doe.gov/oiaf/1605/ggrrt/carbon.html>):² http://www.ipcc-ggip.iges.or.jp/public/2006gl/pdf/2_Volume2/V2_3_Ch3_Mobile_Combustion.pdf, p. 3-10.

GENERAL EDITORIAL ISSUES

“New Motor Vehicle or Motor Engine” Reference. The draft sometimes simply refers to emissions from “motor vehicles” rather than emissions from “new motor vehicles or motor vehicle engines.” (The draft could indicate initially that the term “motor vehicle” is intended to refer to both of these.) Statements regarding consideration of current and near-term emissions [page 35], and cumulative emissions [page 17] appear to be inconsistent, and should be clarified. EPA clearly intends that the definition of the “air pollutant” emitted by new motor vehicle or motor engine sources to be the six GHGs. In several places, however, the proposal appears to describe the four GHGs emitted by new motor vehicles or motor vehicle engines as the “air pollutant.” See, e.g., pages 1 (lines 36-37), 2 (lines 24-27), and 36 (lines 34-37).

THE WRONG KIND OF PARTISANSHIP

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. FRANK of Massachusetts. Madam Speaker, I have long believed that people who denounce partisanship in general fail to understand the role that responsible political parties can and must play in a functioning democracy. But there are cases when partisanship gets a bad name because of the kind of advocacy it receives, and those of us who believe that partisanship can be a constructive force have an obligation to dissociate ourselves from this. The most recent example of this I have seen was reported in CQ Today on Thursday, May 7, in the article on the front page headlined “Luntz Shapes GOP Messages on Health Care.”

In the article, which summarizes Mr. Luntz's message and in some cases quotes him di-

rectly, the writer summarizes part of his message as follows: “While Republicans might not be able to get their own ideas enacted, he went on, they could at least stop Democrats from achieving the political victory created by a successful revision of the healthcare system.”

Note, Madam Speaker, that these words are not directly attributed to Mr. Luntz, but I have no reason to think that Mr. Armstrong in any way distorted the essence of Mr. Luntz's message in his summary. And later in the article, in a direct quote, describing the words that Republicans should use in carrying on their effort to stop the Democrats from a successful health care policy, Mr. Luntz is directly quoted as saying “I could care less about matching the words to the policies . . .”

Madam Speaker, obviously Republican Members of the Congress are free to accept or reject Mr. Luntz's partisanship of the wrong sort, but it does seem to be relevant that he was invited to address a Republican gathering and was, according to the article, warmly received by many. For example, the gentleman from California, Mr. ISSA, is quoted as saying “We look to him for how do we express the things that we believe in ways that are effective.”

Madam Speaker, the notion that a significant number of Republicans would have as their central purpose in the healthcare debate not adopting a policy or even modifying one, but rather simply preventing the Democrats from being successful in meeting the nation's healthcare needs, is sufficiently disturbing that I believe this article should be reprinted here so that people can fully understand the dimensions of the debate in which we now find ourselves.

[From CQ Today, May 6, 2009]

LUNTZ SHAPES GOP MESSAGES ON HEALTH CARE

(By Drew Armstrong)

Republican message guru Frank Luntz is back—this time to help Republicans try to win the war of words as they battle Democrats on overhauling health care.

Speaking at a closed-door session with House Republicans on Wednesday, Luntz said the GOP needs to get away from “markets” and focus on “patients.” And while Republicans might not be able to get their own ideas enacted, he went on, they could at least stop Democrats from achieving the political victory created by a successful revision of the health care system.

For example, he said, the GOP should throw private health insurance companies under the bus.

“For 10 years we were carrying the water of the insurance companies because they were backing us on health care,” he said. “Well, they're not anymore. They've sold out, so now you can go right back at them, because the American people blame the insurance companies more than almost anybody else for why health care is such a mess in this country right now. So you don't have to be nice to them at all.”

A detailed account of the presentation was given to Congressional Quarterly by multiple people who attended the session.

Luntz, the author of the book “Words That Work,” about the political effect of specific phrases and words, offered Republicans a detailed presentation on what language to use when talking about health care and how to attack Democratic proposals, along with a long list of “don'ts.”

Republicans will get little chance to present their own vision, Luntz warned, but

they will have plenty of opportunities to stand in opposition to Democrats.

“You're not going to get what you want, but you can kill what they're trying to do,” he said.

Republicans need to start defining specific words on favorable terms in order to win, he said, specifically pointing out President Obama's promises of a high-quality health care system. And they need to make sure that voters think “quality” means getting the health care they want whenever they want it.

“Don't let them define it. If you define it this way, they can't do well,” he said of Democrats. “They can't provide that treatment. They can't provide that health care.”

FROM “PRIVATE” TO “PATIENTS”

Much of Luntz's presentation was an attempt to correct the way Republicans talk with voters about health care. He urged them to stop using economic terminology like “free market” and “private” and to talk instead about “doctors,” “nurses” and “patients.”

“If you use the phrase ‘private health insurance market competition,’ you deserve to be down to 160 seats in the House, because nobody understands that language,” Luntz said.

He also had advice for choosing the photos in mailers sent to constituents: “Get pictures of seniors that look like they make apple pie every day forever, and the children who look so angelic that it just makes you feel compassionate, which I know is sometimes tough for people in this room,” he said.

And he called on Republicans, when describing the consequences of the Democratic proposals, to use language that would scare voters.

“What's the word that people are afraid of?” Luntz said. “Deny.”

“The idea that a doctor or a hospital would deny care that they need is what frightens them the most about a Washington takeover,” he said.

Luntz came to the presentation with polling data, all done in the last few months, to back him up.

“Each of these words has been carefully chosen. This is not random, this is not gut. I could care less about matching the words to the policies, I have no investment in the words—except that these are the words that the American people want,” he said.

Luntz, who helped craft Republican messages through the 1990s, was a fixture in Washington GOP circles until 2005, when he left for Hollywood after an alleged falling-out with House Republican leader John A. Boehner of Ohio.

He returned to Capitol Hill Wednesday, at the invitation of the House Republican Conference, to try to focus the message on health care.

Gathered in a meeting room of the Cannon House Office Building, lawmakers and aides applauded as Luntz was introduced. “Welcome home!” shouted one attendee.

“We've reached out to Frank,” said House Republican Conference Chairman Mike Pence, R-Ind. “I would say, enthusiastically, Frank is back.”

Republicans who attended the meeting said they were glad to have him back. “We look to him for how do we express the things that we believe in ways that are effective,” said Darrell Issa, R-Calif.

“He told us to stop talking like a bunch of wonks and politicians and start talking like people,” said Michael C. Burgess, R-Texas, who has become a prominent voice on health care issues.