

The massive omnibus bill that just passed Congress contains a bevy of environment friendly provisions. Despite some last-minute tweeted complaints from Trump about the bill, those provisions are likely to make their way into law. Given that the Senate and the White House are in Republican hands, it's a wonder when such provisions sneak through Congress. Otto von Bismarck once compared the legislative process to making sausage. By this account, the omnibus is the equivalent of a five-ton bratwurst.

It seems like the only way things get done on Capitol Hill these days is to pass some humongous legislation with must-pass funding strewn with substantive provisions. The December 2020 omnibus provides spending to keep the environmental agencies open, tax credits, and important climate rules. In these times, of course, you can't take anything for granted. But it would be more than a little surprising if the omnibus, or something very similar, fails to become law.

### **Funding.**

***Department of Energy (DOE).*** The bill provides \$2.86 billion for the Office of Energy Efficiency and Renewable Energy at DOE, a \$16 million increase over current levels. Nuclear energy research and development get \$1.5 billion in the omnibus, a \$14 million boost over the current year. DOE's Office of Science would see \$7 billion, a \$26 million increase over the present year. The Advanced Research Projects Agency-Energy (ARPA-E) will get \$427 million, a \$2 million boost. Trump consistently tried to zero-out ARPA-E, attempts that Congress ignored with equal consistency.

***State Department.*** The bill provides \$320 million for biodiversity programs, a slight increase, and flat funding for international renewable energy and adaptation programs at \$356 million. The bill also includes \$6.4 million for the Intergovernmental Panel on Climate Change and the U.N. Framework Convention on Climate Change. Congress directed DOE to prioritize research to power the country with 100% "clean, renewable, or zero-emission energy sources."

***EPA.*** EPA will get a 2% budget increase to \$9.2 billion. That includes \$12.5 million for EPA's environmental justice activities (a \$2.3 million increase), and increased funding for the Targeted Airshed Grant program, designed to help communities suffering from significant ozone or particulate pollution. There is also a small increase for the Diesel Emissions Reduction Act, which offers grants to replace or retool older diesel-powered vehicles and other equipment with cleaner-burning models.

***Misc.*** The bill instructs the Army Corps of Engineers to consider resilience, sea-level rise,

and green infrastructure in designing projects. It also continues NASA's funding for a pair of climate satellite research programs that Trump has repeatedly proposed to scrap. The omnibus allocates \$14 billion in emergency funding to hard-hit mass transit agencies.

### **Tax Credits.**

The law extends tax incentives for energy efficiency and renewable energy. These tax provisions are dull reading but really important to the folks who finance renewables projects.

Here are some details: The production tax credit for renewables is extended another year under the deal, while the investment tax credit gets two more years. Some conservative Senators tried but failed to strip these provisions from the bill. The bill also provides five years of incentives for offshore wind and two additional years for a carbon capture credit. Additionally, the deal makes waste-heat-to-power technology eligible for the investment tax credit.

The bill also extends benefits for energy efficiency through 2021 and makes permanent a commercial building tax deduction for efficiency improvements.

### **Substantive provisions.**

The most important substantive provision involves HFCs, which are super-potent greenhouse gases. The law empowers EPA to cut the production and use of HFCs by 85 percent over the next 15 years. There are temporary restrictions on new state restrictions on HFCs. By some estimates, planned reductions in HFCs here and elsewhere in the world could reduce global warming by a half degree all by themselves.

Another substantive provision requires pipelines to use leak detection technology and develop plans for minimizing methane releases. The pipeline safety agency may also develop rules on the issue. Given that methane is also a potent greenhouse gas, this provision is an important step forward.

In addition, the bill contains some preservation-related provisions. It directs how to spend \$900 million for the Land and Water Conservation Fund, made available through enactment of the Great American Outdoors Act earlier this year. The Trump Administration ignored congressional intent on this subject previously. The law also adds 1,150 acres to the eastern and western portions of Saguaro National Park, establishes the River Gorge National Park and Preserve, and limits oil and gas development near Chaco Culture National Historical

Park, a major priority for conservationists.

It's unfortunate that Congress can't seem to pass laws except through these huge package deals. But a bad legislative process is better than no legislative process. The result of all the wheeling-and-dealing will be some real environmental progress. As my late father-in-law used to say, it's better than a kick in the teeth.