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U.S. Imposes Sanctions on Zimbabwe's Attorney General

U.S. Department of the Treasury
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Treasury Targets Zimbabwe's Attorney General

WASHINGTON - The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) today designated Zimbabwe's Attorney General, Johannes Tomana, pursuant to Executive Order 13469, which targets, among others, senior officials of the Government of Zimbabwe and persons who have engaged in actions or policies to undermine Zimbabwe's democratic processes or institutions.

Appointed by President Robert Mugabe, Tomana has selectively prosecuted political opponents and their perceived supporters in an effort to undermine Zimbabwe's democratic processes and institutions. As a result of today's designation, U.S. persons are prohibited from engaging in transactions with Tomana, and any assets he holds under U.S. jurisdiction are frozen.

"Johannes Tomana's targeting of selected political opponents threatens the rule of law in Zimbabwe, harms the integrity of the Government of National Unity and counters the will of Zimbabwean people, who have expressed their desire to build a democratic political system," said OFAC Director Adam J. Szubin.

Formerly Zimbabwe's Deputy Attorney General, Tomana was appointed to the position of Attorney General by President Mugabe in December 2008. His appointment followed the signing of the Global Political Agreement between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and MDC leaders in September 2008. Occurring before the swearing in of the new Government of National Unity in February 2009, Tomana's appointment was made without consultation with MDC leaders and against the spirit of Zimbabwe's Global Political Agreement signed on September 15, 2008.

Giving (Almost) All of It Away

By Phillip Kurata
Staff Writer

Washington - The two richest men in the United States, Bill Gates and Warren Buffett, are encouraging other billionaires, in the United States and abroad, to give away the bulk of their fortunes to philanthropic causes.

Gates, a co-founder of the software giant Microsoft Corporation, and Buffett, chairman of the Berkshire

Hathaway Inc. investment company, launched their campaign, the Giving Pledge, in June 2010 to invite the wealthiest individuals and families in the United States to commit to giving away at least 50 percent of their wealth to philanthropy.

Steve Case, the founder of the Internet company AOL Inc., and his wife, Jean, his co-chair at the Case Foundation, signed the pledge recently.

"We have learned a lot over the years both through our philanthropic successes and our failures, and believe that by working together and exchanging lessons learned, the impact of the backers of the Giving Pledge can be enhanced," Steve and Jean Case said in a statement. "That is why we are joining with Bill, Melinda, Warren, and so many others to make this public commitment."

As of December 2010, 57 billionaires have joined the campaign. *Forbes* magazine estimates the charitable contributions will amount to \$600 billion.

"The idea of dynastic wealth is crazy," Buffett told ABC News in November. "The idea that you should be able to do nothing in this world for the rest of your life and [the lives of] your children and grandchildren ... does not really seem to be very American." Buffett, who is 80 years old, said his wealth has come from a fortuitous set of factors, including being born male, white and in the United States with its free-market system.

On numerous occasions, Buffett has said he has accumulated enormous wealth because of his skill in identifying under-priced stocks, while other people have done more noble things in their lives without receiving much material benefit. To illustrate his point, he said soldiers who save the lives of their comrades in battle are rewarded with medals and great teachers get thank-you notes. He said that he is deeply grateful for what life has brought him, and his goal now is to use his wealth intelligently so it benefits the maximum number of people.

"I want to do the most intelligent job I can without respect to whether the recipients are male or female or black or white or American or African or whatever," he said. "I want my money to have the greatest impact on improving the lives of the most people."

Buffett plans to give away 99 percent of his fortune to philanthropy, with 75 percent of it going to the Bill and Melinda Gates Foundation, which targets improving global health and the U.S. education system.

"Great wealth brings incredible, enormous responsibility" to give back to society, Melinda Gates, wife of Bill Gates and co-chair of the Gates Foundation, said in the same

television news interview.

Buffett and Gates visited China in September and plan a visit to India in 2011 to meet with wealthy people in those countries to talk about philanthropy.

Chen Guangbiao, a Chinese businessman who has acquired a fortune estimated in the hundreds of millions of dollars, has embraced the Buffett and Gates appeal for philanthropy, and he has convinced 100 other wealthy Chinese to join him in donating the bulk of their fortunes to charity, according to China's official Xinhua news agency.

Buffett said he was amazed at the similarities in experience that he found in the Chinese magnates he met. "These people talked about their children. They talked about their businesses. They talked about the different role of government there in terms of philanthropy," he said.

Gates said the Chinese are at an earlier stage of philanthropy than Americans, and the Chinese "will put their own imprint on it." He emphasized that he and Buffett did not try to urge the Chinese to adopt American notions of philanthropy.

PHILANTHROPY, AMERICAN STYLE

Explaining why their foundation donated \$90 million to help the Tennessee school system, Melinda Gates said the schools were preparing only one-third of the students for university, and a democracy cannot be sustained by a citizenry with so few university graduates. Developing innovative teaching approaches and curriculums and providing technology in each classroom require extra money, she said.

The Gates Foundation and Buffett target immediate needs, avoiding endowments, which provide long-term funding for many institutions. However, in inviting other billionaires to join the campaign, they leave the question of how to give to each person.

Michael Marsicano, author of the article "Philanthropy Distinguishes America" published in *The Triangle Business Journal*, points out that there is some financial reward from the U.S. government when it comes to charitable donations and that respect for individual choices regarding giving is also an American trait. The U.S. tax code rewards citizens who give to charities by reducing their taxes, even when those charities contradict the government. An example of such a charity is a legal aid group that provides counsel to illegal immigrants in the United States.

"This is uniquely American and profoundly important,"

Marsicano writes. He says individual donors and charities at times are more innovative than the levels of government in the United States. Often charities' work precedes the U.S. government's involvement in a societal problem.

For instance, Andrew Carnegie, a steel tycoon, launched the public library system in the United States with his private fortune early in the 20th century, when he saw that illiteracy was an unaddressed problem. Local governments later took over the funding and operation of public libraries.

Emissions Rules for Power Plants, Refineries On the Way

By Karin Rives
Staff Writer

Washington – The U.S. government continues to use federal regulatory powers to rein in greenhouse gas emissions, most recently focusing on power plants and oil refineries. The two industries produce nearly 40 percent of emissions in the United States.

Over the next two years, the U.S. Environmental Protection Agency (EPA) is using different tools under the federal Clean Air Act to reduce emissions from factories: new permit requirements for all heavily polluting industry, followed by specific greenhouse gas standards for power plants and oil refineries.

Some members of Congress plan to challenge the new rules, which they say will hurt companies and kill jobs in a tough economy. Several states have already filed lawsuits against the EPA.

Whether they'll manage to block the new policies is uncertain, however.

Some leading legal scholars say the federal government will likely prevail even as a new Congress takes over in January 2011 – for example, through presidential veto power. Others note that the courts usually let federal agencies interpret and implement their own policies, and that legal challenges to the EPA rules therefore may go nowhere.

NEW RULES ARE PHASED IN

EPA announced December 23 that it will propose greenhouse gas pollution limits for power plants in July 2011 and for oil refineries in December 2011. Final rules will be issued the following year.

The standards will set levels of pollutants that these industries may emit under the Clean Air Act, the federal

law that grants EPA the authority to protect U.S. air quality.

Earlier in 2010, the EPA announced that all new or expanding factories that require Clean Air Act permits to operate must account for greenhouse gas emissions in their permits starting in January 2011 if their operations may release more than 75,000 tons of emissions. Industries regulated under the Clean Air Act must install state-of-the-art technology to limit emissions if they start new operations or modify existing plants.

Beginning in July 2011, any facility that releases more than 100,000 tons of greenhouse gases will need a permit to operate. EPA has said the permitting rules will initially affect some 1,450 factories nationwide.

The rigorous permitting process has historically allowed federal and state governments to reduce other types of air pollution. The plan is now to use this process — along with new pollution standards — to control greenhouse gases that cause climate change.

SUPREME COURT RULING

In a landmark 2007 decision, the Supreme Court ruled that the EPA has the right to regulate greenhouse gas emissions under the Clean Air Act if the agency decides that such pollution is a threat to human health. The ruling has allowed the Obama administration to move forward with new emission standards for cars beginning in January 2011 and, the following year, for factories.

Congress so far has been unable to pass comprehensive climate legislation. By using federal regulations to reduce greenhouse gases, however, federal officials believe the United States can go a long way toward its goal of cutting emissions 17 percent below 2005 levels by 2020.

“We are following through on our commitment to proceed in a measured and careful way to reduce greenhouse gas pollution that threatens the welfare of Americans and contributes to climate change,” said EPA Administrator Lisa Jackson. “These standards will help American companies attract private industry to the clean energy upgrades that make our companies more competitive and create good jobs here at home.”

HURTING INDUSTRY?

Officials in Texas, a state that has refused to update its Clean Air Act permitting process to include greenhouse gases, have said the rules will hurt the state’s large energy industry. The state took the issue to court in early 2010, and was joined by several other states with similar concerns.

Their main argument: The EPA is basing its emissions rules on “flawed” data from the United Nations-led Intergovernmental Panel on Climate Change, rather than on science generated by the U.S. government.

Such an argument may not hold up in court because federal courts typically don’t interpret standards that govern policies set by federal agencies, said Erwin Chemerinsky, a constitutional law professor and dean at the University of California’s Irvine School of Law.

“I think that this is a situation where the courts, including the Supreme Court, are likely to give deference to the EPA and not decide for [themselves] whether greenhouse gases cause global warming, or whether global warming is a threat to human health and welfare,” Chemerinsky told America.gov.

Nor would Congress likely be able to block EPA’s emissions rules, said Douglas Kysar, a Yale University law professor and specialist in environmental policy. “Congress could try to amend the Clean Air Act to overrule [the 2007 Supreme Court ruling], but Obama would likely veto such a move,” he said.

Plus, any action to halt the EPA’s push to reduce emissions would have international consequences for the United States in global climate talks, and possibly prompt more states to take their own regulatory actions — power shifts Congress may not want to risk, said Jim Rossi, a law professor at Florida State University.

“My impression is that EPA’s announcement of the greenhouse gas emissions rules regarding new power plants are a modest and reasonable component of a larger set of strategies,” he said. They represent “a more comprehensive effort to begin to regulate carbon emissions at the national level.”

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