

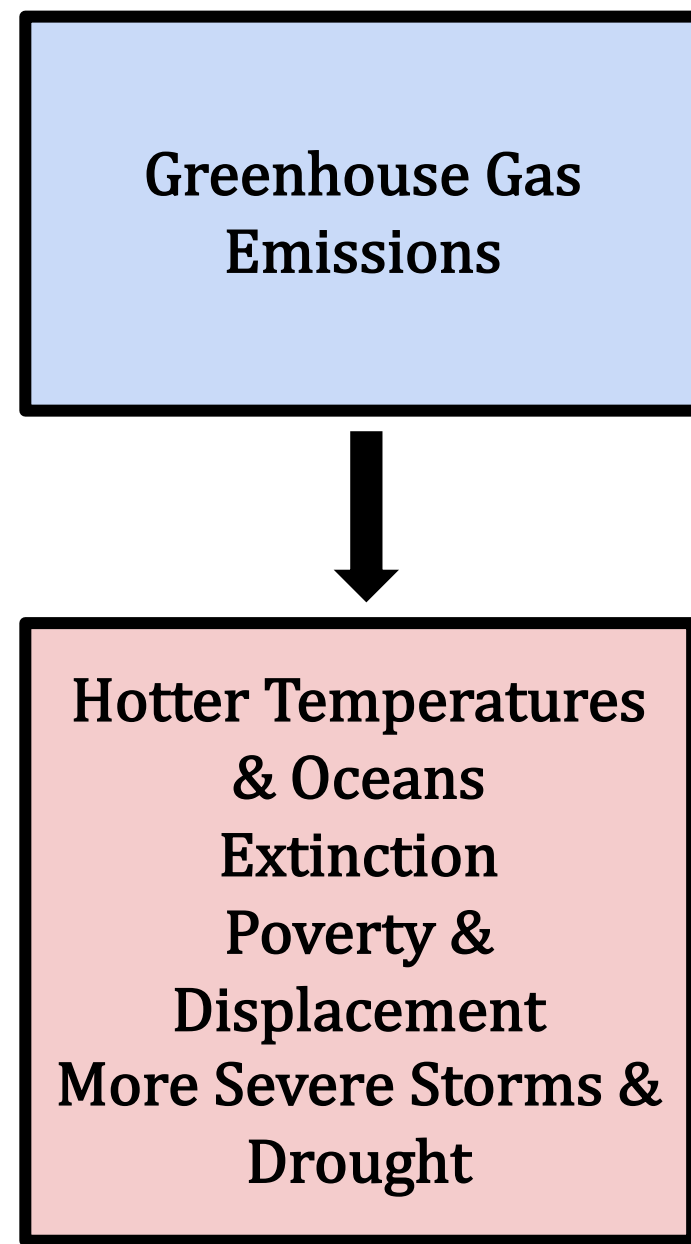
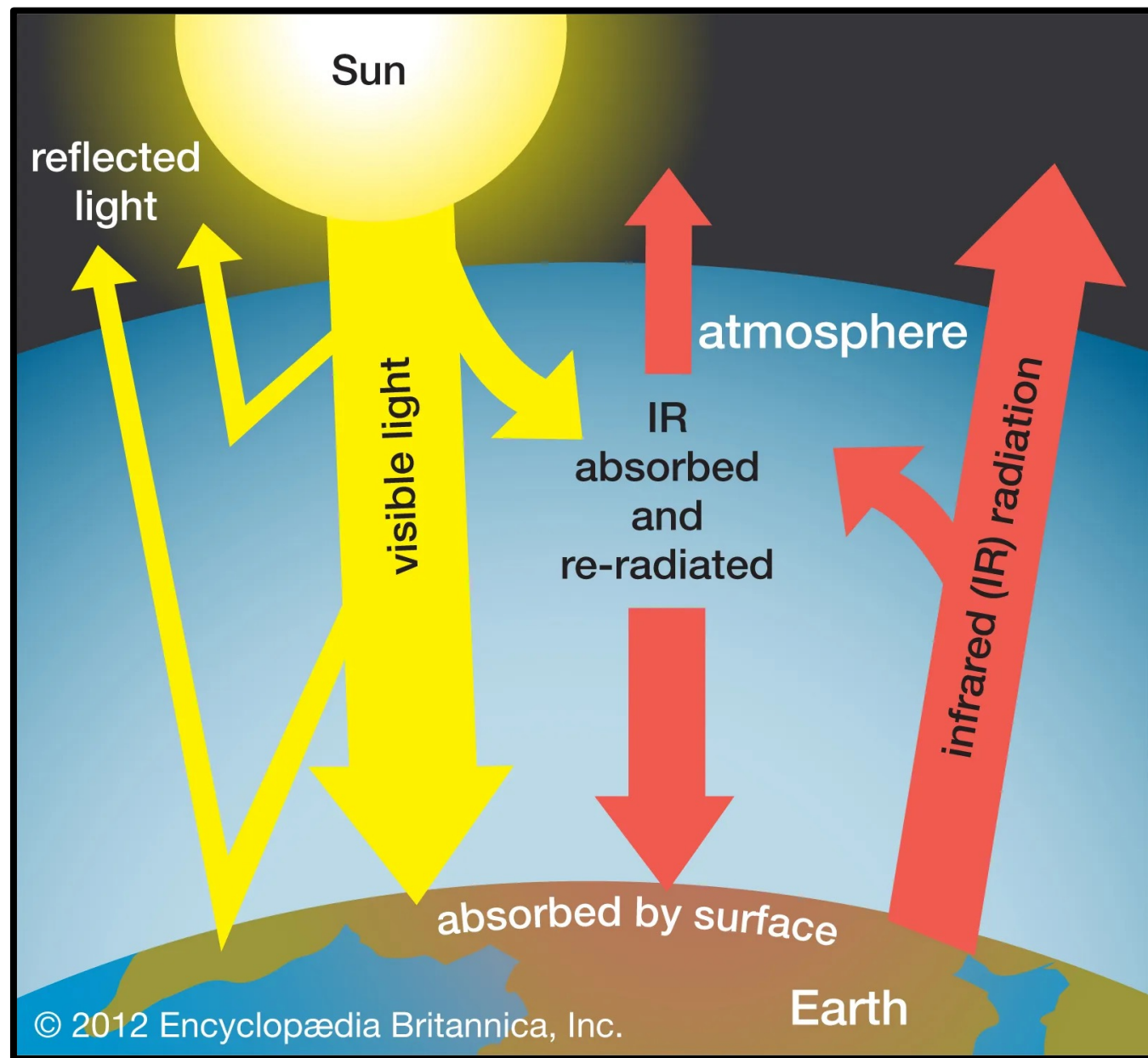


The Concerning Status of Climate Change Legislation and Policies in the United States



Kate E. Futrowsky
2022 AIP Mather Public Policy Internship

What's Causing Climate Change?



Where are we now, and where are we going?

In the Senate: Budget Reconciliation

- Reconciliation bills cannot be filibustered
- Cumbersome process to pass
 - Vote-a-rama
- Strict rules on what they can include
 - The Byrd Rule
- Centrist Democrats need to sign off

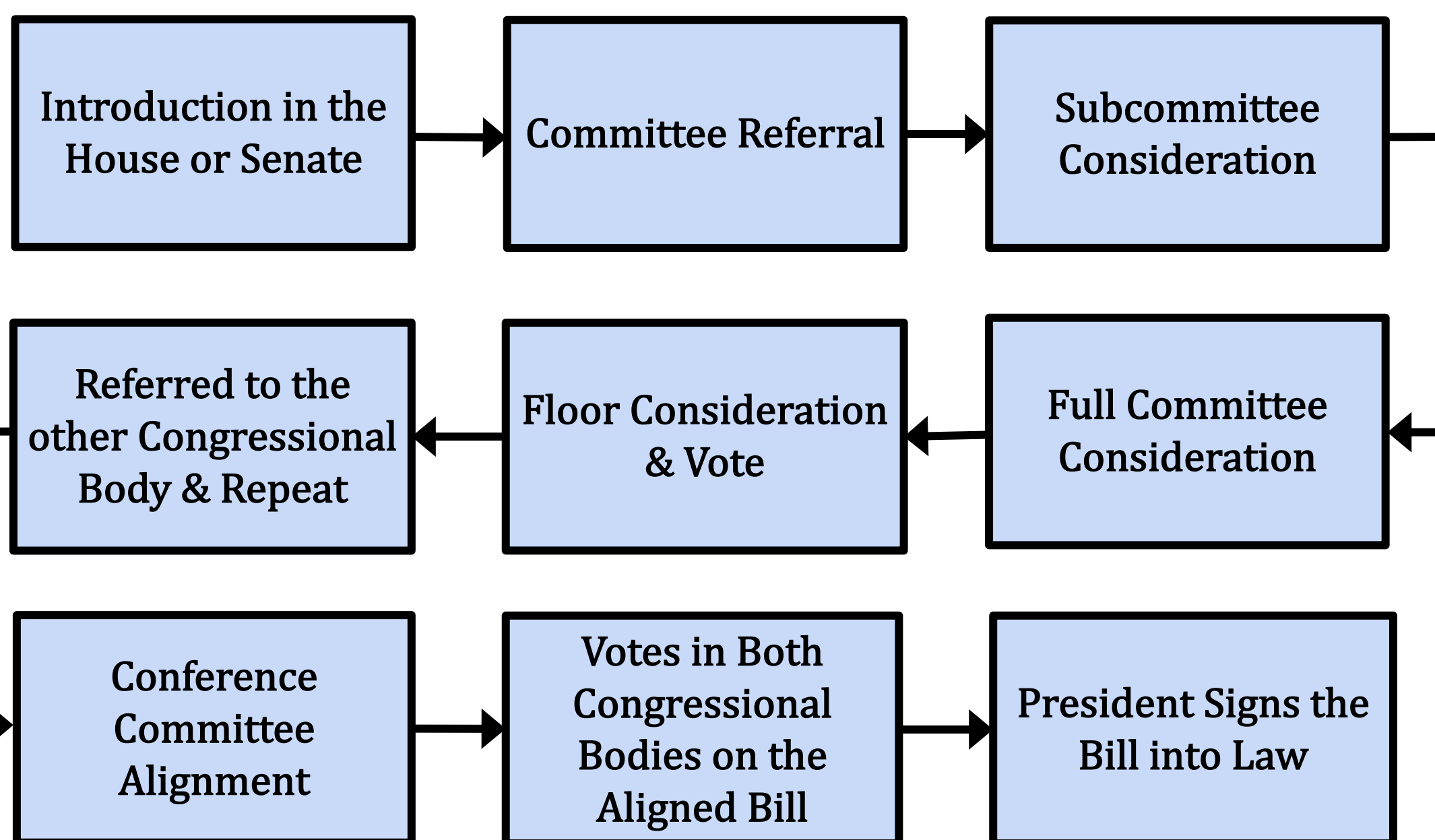


In the Executive Branch:

- Executive Orders
- Declaring a Climate Emergency



Enacting Legislation in the US: Congress



An Attack on Climate Policies from the Judicial Branch

West Virginia v. Environmental Protection Agency

What does the EPA no longer have authority to do?

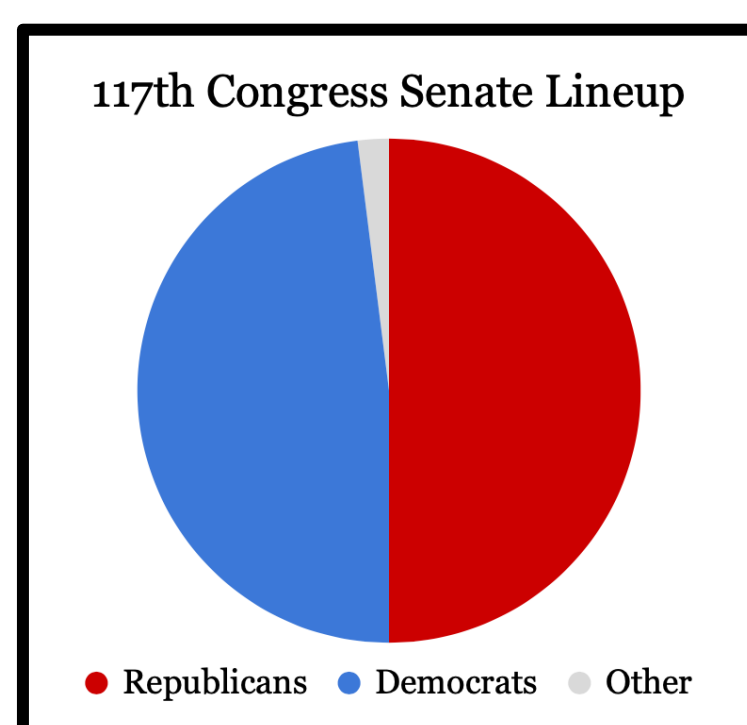
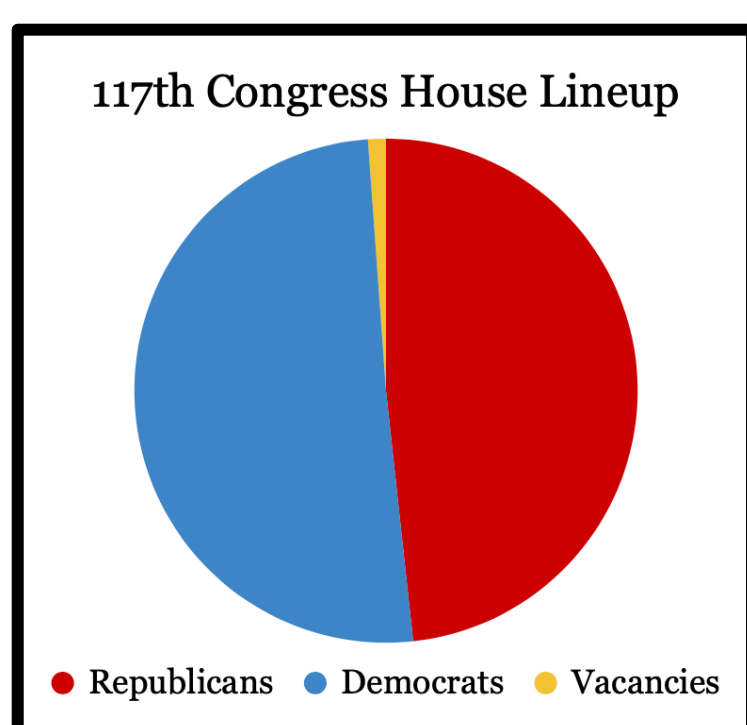
Set emissions caps on existing power plants based on the power sector's ability to shift from fossil fuels to renewable energy sources

What does the EPA still have authority to do?

Set standards for existing power plants if doing so does not require generation shifting

Regulate greenhouse gas emissions from new power plants

What's Stopping Climate Legislation from Being Passed in Congress?



1. Partisanship & differences among party members
2. Timing
3. The long-term nature of climate change legislation

To Summarize

1. Passing bills in the divided 117th Congress is a long, arduous process relying on a few key individuals
2. President Biden can take certain actions to combat climate change, but they face questions of legality
3. The Supreme Court has undermined the EPA's authority to combat climate change

Acknowledgements

Thank you to Brad, Mikayla, Kayla, John Mather, Rep. Foster, Hector Arias, and the other interns for making this internship possible and fun!

Sources

Images via: SPS, The Hill, Bloomberg, the White House, U.S. National Park Service, the Supreme Court, BBC, National Geographic, United Nations Convention to Combat Desertification, Greenpeace, Encyclopædia Britannica

"About Filibusters and Cloture." *U.S. Senate: About Filibusters and Cloture*, 24 Mar. 2021, <https://www.senate.gov/about/powers-procedures/filibusters-cloture.htm>.

Abutaleb, Yasmeen, et al. "Biden Vows to Act on Climate If Congress Won't." *The Washington Post*, WP Company, 25 July 2022, <https://www.washingtonpost.com/politics/2022/07/20/biden-issue-new-policy-climate-vowing-act-if-congress-doesnt/>.

"Causes and Effects of Climate Change." *United Nations*, United Nations, <https://www.un.org/en/climatechange/science/causes-effects-climate-change>.

Cochrane, Emily. "Democrats Are Using Budget Reconciliation to Move the Social Policy and Climate Bill. Here's How That Works." *The New York Times*, The New York Times, 30 Sept. 2021, <https://www.nytimes.com/2021/10/26/us/politics/what-is-reconciliation.html>.

Cochrane, Emily. "Democrats' Climate Deal Isn't Done Yet. Here Are the Remaining Hurdles." *The New York Times*, The New York Times, 1 Aug. 2022, <https://www.nytimes.com/2022/08/01/us/politics/democrats-climate-deal-senate.html>.

Congressional Research Service. *The Supreme Court's "Major Questions" Doctrine: Background and Recent Developments*. 17 May 2022, <https://crsreports.congress.gov/product/pdf/LSB/LSB10745>.

"The Legislative Process." *United States House of Representatives*, <https://www.house.gov/the-house-explained/the-legislative-process>.

"Party Breakdown." *House Press Gallery*, 12 July 2022, <https://pressgallery.house.gov/member-data/party-breakdown>.

"Party Division." *U.S. Senate: Party Division*, 8 Mar. 2022, <https://www.senate.gov/history/partydiv.htm>.

Supreme Court of the United States. *WEST VIRGINIA ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.* no. 20-1530, 30 June 2022.

"What Does West Virginia v. EPA Mean for Climate Action?" *Earthjustice*, 15 July 2022, <https://earthjustice.org/blog/2022-july/what-does-west-virginia-v-epa-mean-for-climate-action>.

