

Chapter 17: PRESIDENTIAL LEADERSHIP

BACKGROUND

- The President and his administration have ample [authority under existing law](#) to take substantive action against global climate change in his first 100 days in office and beyond.
- The Executive Branch's authority applicable to preventing climate change resides in a large body of law, ranging from landmark environmental laws over several decades to statutes specific to global warming. Some 96 statutory provisions in the U.S. code explicitly address climate change, global warming or greenhouse gases. These provisions span 11 titles of U.S. Code, including agriculture, armed forces, commerce and trade, conservation, education, foreign relations, sections referencing Native Americans, tax code, labor, public health and transportation.
- The President also has formidable soft powers, including the ability to convene and the authority, commensurate with his credibility, to rally the American people around a common vision and goal.
- Traditionally, the 77 days between the election and inauguration are crucial to the president's ability to make early progress on pressing national issues, while the six-month period between inauguration and Congress's August recess is the honeymoon period in which a new administration establishes its tone, credibility and relationship with the legislative branch.
- In recent years, in the absence of sufficient leadership from the executive and legislative branches of government, national climate policy has been made by the courts.
- Meanwhile, many of the nation's governors and mayors have filled the leadership void by enacting their own climate action plans and policies. Many states that have taken this step are wary of federal preemption of their authority.¹

FRAMEWORK FOR FEDERAL POLICY

- While much of the legal and budget authority for comprehensive federal leadership on climate and energy security resides with Congress, the president already has been [delegated significant authority](#) by Congress to take substantial early action on these issues. The urgency of stabilizing America's energy supplies and reducing its greenhouse gas emissions make it necessary for the president to use this authority.
- At the same time, the president and administration should collaborate closely with Congress, keeping it briefed on executive action and clearly showing that such action is well-grounded in statute, legal precedent and/or the Constitution.
- In addition to issuing new directives and executive orders, the policies of the last administration will require the president to rescind previous orders and directives that stand in the way of aggressive and accountable climate action.

TRANSITION AND INAUGURATION WORK

During the 11-week [transition period](#) between the election and inauguration, the president-elect and his transition team should take these steps:

1. Request that the current president freeze further appointments and hiring, a courtesy to prevent political appointees of the outgoing administration from burrowing in to career civil service jobs in the closing months of a term.
2. Request that the current president [halt enactment of new federal regulations](#), leaving them to be decided by the next Administration.
3. Submit names of [potential appointees](#) to the FBI well before inauguration to expedite the clearance and confirmation process.
4. Meet with the Office of Personnel Management to coordinate with its clearance and job placement process.
5. Develop a strategy for the first 180 days after inauguration.
6. Meet with critical stakeholders to lay the groundwork for the president's 100-day climate action agenda.²
7. Convene task forces to recommend presidential policies on a wide range of pressing issues, including climate, energy and economic security.³ Among these should be a meeting of governors and mayors currently leading the nation in climate action to develop an intergovernmental approach that coordinates the powers of the three levels of government, and a working group of the nation's brightest experts in economics, climate science and policy, business, labor, capital investment, agriculture and other critical fields to develop a roadmap to America's 21st century economy.
8. In his inaugural speech, send an unmistakable signal of White House leadership on climate action. The world and the people of the United States will be watching for it. Among other resources, consider the [State of the Nation's Climate message](#) prepared by the Presidential Climate Action Project and signed by many of the nation's top climate scientists, policy experts and five Nobel laureates.

EARLY EXECUTIVE ACTIONS

9. Among the recommendations of the PCAP are the following executive orders and presidential directives that can be issued during the first 100 days in office:⁴
 - a) Order agencies to freeze the implementation of rule-makings initiated by the previous Administration until they can be reviewed.
 - b) Direct the EPA administrator to take action on a finding of endangerment related to greenhouse gas emissions, and to expedite the rulemaking process to regulate greenhouse gas emissions under the Clean Air Act.
 - c) Establish new national goals for energy efficiency, the use of clean fuels and technologies and the reduction of U.S. greenhouse gas emissions.
 - d) Enter into an executive agreement with China (see the International chapter) to collaborate on technology transfer and greenhouse gas emissions reduction. Use this type of agreement with other nations as the opportunity arises.

- e) Restore specific greenhouse gas reduction goals for federal agencies that were eliminated in an executive order by President George W. Bush.
 - f) Direct agencies to assess the climate impact of federally funded projects under the National Environmental Policy Act.
 - g) Direct the Office of Management and Budget (OMB) to give transparency to federal subsidies that have the direct or indirect effect of increasing greenhouse gas emissions by identifying them and making the list available on OMB's website.
- 10.** In the first State of the Union message of the new administration, announce details of his 100-day climate action plan and introduce to Congress an Omnibus Climate Leadership Bill containing the legislative provisions recommended in the PCAP.
 - 11.** Create a National Energy and Climate Council, equal in status to the National Security Council and National Economic Council, to coordinate implementation of the PCAP (see Energy chapter).
 - 12.** Immediately after taking office, conduct a second campaign with the career civil service, visiting each major agency to meet with managers and employees to explain his priorities and enlist their support.
 - 13.** Direct his congressional liaison to meet with Senate leaders to lay the groundwork for early [confirmation](#) of critical appointees, including those nominated for climate-critical jobs.
 - 14.** Communicate early with key international leaders in climate action to seek input on the role the U.S. should play in multinational negotiations and to assure them of his intention to take action commensurate with the United States' contribution to climate change (see the International chapter).

¹ States and localities are primarily responsible for three of the activities most critical to reducing greenhouse gas emissions: the regulation of energy utilities; the adoption and enforcement of energy codes for buildings; and land-use planning regulated through zoning and transportation planning.

² For more information on transition resources and responsibilities, see the website of the [Senate Committee on Governmental Affairs](#) and transition recommendations compiled by the [Heritage Foundation](#).

³ During his transition into the White House, John F. Kennedy convened 29 task forces to help him prepare for leadership. By inauguration day, 24 of them had completed their recommendations.

⁴ [Research](#) commissioned by the Presidential Climate Action Project shows that the president and administration have been delegated the authority necessary to issue these directives.