

Biden has a little over two months left in office. There are some important things he can do in the meantime to protect the environment from the next administration. Here are a few of the most important efforts.

1. Get as many judges as possible through the Senate. There are currently 48 judicial vacancies. Biden needs to get as many of them as possible filled because the courts will be hearing a lot of environmental cases.
2. Spend as much clean energy funding as possible. There are still billions of dollars in unspent funds from the Inflation Reduction Act. Once spent or obligated, their fate will be outside Trump's hands.
3. Protect government scientists and information. Information on sensitive topics like climate change should be archived before Trump comes in so it will be safe. Agencies should strengthen their scientific integrity rules; if nothing else, an effort by Trump to repeal those will have bad optics.
4. Withdraw proposed new environmental rules that have not yet been finalized. (Or finalize a few that will be inconsequential but highly annoying to Republicans, to bait them into taking up time with overturning them.) Anything finalized now would be open to override in the new Congress. Overrides are especially damaging because they prevent agencies from adopting similar regulations in the future.
5. Bargain hard over funding legislation that will be needed to prevent a government shutdown on December 21, and in particular fight off any environmental riders.
6. Also bargain hard over the National Defense Authorization Act (NDAA). The NDAA is a sleeper climate and clean energy bill, because the military is worried about both issues. Both the House and Senate versions emphasize making military bases resilient to sea level rise and other climate impacts, and they both support expansion in nuclear power. The Senate earmarks R&D funding for hydrogen- and battery-powered vehicles, while the House version tries to roll back some Biden initiatives. Biden will want this bill passed in as favorable a form as possible.
7. Wrap up a collective bargaining agreement with workers at the Bureau of Land Management. Such an agreement could help protect the people who manage millions of acres of public lands from the hostile incoming Administration. Like those for some other agencies, it could also include safeguards for scientific integrity.
8. Get briefs filed ahead of schedule in as many important cases as possible. This will get the best legal arguments on the environmental side of the case on the record and will create additional hassle for the new lawyers in changing position. The same is true for key reports, like the economic analysis supporting proposed agency rules.