

Summary

If the Democrats take control of the Senate or House of Representatives, they still won't be able to overturn Trump's campaign to advance fossil fuels and shut down wind and solar. But they will be able to hinder him in significant ways.

This is an important election whether you think climate change is a serious threat or a hoax. Sadly, environmental issues aren't a top priority for most voters, and energy is mostly an affordability issue. And admittedly, Trump still can take many administrative actions regardless of who controls Congress. But the election still matters for the future of the U.S. energy system and the planet. A President who has the support of a united Congress can do a lot more than a President who must contend with serious congressional opposition.

Administrative actions can be taken without the approval of Congress, but the next President can reverse them just as easily. In terms of their permanent impacts, the actions most damaging to the environment required Congress to take a hand. This includes the big reconciliation measures which wiped out billions of dollars of funding for clean energy. The reconciliation law also neutered federal fuel efficiency standard by wiping out any penalty for violations, leaving the car companies free to sell as many gas guzzlers as they want.

Congress is also crucial to another rollback strategy used by Trump: vetoes of Biden-era actions using the Congressional Review Act. These repeals are permanent and can't be reversed by the next President without new legislation. The Republican Congress has gleefully eliminated twenty-three rules, almost all of them aimed at protecting the environment. That includes torpedoing California's efforts to control vehicle pollution. If Republicans maintain control of Congress, we can expect to see more of the same. (There's a time limit on using this tool, but there are some loopholes that sometimes apply). If Democrats control either chamber, the mayhem will come to an end.

Trump's appointees to the federal bench have shown a strongly anti-environmental bent. These judges vary, of course – some are knee-jerk MAGA supporters while others try to follow the law. The Fifth Circuit, for instance, is packed with judges who make the Supreme Court conservatives look like Democrats. If the Republicans keep control of the Senate, we can expect to see another wave of MAGA judges join their colleagues in torpedoing environmental regulations. If Democrats win the

Senate, there will be fewer judicial confirmations, and far fewer confirmations of the kneejerk MAGA ideologues. These changes in judicial appointees will make a difference for decades to come.

Control of Congress matters for other reasons. Without unified government, Trump will find it harder to cut agency budgets and fire civil servants. Agency actions will be exposed to congressional investigations that are bound to highlight ethics issues and scientific gaffes. We are likely to see at least some appropriation riders that block administrative actions until a new budget is based. Control of the Senate will also make it harder for Trump to appoint new anti-environmental zealots to important policy positions.

In short, if Trump loses control of one or both houses of Congress, it won't be a complete gamechanger. But it will significantly hamper his ability to pursue his energy and environmental agendas. It's up to you to decide whether that would be a plus or a minus.