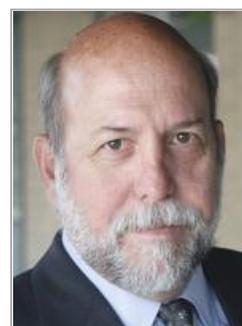


## Fate Of Green New Deal Hinges On Legislative Process

By **Robert Meyers** (February 28, 2019, 1:07 PM EST)

Unlike most bills and resolutions introduced by first-term members of Congress, the Green New Deal introduced in the U.S. House of Representatives as H. Res. 109 is not likely to suffer from obscurity. Several major Democratic presidential candidates have endorsed it, President Donald Trump has condemned it, and it appears likely a vote will be scheduled in the Senate. In the House of Representatives, it already has 89 cosponsors, including a handful of committee and subcommittee chairs.

But amid all the clamor and confusion of its rollout (note to congressional staff, proofread twice, hit send on FAQs once) the fate of this resolution as well as any “follow-on” legislation based on its precepts may have already been sealed. No matter what happens in the Senate, both the resolution, as well as any actual laws envisioned by its resolving clauses, appear destined to flounder on the shoals of the legislative process.



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In the House, the Green New Deal has been referred to no less than 11 House committees “for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.” Thus, under the normal rules of political gravity, the resolution is already effectively dead in that chamber.

It’s hard to get 11 members of Congress to agree on any one bill, much less 11 committees and perhaps another 30 or more subcommittees that would actually need to do the hard work to mold an “all of the above” resolution into a coherent document (and presumably to follow this outline in legislating). Thus, the very breadth of the resolution’s reach could effectively sow the seeds of its own demise.

Even if legislation based on the resolution were to advance through various House committees — and that is a big if, at least in the near future — further pitched battles would occur in the offices of the House parliamentarian. Inside rooms with ornate ceilings and functional furniture, a fulsome discussion between warring committees, in calm and not-so-calm tones, would be inevitable.

To legislative committees, the programs envisioned by H. Res. 109 are the jurisdictional equivalent of dangling red meat over a cage full of hungry German shepherds. Jurisdiction is blood sport. If you win, you gain legislative turf and the ability to fight future battles from high ground. Lose, and your committee’s legislative clout just became measurably smaller. .

Of course, just as Senate Majority Leader Mitch McConnell, R-Ky., can control what receives floor time in the Senate, House Speaker Nancy Pelosi, D-Calif., could step into the fray in the House and end this process, one way or another. House committees could be put on a short leash; multiple committee referrals could be disposed of. The speaker, perhaps following a Senate vote, could decide whether to draft her own resolution as a full substitute. But for now, the resolution exists in a legislative no-man's land in that chamber.

To a casual observer, it is not clear that the authors of the resolution gave much thought to congressional rules governing the organization of committees and subject matter jurisdiction. But if the Green New Deal is ever to evolve from overarching vision to focused legislation, rules and procedure will matter. Bigly.

Many questions would arise in this process; here are just a few:

- Exactly which committees govern the 10-year transition to “net-zero greenhouse gas emissions” a term that is not defined in any current environmental or energy law? Who gets to decide what economic sectors will be above and below the “net-zero” line so as to balance out such emissions?
- What new authority must Congress give to the executive branch? Will this authority be driven primarily by new environmental statutes, new tax and spending measures or new entitlements?
- What committees and departments and agencies will have responsibility to prevent the “oppression” of “frontline and vulnerable communities”? Such oppression could be considered to flow from many different parts of the U.S. Code. Are new civil rights laws part of the equation?
- Who in the executive branch (or independent agencies) would be in charge of a “national mobilization” to fulfill the “duty of the Federal Government” that the goals expressed in the resolution be realized? The title and certain elements of the resolution contain echoes of the Work Progress Administration and the Civilian Conservation Corps, but these were temporary agencies. Presumably, the permanent “guarantees” that are outlined would bring about changes far broader than those wrought by such New Deal creations as the Social Security Administration.

Even the resolution's more common terminology (e.g., “sustainable,” “deindustrialized” and “universal access”) will need to be parsed and further defined in order to determine who gets to legislate and regulate and who does not. These are not trivial matters of governmental organization. By its own terms, the resolution envisions that multiple billions if not trillions of federal revenue and expenditures will be at stake.

In short, translating H. Res. 109 into a reality with a 10-year time frame would require a legislative megastructure that has never been built before. The far less ambitious 2009 Waxman-Markey greenhouse gas legislation topped out at 1,428 pages of legislative text. One hazards to guess how long and complicated an actual Green New Deal authorization bill would be.

Former President George H.W. Bush was once mocked for lacking “the vision thing.” He was criticized for being too mired in the details of government to be able to see the forest for the trees. But the opposite can also be true. You can have vision without the ways and means to get there.

So, despite coming strong out of the box and dominating the airwaves for the past few weeks, the most serious questions concerning the Green New Deal still lie ahead.

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