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국제학석사학위논문

**The U.S. Engagement on International
Climate Change Treaty:**

Obama's Presidential Ambitions and Congressional Powers

미국의 글로벌 기후변화 협약 참여:

오바마 1기 행정부와 입법부 간의 갈등 분석을 중심으로

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국제학과 국제지역학전공
이진민

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Climate Change Treaty:**

Obama's Presidential Ambitions and Congressional Powers

A Thesis Presented

by

Jinmin Lee

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지도교수 김태균

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김태균



The Graduate School of International Studies
Seoul National University

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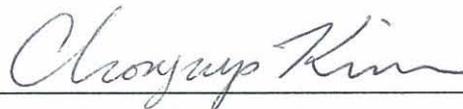
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Candidate for the degree of Master of International Studies

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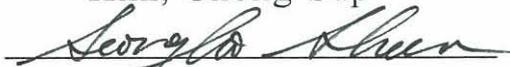
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Committee Chair

Kim, Chong-Sup

Signature



Vice Chair

Sheen, Seong-Ho

Signature



Examiner

Kim, Taekyoon

Date: January 2014

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The U.S. Engagement on International Climate Change Treaty:

Obama's Presidential Ambitions and Congressional Powers

Jinmin Lee

International Area Studies

The Graduate School of International Studies

Seoul National University

Abstract

The Obama administration's efforts to participate in the climate change treaties continued to be in a stalemate domestically and internationally, despite of his presidential campaign pledged to make and conduct an active climate policy. This paper searched for reasons why President Obama's ambition to lead the International Climate Change negotiations by actively implementing the climate change adaptation and mitigation policies failed during the first term. To find the answer, this paper examines and analyzes the US domestic actions and policies on climate change by focusing on the relationship between president and congress.

This thesis set up a hypothesis that there were two barriers which influenced the gridlock of the Obama administration's climate policy – Bush administration's decision to withdraw

from the Kyoto Protocol and strong Congressional power. To prove this hypothesis, Mahoney's framework of path-dependency is applied with a focus on the key resolutions, amendments, and bills in the legislative branch during Bush and Obama administrations. To prove strong congressional power on constraining the presidential ambition, principal-agent theory is applied on research.

This paper concludes that the initial political decision made by President Bush created less functional ground for the Obama administration to transform the policy towards the international climate change negotiations. Nonetheless, the strong Congressional power is the biggest influence to the US climate change policy.

Keywords: climate change, Obama administration, climate policy, international climate change treaty, Kyoto Protocol, political credibility

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Abbreviations

APP: Asia-Pacific Partnership on Clean Development and Climate

COP: Conference of the Parties

CO₂: Carbon dioxide

EPA: Environmental Protection Agency

GDP: Gross Domestic Product

GHG: Greenhouse gas

IPCC: Intergovernmental Panel on Climate Change

UN: United Nations

UNEP: United Nations Environment Programme

UNFCCC: United Nations Framework Convention on Climate Change

US: United States

I. Introduction

1. Rationale and objective

Following the first Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) in 1990, which concludes that human activities emit greenhouse gas (GHG), there has been growing emphasis on reducing the global GHG emissions by establishing international climate change regimes. The creation of the Kyoto Protocol under the United Nations Framework Convention on Climate Change (UNFCCC) was the first legally binding treaty to reduce the global emissions. The Bush administration, however, repudiated to ratify the Protocol on the domestic legislation. Consequently, the global greenhouse gas emissions have increased about 30% compared to 1990 (UNEP, 2012: 10). According to 2011 data compiled by the Netherlands Environmental Assessment Agency, US is the world's second biggest CO₂ emitter and first on the historical emissions¹ by a wide margin. In order to achieve successful global climate change regime, active involvement of the US is prerequisite for the international climate negotiations.

¹ Since CO₂ added to the atmosphere can stay there for centuries, historical emissions are just as important as current emissions. The World Resource Institute measured the cumulative emission between 1850 and 2007. US 28.8%, China 9%.

<http://www.theguardian.com/environment/2011/apr/21/countries-responsible-climate-change>

“Once I take office, you can be sure that the United States will once again engage vigorously in international climate change negotiations and help lead the world toward a new era of global cooperation on climate change.”

President-elect Barack Obama

November 18, 2008²

Unlike the predecessor, the President Obama pledged an ambitious legislative strategy at the domestic and international level to lead the international climate negotiations. Despite of the government’s announcement, skepticism towards the Obama administration’s strategy on climate change rose on the basis of decrease of Obama’s will after the election, low enactment possibility of domestic climate policies, strong opposition of industries and public indifference on the issue.

The main question that this thesis aim to address is: Why Obama administration failed to engage actively towards the international climate change negotiations? The hypothesis is that US climate change policy is likely to be in stalemate because of the historical climate change policy path made by the Bush administration decision to withdraw from the Kyoto Protocol which strengthened the congressional power to regulate the presidential power.

In this chapter, previous studies regarding the linkage between domestic politics and international climate change negotiations will be reviewed. In chapter two, theoretical

² President-elect Obama promises “new chapter” on climate change, Nov 18, 2009
http://change.gov/newsroom/entry/president_elect_obama_promises_new_chapter_on_climate_change

framework and research design used for this thesis will be explained. I will delve into path-dependency theory and principal-agency theory. A couple of hypotheses and research design will be covered in this part, so that I can analyze why Obama administration's first term failed to engage vigorously in the international climate change negotiations. In chapter three, a brief history on the development of the global climate change regime and US relations will be done. Chapter four aims to draw key US climate change policies during the Bush and the Obama administrations. Then, two administrations' climate policy will be compared in order to find out the explanation for the institutional reproduction of the climate policies. Chapter five focuses on the Congressional power to hinder the President's ambition by analyzing the Senate roll call votes. Base on the analysis and findings, the chapter six will reach to a conclusion of this thesis.

2. Previous Studies

In order to find explanation for constrains to President Obama's ambition to lead the global climate change regime, this research incorporates an overview of existing studies that have important implications on domestic politics to pursue progress on the international climate change negotiations.

Paarlbeerg (1996) emphasized the strong influence of the US political structure and internal conflicts on its international environmental policy. According to his research the Clinton

administration failed to ratify the UNFCCC due to the domestic structure. The failure to put a credible climate change policy at home undercut the US's reputation and leadership at future international negotiations. Therefore, he persisted that a firm domestic international environmental policy is necessary for US to engage in the international negotiations. Petra Holtrup (2003) in her study of global climate change also has endorsed the view that domestic politics is the key factor in explaining why the US offers or fails to offer leadership regarding global environmental policy. Thus, the domestic and international spheres of climate change politics and policy making are closely intertwined. The development of much more ambitious federal climate policy would likely be a major driver of changing US foreign policy on climate change mitigation (Victor, 2004). Bang, Tjernshaugen, and Andresen (2005) argued that a US re-engagement with international climate policy is dependent on a change "in the constellation of domestic stakeholders and politicians who represent the current majority" of climate policy skeptics in the United States.

A legislative branch, when considering the separation of powers with a system of check and balance on climate change policy, has two important factors to analyze: partisanship and the Senate's role in the treaty process. Daniel Fiorino (1995) and Sheldon Kamieniecki (1995) have demonstrated that Democratic legislators in Congress are more likely to support environmental legislation than their Republican counterparts. This pattern of voting occurs in both the House and the Senate and became increasingly evident after the legislative elections of 1994 when Republicans captured control of both houses of Congress. In addition to dividing Congressional Democrats and Republicans within the legislative

branch partisanship also drove a gap between a Republican-majority Congress and the Obama administration. Political legitimacy can be seen as the sense of normative obligation that helps ensure voluntary compliance with undesired rules or decisions of governing authority (Scharpf, 2009: 5). Legitimacy is a perception based on which the citizens will base his/her desire to foster or hinder integration.

Interest groups also shape domestic and global environmental policy (Bramble and Porter, 1992: 315–22; Sussman et al., 2002: 113–17). Notably, business and industry oppose burdens being placed on their economic interests in the name of environmental protection and these interests have considerable resources and the ability to provide substantial funds in political campaigns (Caldwell, 1996: 360).

3. Research Question

To understand the US decision making process on involvement in the international climate change treaties, in this regard, research question for this thesis is as follows:

- 1) Why Obama administration's first term failed to engage actively towards the international climate change negotiations?

The subordinate to this central issue, some other questions are as follow:

- 2) To what extent did the Bush administration's rejection of the Kyoto Protocol created increasing return on the US path to climate change policies?

- 3) To what extent did the power balance between the executive branch and the legislative branch hinder the US from actively participating in the treaties?

II. Theoretical Framework

As the theoretical framework, I have chosen Path Dependence theory and Principal-Agent theory to analyze the relationship between the international climate change negotiations and domestic politics by focusing on the balance of power between the President and the Congress.

1. Theories

1) Path-Dependency Theory

Path dependence does not simply mean that “history matters.” Path dependence has to mean that once a country or region has started down a track, the costs of reversal are very high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice (Levi, 1997: 28). In other word, the initial choice can be explained as the critical juncture which is an essential stepping stone of historical institutionalism. In Pierson’s word, “Junctures are ‘critical’ because they place institutional arrangements on paths or trajectories, which are then very difficult to alter (Pierson, 2004: 135).”

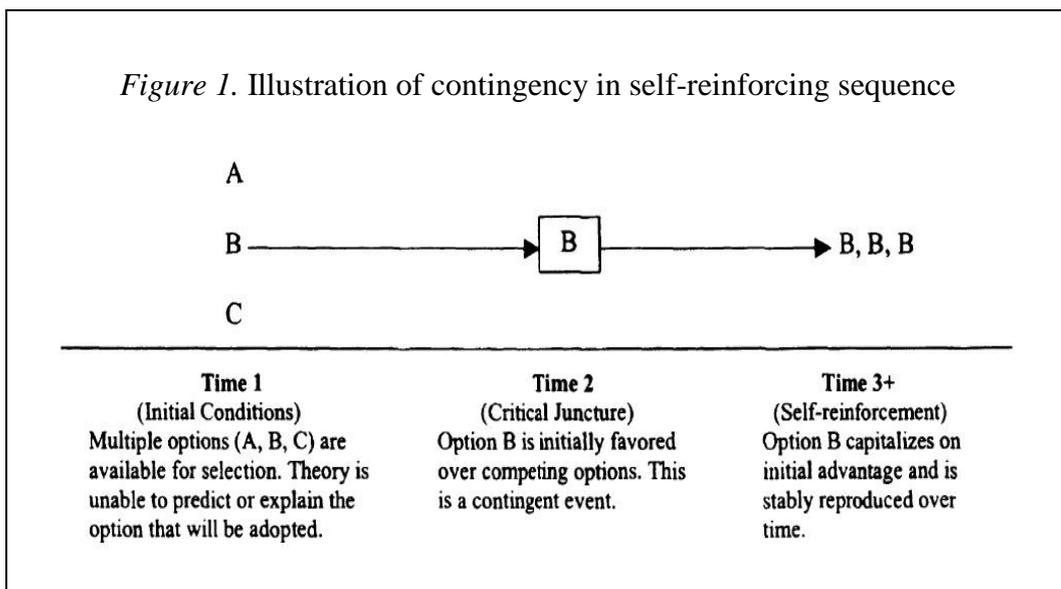
Political science analyses or critical junctures most often focus not on random small events, but instead on decisions by influential actors – political leaders, policymakers, bureaucrats, judges – and examine how, during a phase of institutional fluidity, they steer outcomes toward a new equilibrium. Thelen writes “Group and individuals are not merely spectators

as conditions change to favor or penalize them in the political balance of power, but rather strategic actors capable of acting on ‘opening’ provided by such shifting contextual conditions in order to enhance their own position” (Thelen and Steinmo, 1992: 17). Path dependence is a crucial causal mechanism for historical institutionalism, and critical junctures constitute the starting points for many path-dependent process.

The general logic of path-dependence is that the initial choice constrains the scope of the future choice. The patterns created by the critical juncture will persist unless there is some force sufficient to overcome the inertia created at the inception of the program. There will be change and evolution, but the range of possibilities for that development will have been constrained by the formative period of the institution (Peters, 2005: 73). Within the framework of path dependence, Mahoney (2000: 508-509) states that scholars often consider two dominant types of sequences. First, self-enforcing sequences often exhibit what economists call “increasing returns.” With increasing returns, an institutional pattern – once adopted – delivers increasing benefits with its continued adoption, and thus overtime it becomes more and more difficult to transform the pattern or select previously available options, even if these alternative options would have been more “efficient.” A second basic type of path-dependent analysis involves the study of reactive sequences. These are simply sequences of causally and sequentially connected events.

The path-dependent analysis includes three stages of the decision making process. Figure 1 offers a schematic illustration of the place of contingency in path-dependent, self-reinforcing sequences. In this example, three potential options (A, B, and C) are available for adoption at Time 1. On the basis of the initial conditions present at this time, the

eventual adoption of a particular option (in this case, option B) cannot be predicted or explained. In this sense, given the initial conditions and certain theoretical understandings of causal processes, one could hypothetically "rerun" history many times, and there would be no reason for believing option B would be adopted with any more frequency than the alternative options. The initial adoption of option B during the critical juncture period (Time 2) is therefore a contingent event. As the figure suggests, once option B is contingently selected, it is stably reproduced across time in the future. (Mahoney, 2000: 513-514)



Source: Mahoney (2000), p. 514.

The greatest advantage of the path-dependent logic is that the theory contributes to reveal the cause of the policy persistency. On the contrary, Peter argues that without including some dynamic conception of the agency, and including a greater role for political conflict, the approach cannot provide an adequate explanation for change. Second, historical institutionalism tends to identify the chosen policy options as the logical, and generally the most rational (taken broadly), choice at any given time. The retrospective feature of historical institutionalism leads scholars to investigate only the persistence of the victorious policy option, instead of bringing out the complexity and uncertainty that characterize formative moments in the creation of policies. Third, historical institutionalism has difficulty in properly conceptualizing and accounting for political conflict. Finally, the most important and significant critical argument against historical institutionalism, its inability to explain political and policy change (Peter, 2005: 1277-1278).

The dominant theoretical frameworks used to analyze institutional reproduction in sociology can be categorized in terms of utilitarian, functional, power, and legitimation explanations. As Table 1 suggests, each of these explanatory modes identifies a different mechanism of institutional reproduction.

Table 1. Typology of path-dependent explanations of institutional reproduction

	<i>Utilitarian explanation</i>	<i>Functional explanation</i>	<i>Power explanation</i>	<i>Legitimation explanation</i>
<i>Mechanism of reproduction</i>	Institution is reproduced through the rational cost-benefit assessment of actors	Institution is reproduced because it serves a function for an overall system	Institution is reproduced because it is supported by an elite group of actors	Institution is reproduced because actors believe it is morally just or appropriate
<i>Potential characteristics of institution</i>	Institution may be less efficient than previously available alternatives	Institution may be less functional than previously available alternatives	Institution may empower an elite group that was previously subordinate	Institution may be less consistent with values of actors than previously available alternatives
<i>Mechanism of change</i>	Increased competitive pressures; learning process	Exogenous shock that transforms system needs	Weakening of elites and strengthening of subordinate groups	Changes in the values or subjective beliefs of actors

Source: Mahoney (2000), p. 517.

2) Principal-Agent Theory

The principal-agent model is widely used for certain groups of public institutions or organizations to analyse regulatory policy, especially in the case of the United States which has a number of independent regulatory commissions. The unit of analysis is the contract governing the relationship between the principal and the agent, the focus of the theory is on determining the most efficient contract governing the principal-agent relationship given assumptions about people (e.g., self-interest, bounded rationality, risk aversion), organizations (e.g., goal conflict among members), and information (e.g., information is a commodity which can be purchased) (Eisenhardt, 1989: 58).

Chief executives tend to be such powerful figures in politics that it is initially unsettling to think of them as agents. Further, the executive's constituency is so diffuse as to be subject to extreme rational ignorance and collective action problems. The problem identified here is how to design these structures so that the principal can ensure that the agent fulfills the principal's wishes.

In the face of the electoral imperative, congressmen ensure that their actions promote constituent's goal. Virtually every action they take and every resource they deploy, therefore, contributes to their reelection. This imperative ties congressmen to specific constituencies. In return for electoral support from interest groups and voters, congressmen provide a flow of policy benefits. The benefits listed by Weingast (1984) are from military spending to specific tax loopholes to regulatory legislation and administration. In

equilibrium, voters use a simple retrospective voting rule: they reelect the incumbent for another period if their period utility exceeds a specific threshold.

Specifying a member of the principal agent family of models requires specifying (1) what the agent can do and how this affects the principal, (2) what the principal can do and how this affect the agent, and (3) who the principal and the agent are. In other words, principal agent models specify a set of actors, possible actions they can take, and how they evaluate the consequences of those actions.

2. Research Design

1) Methodology

The research aims to analyze factors which led Obama administration in a gridlock on leading the global climate change regime. In particular, it focuses on the legislation process during the Obama administration's first term. Key questions are as follows: Why the President Obama's ambition to become a global leader in the international climate change treaty failed? Did Bush administration's rejection of the Kyoto Protocol created increasing return on the US path to climate change policies? Or did the power balance between the executive branch and the legislative branch hinder the US from actively participating in the treaties?

This paper follows the logic of explanation arguing that President Obama's ambition to lead the global climate change regime was influenced by the Bush administration's decision to withdraw from the Kyoto rather than strong Congressional power to regulate Presidential power.

On the framework of path-dependence, the first phase begins when the Bush administration announced the US rejection to ratify the Kyoto Protocol, which was an essential event for the domestic and international environmental politics. Second and third phase focuses on the policy categories which directly influence the possibility of US engagement on the international agreements – mandatory emission reductions, reliability of climate change science, and international partnerships. The last phase, by comparing the two administrations' policies, we claim that the US climate change policy has not been change much since the critical juncture phase. Furthermore, which explanations of institutional reproduction influenced in the case of US climate policy will be discussed.

On the framework of principal-agent theory, Congress is the principal which set out directions in its legislative commands, and the Executive Branch, as agent, is supposed to put into action (Gorod, 2012: 1229). It is always possible to defend any status quo interaction between a "principal" and an "agent" as reflecting the greatest degree of accountability to which the agent can be held by the principal, given various informational asymmetries and commitment problems.

For research materials, I mostly rely on the document evidence showing the congressional reactions in the Senate and the House of Representatives. In many cases, it is difficult to

distinguish between direct and indirect climate change bills, because a specific bill or action may seek to achieve multiple objectives. The bill listed in this paper include provisions that directly address climate change, greenhouse gas, and EPA.

2) Hypothesis

The hypothesis of this research is that Bush administration's decision to withdraw from the Kyoto Protocol made the Obama administration fail to engage vigorously on the international climate change negotiation. Many studies had been focusing on the congressional power and US domestic political culture as the main reason for the weak international environmental policy in US. This study focuses on the two main obstacles to President Obama's ambition which were first, legacy from the Bush administration's climate change policies and second, enduring gridlock of congressional debate in the climate change policies.

Therefore, In order to succeed in Obama's ambitions of adopting US federal climate legislation and pursuing US participation in an international treaty to regulate greenhouse gas emissions, President Obama must break the both obstacles in this area by designing policies through compromise and compensation that can mobilize the support of the Congress. However, the priority is in building the political credibility of the executive branch's climate change policy rather than combating the strong congress. Despite of the

strong congressional power to regulate the executive branch, this study try to highlight the importance of the political credibility in the international climate change negotiation.

III. Formation of International Climate Change Regime and US

1. The Development of Climate Change Issue

The development of the climate change issue initially took place in the scientific arena as understanding of the greenhouse problem. The relationship between CO₂ and the greenhouse effect was first discovered by a Swedish chemist called Svante Arrhenius (1896), however climate change did not emerge as a political issue until the 1990s. Scientists established observatories in the early 1960s to measure atmospheric concentrations of CO₂, such as Mauna Loa, Hawaii. The measurement done by this observatory, so-called the Keeling curve (Keeling 1960), is one of the few undisputed facts in climate change controversy.

In mid-1980s, scientists recognized that anthropogenic emissions of other trace gases such as methane and nitrous oxides also contribute to the greenhouse effect, making the problem even more serious than previously believed. The historical temperature record in the 1980s indicated that the global average temperature had indeed been increasing since the middle of this century (Bodansky, 2010: 26). A climate change conference organized by the World meteorological Organization (WMO) was held in Villach, Austria in 1985 and in Bellagio, Italy in 1987. These conferences produced a new scientific consensus that global warming was a serious possibility (Porter and Brown, 1996: 94).

The year 1988 marked a watershed in the emergence of the climate change regime. The governments began to play a greater role, but the nongovernmental actors still had considerable influence. The period from 1988 to 1990 is when the climate change emerged as an intergovernmental issue. The Toronto Conference on Changing Atmosphere, held in June 1988, was the first time to call for a comprehensive global convention and protocol. In November 1989, an international ministerial conference on climate change was held in Noordwijk. At the conference, the Netherlands proposed industrialized countries should agree to stabilize emissions by the year 2000. The European response to such a proposal was welcoming whereas the U.S. and Japan were hostile on the proposal.

2. The International Climate Change Regime and US Legislation

The history of US engagement with international climate change has started in the 1992 United Nations Conference on Environment and Development in Rio de Janeiro. The United States was the fourth nation to ratify the Intergovernmental Negotiating Committee for the United Nations Framework Convention on Climate Change (UNFCCC) which was established by the United Nations General Assembly in 1990, and the first among industrialized countries. The UNFCCC does not include measurable and enforceable objectives and commitments. The commitment by industrialized Parties to prepare national action plans aiming to reduce greenhouse gas emission to 1990 levels was measurable, but

no effective penalties or mechanisms were established to address any non-compliance with obligations (Leggett, 2010: 2).

The Kyoto Protocol, which is the flexible mechanism for GHG mitigation, pledged to reduce the net GHG emissions of industrialized country Parties (Annex I Parties) to 5.2% below 1990 levels in the period of 2008 to 2012. The United States signed the Kyoto Protocol in December 1997 during the Clinton Administration. However, opposition in the US Congress was strong. The Senate expressed its opposition by passing (95-0 vote) the “Byrd-Hagel” Resolution in July 1997 (Leggett, 2010: 2). The Resolution states that the US should not sign any treaty that does not include specific, scheduled commitments of non-Annex I Parties in the same compliance period as Annex I Parties, or that might seriously harm the US economy.³

For several years, therefore, the US had been skeptical about the Kyoto Protocol. The US reluctance to endorse the Kyoto approach has been one of the main causes of the slow progress in the global climate change negotiations. At the international level, the Bush administration pursued non-committing negotiation which led the US lose its credibility in the international level. On the contrary, at 2008 President Obama pledged an ambitious legislative strategy at the domestic and at the international level to put US in the leading role in combating climate change problems.

³ S.Res. 98.

Despite of President Obama's commitment to progress, the Copenhagen treaty negotiations resulted in accord under which all of the key nation-states made commitments contingent upon action by other countries and the Cancun negotiations did little to resolve major remaining questions for the post-Kyoto regime (Osofsky, 2011: 239).

IV. Influence of US Repudiation of Kyoto on Domestic Climate Policy

1. US Rejection of the Kyoto Protocol

While campaigning as a presidential candidate, George W. Bush had made a speech in Michigan outlining a “comprehensive energy policy.”⁴ Bush’s statement came to be viewed as a campaign pledge to continue pursuing the objectives of the Kyoto Protocol. On March 4, the US Environmental Protection Agency (EPA) administrator, Christine Todd Whitman came to the G8 environmental summit in Trieste and stated US effort to promote the climate policy which gave hope to European leaders.

This, however, resulted in strong criticism by US conservatives. The Congress clearly refused to ratify the protocol by addressing the Byrd-Hagel resolution adopted in 1997. Consequently, on 13 March, 2001, President Bush made it clear to flipped on a campaign pledge to regulate emissions of carbon dioxide and declared US opposition to the Kyoto Protocol. He wrote that the Kyoto Protocol “exempts 80 percent of the world, (...), from

⁴ *[A]s we promoter electricity and renewable energy, we will work to make our air cleaner. With the help of Congress, environmental groups and industry, we will require all power plants to meet clean air standards in order to reduce greenhouse gas emissions within a reasonable period of time. And we will provide market-based incentives, such as emissions trading, to help industry achieve the required reductions ... My opponent calls for voluntary reduction in such emissions. In Texas we’ve done better with mandatory reductions, and I believe the nation can do better.* President-elect George W. Bush, September 29, 2000.

compliance” and that it “would cause serious harm to the US economy”; especially given the current scientific and technical uncertainties.⁵ The EPA administrator Whitman told journalists: “We have no interest in implementing that treaty.”⁶ The Bush administration delivered one message at home and the opposite message abroad, which only serves to impede progress on both fronts.

The Bush administration’s repudiation of the Kyoto Protocol became headline news around the world, and shocked other governments. Italian Environment Minister Willer Bordon said: “International agreements cannot be discarded or made secondary to national politics.” British Environment Minister Michael Meacher said: “If America now tries to walk away ... I think this is not just an environmental issue, it’s an issue of transatlantic global foreign policy.”⁷ Therefore, the fundamental reluctance became a specific character and leanings of the US policy towards the internationally coordinated action on climate change.

Some might argue that the Byrd-Hagel resolution which adopted by unanimous Senate vote is the critical juncture for the US climate change policy. The resolution which is against a comprehensive national policy reducing emissions if it were costly and were to occur in

⁵ Bush, G.W. 2001. Letter from the President to Senators Hagel, Helms, Craig and Roberts. March 13. Online at: <http://www.whitehouse.gov/news/releases/2001/03/20010314.html>

⁶ Julian Borger, Bush kills global warming treaty, The Guardian, March 29, 2001. <http://www.theguardian.com/environment/2001/mar/29/globalwarming.usnews>

⁷ Bush firm over Kyoto stance, CNN, March 29, 2001. <http://edition.cnn.com/2001/US/03/29/schroeder.bush/>

the absence of similar commitments of major emitting countries in the developing world.⁸ However, the Clinton administration's negotiators to the Kyoto Protocol signed the agreement. President Clinton was able to keep his political credibility on international climate politics by giving up the domestic level of support from the Congress. Although the Protocol never went to congress for ratification, there was still hope for US to ratify the international climate treaty which did not lead to a significant change.

Many of the comparative historical studies tend not to emphasize or even sufficiently problematize how the outcomes of critical junctures are translated into lasting legacies (Thelen, 1999: 390). The concept of a critical juncture contains three components: the claim that a significant change occurred within each case, the claim that this change took place in distinct ways in different cases, and the explanatory hypothesis about its consequences (Collier & Collier, 1991: 30). We consider the US rejection of the Kyoto Protocol had a huge impact on the climate change policy both international and domestic level. Therefore, domestic policy makers, especially the executive branch, face the unusual challenge of developing a domestic policy that can coexist with the Kyoto Protocol, while avoiding some of its mistakes.

The Bush administration has let Congress largely take the lead in crafting domestic climate legislation. As pointed out by Fisher, the provisions of the US Constitution have implied that "the history of the politics of climate change in the United States has long been one of debate and discord: since well before the Kyoto round of negotiations, in 1997, the United

⁸ S. Res. 98

States had not had a consistent climate change policy, let alone one agreed on by the different branches of the government” (Fisher 2004: 121).

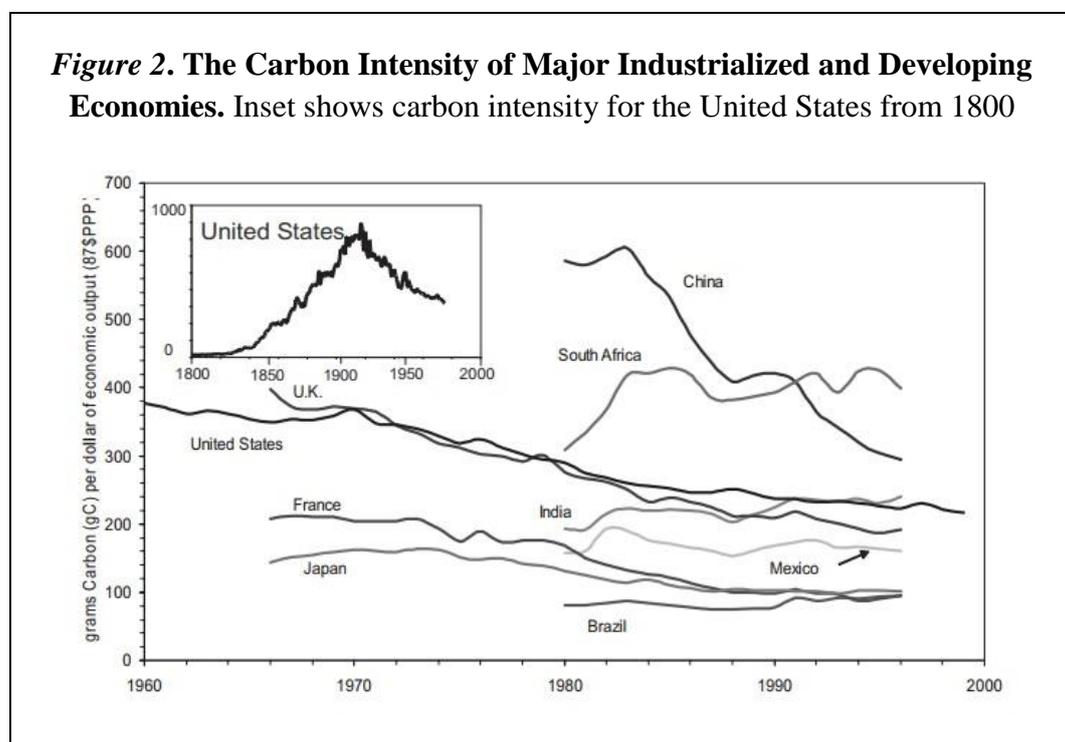
2. The Bush Administration (2001-2008)

A key feature of the Bush administration’s climate policy strategy was its opposition against mandatory climate measures. At the domestic level, the main instrument of climate policy was voluntary agreements with market-approach incentives focusing on technology development (Skodvin & Andresen, 2009: 264).

1) Emission Reduction

A credible climate policy must begin to change emission trajectories right after the withdrawal from the Kyoto Protocol – particularly of carbon dioxide, the principal greenhouse gas. President Bush was reluctant to undertake any action that may harm the US economy, and has proposed an initiative alternative to the Kyoto Protocol. In 2002, the Bush administration launched the ‘Climate Change Initiative’. The core measure of the initiative was the GHG emission intensity target (the ratio of GHG emissions to the GDP),

which was to reduce emission by 18 percent over the ten-year period 2002-2012.⁹ The emission intensity is the reduction of emission per unit of the GDP, which means the efficiency of emission producing facilities would improve, but it will not harm the business from emission caps. In other words, the intensity target is the climate policy which will not harm the US economy and will be viewed as a positive step towards the greenhouse mitigation policy.



Source: Oak Ridge National Laboratory (emissions statistics); US Department of Commerce and the World Bank (economic output)

⁹ “Global Climate Change Policy Book” issued by The White House 2002, retrieved October 2, 2013 from <http://georgewbush-whitehouse.archives.gov/news/releases/2002/02/20020214-5.html>

On the contrary, scholars claim that intensity as the measure of responsibility and progress in confronting climate change is lacking ambition. In Figure 2, the US intensity peaked in 1922 and has been declining at about 18 percent per decade ever since (Victor, 2004: 43-44). Even China, one of the greatest greenhouse gas emission country shows the dramatic decrease in the carbon intensity. That is because the emission reduction is measured by the GDP, if emissions remain constant as the economy grows or economy grows faster than emissions, this measurement decreases even though emissions themselves are rising.

Despite of the Bush administration's ambitious goal to lead an initiative which will replace the Kyoto Protocol, it appeared that US greenhouse emissions will continue to grow. The climate change plan announced by President Bush in February fails this basic test, by calling for little more than business-as-usual improvements in carbon efficiency and by relying solely on voluntary measures, which have proved ineffective in the past (Bodansky, 2002: 4).

Starting from 2006, the Bush administration appeared to change in their climate change position. In his last year in the White House, Bush announced a new target of halting growth in the US greenhouse gas emission by 2025, which could be achieved by accelerating the development and deployment of new technologies. He added: "If we fully implement our strong new laws, adhere to the principles I've outlined, and adopt appropriate incentives, we will put America on an ambitious new track for greenhouse gas reductions."¹⁰ In June

¹⁰ BBC, Bush sets new CO2 emission target, 16 April 2008. <http://news.bbc.co.uk/2/hi/asia-pacific/7351577.stm>

2008, the Senate considered legislation (S. 3036) to enact an economy-wide cap-and-trade system to reduce US greenhouse emissions.¹¹ However, a cloture motion on this bill failed (27-28), and the bill was ultimately tabled. Having consistently rejected mandatory greenhouse gas emissions reduction targets, the US's credibility in international climate policies during the Bush administration was low.

2) Skepticism on Climate Change Science

Since taking the office, the Bush administration ordered a cabinet-level review of US climate change strategy because he was skeptical of climate change science. The National Academy of Sciences (NAS) reviewed the findings of the Intergovernmental Panel on Climate Change (IPCC) and confirmed that emissions of greenhouse gases are caused by human activities. However, the White House has repeatedly intervened to distort or suppress climate change research findings by reviewing the report before promulgating to public.

In September 2002, the administration removed a section on climate change from the EPA annual air pollution report, even though the climate issue had been discussed in the report

¹¹ For more information on cap-and-trade legislation in the 110th Congress, see CRS Report RL33846, *Greenhouse Gas Reduction: Cap-and-Trade Bills in the 110th Congress*, by Larry Parker, Brent D. Yacobucci, and Jonathan L. Ramseur.

for the preceding five years.¹² This had not arouse as a great issue on politics until the New York Times broke the news in June 2003. The EPA officials who worked on the annual report raised protest to the White House officials for rewriting and cutting the report to play down global warming in official documents.

They claim that the White House deleted a reference to a 1990 study showing that global temperatures has risen sharply and replace the reference to a new study, partly financed by the American Petroleum Institute.¹³ The Bush administration's attempt to temper the integrity of scientific analysis drew widespread criticism from many scientists and private environmental groups. Despite of the incident, the Bush administration had sought to exaggerate uncertainty by relying on disreputable and fringe science reports and preventing informed discussion on the issue.

3) International Partnership

The US joined four main international partnerships related to climate change during Bush's presidency. Partnerships were all voluntary with a key focus on technology development that could be reached without the involvement of Congress.

¹² Distorting & Suppressing Climate Change Research, Scientific Integrity in Policymaking, <http://www.webexhibits.org/bush/5.html>

¹³ A.C. Revkin and K.Q. Seelye, "Report by EPA Leaves Out Data on Climate Change," New York Times, June 19, 2003. <http://www.nytimes.com/2003/06/19/us/report-by-epa-leaves-out-data-on-climate-change.html?pagewanted=2&src=pm>

- The Carbon Sequestration Leadership Forum, 2003
- The International Partnership for the Hydrogen Economy, 2003
- The Methane to Markets Partnership, 2004
- The Asia-Pacific Partnership, 2005

In global climate diplomacy, the US gradually changed course only during 2007 and in the face of major international pressure both in the G8 and UN frameworks. At the G8 summit at Heiligendam on June 7, 2007, Bush conceded the US would fully participate in the UN process to formulate by 2009 a binding agreement to follow on from the Kyoto Protocol that expires in 2012. However, the White House made clear subsequently that the US would not consider such a strong reduction to be feasible (Connaughton (2008)).

- Bali Action Plan

The American negotiators had remained obstructionist until the final hour of the two-week convention. The resulting “Bali Action Plan” contains no binding commitments, which European countries had sought and the US fended off. Andrew Light, an expert on environmental ethics at the University of Washington who was in Bali, criticized the Bush administration for insisting on those targets being sidelined, saying the United States had, in essence, rejected the foreboding climate projections of the Intergovernmental Panel on Climate Change, which it had repeatedly praised in recent weeks.¹⁴

¹⁴ Fuller, Thomas. Climate Plan Looks Beyond Bush’s Tenure, New York Times, Dec 16, 2007. http://www.nytimes.com/2007/12/16/world/16climate.html?pagewanted=all&_r=0

All of these international climate partnerships led by the US are the attempt by the Administration to look busy until Bush leaves office. The Bush administration realizes that it has lost the trust of the American public and the international community.

3. The Obama Administration (2009-2012)

After the inauguration, President Obama tried to focus on the issue from the transnational context of solving the climate change problem to more on the securing domestic security and economy. This approach can be a strategically on the right track because of the financial crisis in 2009 made the people concentrate on their own problems rather than transnational issues.

1) Emission Reduction

There was great optimism at the start of the Obama administration that the 111th Congress would finally pass comprehensive climate change and clean-energy legislation. In June 2009 the House fulfilled its responsibility by passing American Clean Energy and Security Act 2009 with bipartisan support. It would have cut carbon pollution by at least 17 percent below 2005 levels by 2020 and 83 percent by 2050 by establishing an economy-wide cap-

and-trade program, while reducing oil use and creating hundreds of thousands of clean energy jobs.¹⁵

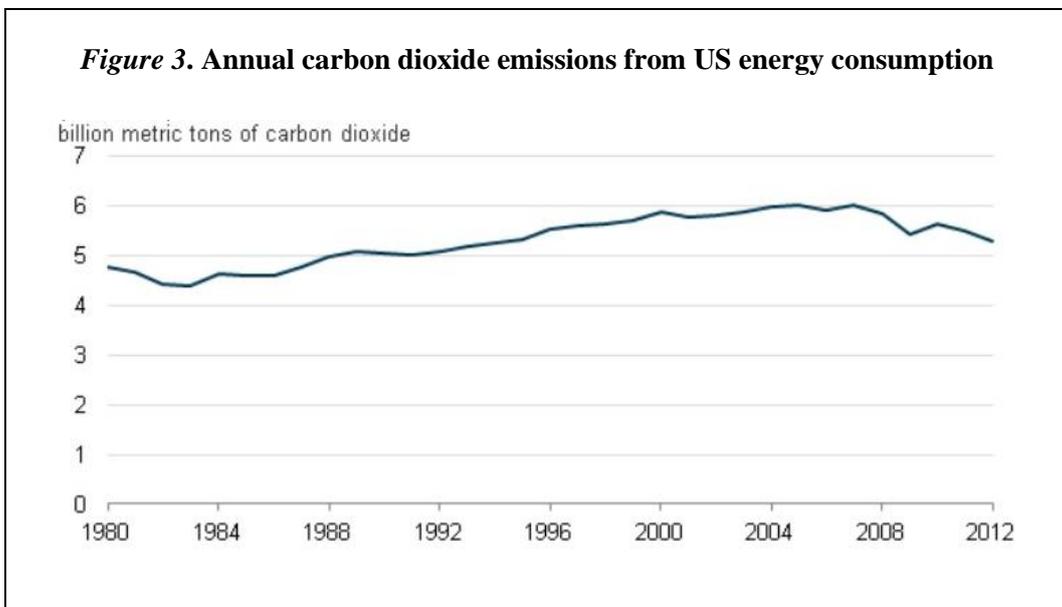
Therefore, in December 2009, at the 15th meeting of the Conference of the Parties (COP) in Copenhagen, President Barack Obama pledged to reduce US greenhouse gas emissions “in the range of a 17 percent emission reduction by 2020 compared with 2005 levels” (Damassa et al., 2012: 5). To date, this pledge is not enshrined in or supported by any domestic law since the legislation was not approved by the US Senate.

Unfortunately, the Senate was unable to pass the American Power Act, drafted by Sens. John Kerry (D-MA) and Joe Lieberman (I-CT), which includes national cap-and-trade program. This failure occurred because it was impossible to muster a super-majority of 60 votes needed to pass the bill. However, Damassa claims that policies and programs implemented by US states according to provision of existing US law and their own legal authorities were directly and indirectly reducing GHG emissions. In other words, the states rest with the main decision-making and implementing authority to reduce GHG emission, while the federal government plays a more limited role.

As mandatory efforts to reduce the greenhouse gas emission increase at the state level, the Energy Information Administration (EIA) concluded that the United States has reduced its carbon pollution by 9 percent below 2005 levels— halfway to the 2020 goal of the 17 percent reduction below 2005 levels set in these bills. The reduction in carbon pollution is

¹⁵ H.R. 2454

due to emission reductions from motor vehicles (see “Cleaner cars” section) and lower electricity demand. However, the reductions are not at the scale necessary to spur stronger global action in line with climate science. The EIA projects emphasized that carbon pollution from the energy sector will begin to rise in 2017 without additional action.



Source: US Energy Information Administration, Monthly Energy Review¹⁶

In 2012 the Obama administration proposed a carbon pollution standard for new power plants that would allow only half the emissions compared to an uncontrolled plant. That standard must be finalized to slow the growth of emissions. The administration must also

¹⁶ <http://www.eia.gov/todayinenergy/detail.cfm?id=10691#>

adopt pollution limits on existing power plants, which emit one-third of all climate pollution in the United States.¹⁷ Thus, it is possible to expect the second term of the Obama administration would be different from the recent past.

1.1) Executive Orders

- Increased Fuel Efficiency standards (May 2009)

President Obama established a national policy to reduce greenhouse gas emissions with historic levels of fuel economy for new vehicles. Under the policy, the Department of Transportation (DOT) increased fuel efficiency standards to 35.5 miles per gallon in 2016. The EPA used its power to regulate CO₂ emissions to set a tailpipe emissions standard of 250 grams per mile for new vehicles sold in 2016 (2009 standard is 380 grams). On April 1, 2010, the EPA and DOT signed a joint final rule, finalizing greenhouse gas emission standards and CAFE standards for 2012-2016 models.

- Comprehensive reporting and management system for Greenhouse Gases (September 2009)

The EPA announced it will require large emitters to begin collecting and reporting greenhouse gas data. The requirement will cover approximately 85 percent of the country's

¹⁷ Obama's First Term: Assessing Progress on Top Energy and Climate Priorities, Climate Progress, January 9, 2013. <http://thinkprogress.org/climate/2013/01/09/1420811/obamas-first-term-assessing-progress-on-top-energy-and-climate-priorities>

largest emitters and apply to nearly 10,000 facilities. Data will be put into a publically searchable database.

- Greenhouse Gas Emissions reduction targets for Federal Operations (January 2010)

In compliance with EO 13514, federal agencies reported their greenhouse gas emission reduction targets to the White House. The White House announced the targets, if met, would reduce the government's emissions 28 percent by 2020 compared to 2005

- Consideration of Greenhouse Gases in NEPA analyses (February 18, 2010)

The Council on Environmental Quality (CEQ) issued draft guidance for public comment on when and how federal agencies must consider greenhouse gas emissions and climate change in their proposed actions. The draft guidance explains how agencies should analyze the environmental impacts of greenhouse gas emissions and climate change when they describe the environmental impacts of a proposed action under the National Environmental Policy Act. It provides practical tools for agency reporting, including a presumptive threshold of 25,000 metric tons of carbon dioxide equivalent emissions from the proposed action to trigger a quantitative analysis, and instructs agencies how to assess the effects of climate change on the proposed action. The draft guidance does not apply to land and resource management and does not propose to regulate greenhouse gases.

- Agency Greenhouse Gas reduction Plans (September 9, 2010)

The White House issued the first annual report of the greenhouse gas reduction plans for more than 50 federal agencies in compliance with EO 13514, which required agencies to report on and update their emission reduction plans annually

- Regulation of Greenhouse Gases (December 23, 2010)

The Environmental Protection Agency issued a final series of actions to begin regulating greenhouse gas emissions from large sources starting in January 2011. The actions give the EPA authority to permit greenhouse gas emissions in seven states until the states revise their regulations to take over the permitting process. EPA officials said they planned to disapprove part of the Texas permitting program and would take over permitting in that state.

2) Skepticism on Climate Change Science

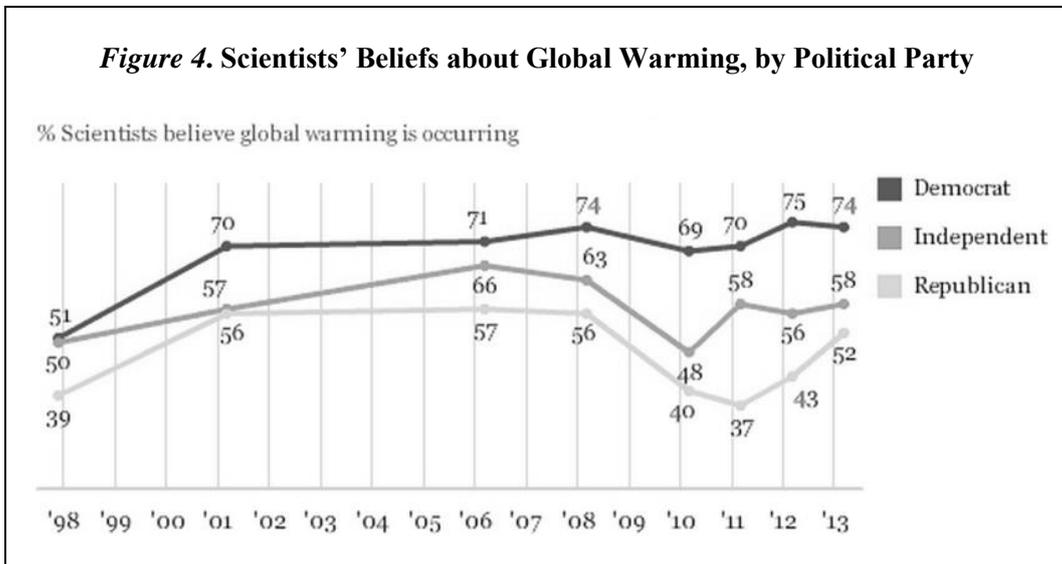
Obama pledged to do things differently than President George W. Bush, whose administration was accused of devaluing the role of science in government decision making, silencing climate scientists. During his Inauguration address, Obama declared: “We will restore science to its rightful place.”¹⁸

Driven by the Obama Administration’s commitment to fortifying the role of science in policy-making, scientists are conducting world-class research on global climate change through the US Global Change Research Program (USGCRP). The USGCRP is a collaborative effort involving 13 Federal agencies to evaluate the current and future impacts

¹⁸ Politico, Does politics trump science in the Obama W.H.?, December 14, 2011. http://www.politico.com/news/stories/1211/70468_Page3.html

of climate change, inform policy-makers and the public about scientific findings, and investigate effective ways to reduce greenhouse gas emissions and deploy cost-effective clean energy technology.¹⁹

In January 2012, the Administration launched an online tool that makes the comprehensive greenhouse gas emission data publicly available for 29 different industrial categories and other large sources of greenhouse gas pollution.



Source: Gallup Politics

¹⁹ Office of Science and Technology Policy, Strengthening our understanding of a changing planet, March 29, 2011. <http://www.whitehouse.gov/blog/2011/03/29/strengthening-our-understanding-changing-planet>

However, Figure 4 from the Gallup poll illustrates a different story. The percentage of Republicans who agree that scientists believe global warming is occurring significantly declined to 37% in 2011. Even the Democrats show a slight decrease in the belief in 2010. Although all party groups in 2013 are slightly more likely than in the past, the differences remain, with 74% of Democrats, 58% of independents, and 52% of Republicans believing so.

2.1) Executive orders

- Restore integrity to Federal climate science (March 9, 2009)

President Obama issued an executive memorandum that directs federal agencies to develop policies and procedures to protect the integrity of federal climate science. More specifically, the President directed agencies to appoint qualified people to the federal climate science program, develop additional protections for whistleblowers and create rules to protect the integrity of federal science. On Dec, 17, 2010, the White House issued guidelines to agencies to protect government science from political influence and to ensure that scientific conclusions are based on sound data.

- Greenhouse Gas Endangerment Finding (December 2009)

The EPA published an “endangerment finding,” concluding that the six major greenhouse gases are dangerous to human life. The finding triggered the EPA’s legal obligation to address greenhouse gas emissions under the Clean Air Act. (Subsequent to its finding, the agency’s legal responsibility to regulate became more important with Congress’s failure to

approve a market-based cap-and-trade regime. The EPA announced it will regulate emissions only from large polluters, reportedly about 10,000 utility and industrial facilities.)

- Guidelines for Federal science (December 17, 2010)

The White House released guidelines to insulate government scientists and their research from political interference. Under the guidelines, federal scientists are free to speak to the media about their work and agencies are prohibited from revising or suppressing reports by independent advisory committees

3) International Partnership

The Obama administration learned a lesson from the Clinton administration that it will not agree to an international climate treaty without obtaining a mandate from the Senate.

- The Energy and Climate Partnership of the Americas (ECPA), 2009²⁰

President Obama proposed an Energy and Climate Partnership of the Americas (ECPA) at the Fifth Summit of the Americas in April 2009. His vision is that ECPA can bring countries across the Western Hemisphere together to facilitate the acceleration of clean energy development and deployment, advance energy security, and reduce energy poverty

²⁰ <http://energy.gov/pi/office-policy-and-international-affairs/initiatives/energy-and-climate-partnership-americas>

by sharing the best practices, encouraging investment, and cooperating on technology research, development and deployment. ECPA is shaped by five pillars laid out by President Obama: energy efficiency; renewable energy; cleaner fossil fuels; infrastructure; energy poverty.

- Major Economies Forum on Energy and climate (July 2009)

President Obama re-launched this forum, first created by President George W. Bush, and reestablished dialogue on climate change and clean energy between 17 of the largest developed and developing economies. In July, the leaders of the countries involved in the forum released a declaration of a shared vision for future cooperation, which included:

- A commitment to transparent mitigation strategies including measurement, reporting verification and the creation of low-carbon growth plans
- A statement that adaptation to the adverse effects of climate change is essential and that there is a need to assist countries most vulnerable to these effects
- The creation of a Global Partnership to drive transformational low-carbon, climate-friendly technologies
- A statement that financial resources of mitigation and adaptation should be scaled up urgently and substantially to aid developing countries

- Copenhagen accord (December 2009)

President Obama played an integral role in creating the Copenhagen Accord during COP-15 in Copenhagen. While it did not include binding and enforceable commitments for greenhouse gas reductions, the accord is considered a step towards reaching a global climate deal. In three of its most important provisions, the accord:

- Called for countries to take action to keep global average temperatures from rising by more than 2 degrees Celsius above pre-industrial levels
- Established a transparent framework for evaluating countries' performance against their commitments
- Called for a global fund that will reach \$100 billion a year by 2020 to protect vulnerable communities and forests
- The majority of nations have signed the accord.

4. Comparison of Bush and Obama Administrations' Climate Policies

Throughout this chapter, we have looked into the US climate policy path from the Bush administration to Obama administration by focusing on three main categories.

Table 1. Climate Policy comparison

	Bush	Obama
Emission reduction	<ul style="list-style-type: none"> · denial of international standards · carbon intensity 	<ul style="list-style-type: none"> · market-based approach · cap-and-trade
Climate science	<ul style="list-style-type: none"> · attempt to manipulate the findings from NAS 	<ul style="list-style-type: none"> · assemble scientist & policy makers for new strategic plan · strong skepticism from Republicans
International partnerships	<ul style="list-style-type: none"> · actively engage in non-committing technological partnerships 	<ul style="list-style-type: none"> · still focused on building technological partnerships

As mentioned before, there are four types of explanation for institutional reproduction – utilitarian, functional, power, and legitimation. In this paper, we focused on the president's power to adopt domestic and international politics rather than applying economic

perspective. Therefore, power and legitimation explanation can be adopted to this case studies. In this case we found the importance of political credibility in the domestic and international arena for an administration to set the ground for their political leadership to legislate policies.

First, President Bush's rejection of Kyoto Protocol set the fundamental ground for the US climate policy path. The international actors as well as domestic actors embrace the US position on the issue as a non-binding, market-based approach to deal with climate change problems. As President Bush announced, the US constituents believe that ratifying the Kyoto Protocol would significantly harm the US economy and global warming science is not reliable. Thus, fundamental reluctance became a specific character and leanings of the US policy towards the internationally coordinated action on climate change.

Second, the Bush administration failed to send a credible signal to business, individuals, and other governments that the future will not be the same as the past. Without this signal, people will be tempted to continue business as usual – to make investment in roads, factories, electric generation, appliances, and the like that will lock in higher emissions for 50 to 100 years and be wrenching to reverse. The executive branch had to provide the political credibility needed to encourage a smoother, less expensive pathway to a future of lower emission right after the rejection of Kyoto Protocol.

Third, Bush reluctant to engage a strong relationship with Environmental Protection Agency, which strengthen the congressional power on climate change policies. During the Bush administration, EPA administrator, Whitman had different perspective on the climate

issue from the executive power. Since the EPA is the main bureaucrat of the environment for the President, it is necessary for them to have the similar perspective on the issue. The Bush administration and the EPA has continuous conflicts, such as ratifying the Kyoto Protocol and informing scientific findings on global warming to the public. The EPA's action to set regulations on the environmental dangers was dramatically decreased. On the other hand, the division of the president and the EPA strengthened the congressional power. Therefore, political power to enact climate policy fell into the congress.

Actors' subjective orientation and beliefs about what is appropriate or morally correct. Institutional reproduction occurs because actors view an institution as legitimate and thus voluntarily opt for its reproduction. The international treaty has to have the trust among the countries especially when we are dealing with transnational issues. The US government has lost its credibility once which made the US lose its leadership position in the international regime. Change of Congress is required in order to assert the changes in the US governments' climate change policy. Thus, the success of the US climate change policy is the key variable to achieve greenhouse emission reduction.

Among other things, we need to know, exactly who is invested in particular institutional arrangements, exactly how that investment is sustained over time, and perhaps how those who are not invested in the institutions are kept out. Attending to these issues is likely to generate insights into differences in the mechanisms of reproduction that sustain different kinds of institutional arrangements, or even the same kinds of institutions in different contexts (Thelen, 1999: 391)

V. US Constitutional Structure as Constraints on Obama's Ambition

Congress is the principal and set out directions in its legislative commands, which the Executive Branch, as agent, is supposed to put into action. Under another view, the American people are the principal, and Congress and the President alike are their agents (Gorod, 2012: 1229). It is always possible to defend any status quo interaction between a “principal” and an “agent” as reflecting the greatest degree of accountability to which the agent can be held by the principal, given various informational asymmetries and commitment problems.

The political strategy of the executive branch, which is to overcome opposition from congress, can be announced by the executive order which is signed by the president. However, signing an executive order to nullify Congress is not an option for the US Constitution. The separation of power and check and balance system are the main structure of the US political system. There are no short-cut to politics, and no short-cut to democracy. The Executive Orders, which we have looked through from the previous chapters, were not a fundamental solution for a government to achieve effective policies.

In this chapter we will focus on the legislative constraints on the president by focusing on the Senate roll call votes during the 111th and 112th congress and various constituents.

1. The US legislative System

The domestic and international strategies to combat climate change are strongly linked. Before the Senate can ratify US participation in an international agreement, federal legislation to ensure implementation of specific commitments needs to be in place. The system of check and balance is the unique characteristic of the US government.

According to Article II, section 2 of the US Constitution, a president can make and ratify treaties. Although the president has the Constitutional authority to engage in international negotiations with other countries, the legislative branch can impose a constraint on the power. In the foreign policy arena, the Senate has the authority of “advice and consent” regarding presidential treaty-making. The Senate, with a two-third majority, can formally approve the president’s initiative in obtaining international cooperation regarding global environmental policies. In other words, a minority of 34 senators can block US ratification of an international treaty. This gives the Senate minority enormous power on the international treaties.

The opportunity to continue work on any particular set of bills is time-limited. Because House members must seek re-election every 2 years, and 1/3 of the Senators are up for re-election in the same time period, each of these 2-year periods becomes a separate, numerically identified “Congress”. Failure to reach agreement on a bill within this 2-year period kicks the process into the next session of Congress, where it must start again from the beginning (Ohliger et al., 2013: 11).

Furthermore, US Constitution has relevance to the status of international treaties after having been ratified by the Senate. Article VI of the Constitution states that when the international treaty is ratified, this acquire the same status as federal law and are subjected to the same implementation regime. Fisher (2004) states that this provision of the Constitution, therefore, has implied that the Senate is reluctant to ratify international agreements that include specific commitments by the US unless these commitments already are established as federal law.

2. Federal Climate Legislation and Strong Congressional Power

To achieve climate-policy goal, the US president will cooperate with Congress. Congress is unlikely to pass comprehensive climate legislation, because of the Republican trend to deny the existence of climate change. Therefore, a Republican-controlled House and a majority Democratic Senate, the approach towards environmental and climate policy is likely to remain unchanged. Particularly in the House, efforts to restrain agency regulatory actions on these issues are expected to occupy a prominent place. One of the biggest challenges for Obama was to master the balancing act between time and the expectation pressures of international climate diplomacy on the one hand and the political realities of the US Congress on the other (Jungjohann, 2008: 4).

Table 4. Congressional Profile

President	Congress (Years)	Senate			House		
		Democrats	Republicans	Identity	Democrats	Republicans	Identity
Clinton	<u>103rd (1993-1994)</u>	57	43	Democrat	258	176	Democrat
	<u>104th (1995-1996)</u>	48	52	Republican	206	228	Republican
	<u>105th (1997-1998)</u>	45	55	Republican	207	226	Republican
	<u>106th (1999-2000)</u>	45	55	Republican	211	223	Republican
Bush	<u>107th (2001-2002)</u>	51	49	Democrat	213	220	Republican
	<u>108th (2003-2004)</u>	48	51	Republican	205	229	Republican
	<u>109th (2005-2006)</u>	44	55	Republican	201	233	Republican
	<u>110th (2007-2008)</u>	50	49	Democrat	232	203	Democrat
Obama	<u>111th (2009-2010)</u>	57	41	Democrat	257	178	Democrat
	<u>112th (2011-2012)</u>	51	47	Democrat	192	243	Republican
	<u>113th (2013-2014)</u>	53	45	Democrat	201	234	Republican

1) 111th Congress Climate Change Legislation

The 111th Congress opened with high hopes for climate legislation. Following Obama's ambition, the U.S. House of Representatives passed the American Clean Energy and Security Act of 2009, H.R. 2454, by a vote of 219 to 212 in June 2009, just five months into the new Congress. However, this bill did not pass the Senate and disappeared.

The 111th Congress was unable to pass comprehensive climate legislation despite Democrats controlling both chambers of Congress. The major reason for the failure to enact meaningful legislation was high unemployment and the worst economy in eighty years. In addition, there was near unanimous opposition from Republican senators, while Democratic senators were not united (Light et al., 2010). As we can see from the US senate roll call votes of 111th Congress in the Table 2, Republicans as well as some Democrats focused on removing or delaying EPA's authority to set greenhouse gas emission reduction standards.

It is important to note that even if there had been no changes to the make up of the Congress, the authority of the president to regulate carbon emission would have been challenged anyway. When the EPA made the endangerment finding that laid the groundwork for EPA limits on greenhouse gases, Republican Member of Congress, Senator Lisa Murkowski (R-AK) offered a Resolution of Disapproval to stop the EPA. Murkowski's resolution received 47 votes, including 6 Democrats, which was just 4 votes short of the 51 votes needed to pass it. Sen. Rockefeller (D-WV) has also drafted a bill to prevent the EPA from limiting GHG for two years to protect his state's coal and industry from costly safeguards. In the

new, more conservative 112th Congress, Congress will likely debate and vote on proposals to block or delay the EPA from setting pollution reduction standards. .

Table 2. US Senate Roll Call Votes 111th Congress²¹

Vote	Date	Issue	Identity	Result	Description
<u>117</u>	31-Mar-09	<u>S.Con.Res .13</u>	Anti	Agreed to (89-8)	Thune Amdt. No. 731; To amend the deficit-neutral reserve fund for climate change legislation to require that such legislation does not increase electricity or gasoline prices.
<u>126</u>	1-Apr-09	<u>S.Con.Res .13</u>	Anti	Agreed to (67-31)	Johanns Amdt. No. 735; To prohibit the use of reconciliation in the Senate for climate change legislation involving a cap and trade system.
<u>121</u>	1-Apr-09	<u>S.Con.Res .13</u>	Anti	Agreed to (98-0)	Ensign Amdt. No. 804; To protect middle-income taxpayers from tax increases by providing a point of order against legislation that increase taxes on them, including taxes that arise, directly or indirectly, from Federal revenues derived from climate change or similar legislation.

²¹ http://www.senate.gov/pagelayout/legislative/a_three_sections_with_teasers/votes.htm

<u>125</u>	1-Apr-09	<u>S.Con.Res .13</u>	Pro	Rejected (42-56)	Motion to Waive CBA re: Whitehouse Amdt. No. 869; Relative to a deficit-neutral reserve fund to invest in clean energy and preserve the environment.
<u>142</u>	2-Apr-09	<u>S.Con.Res .13</u>	Anti	Agreed to (54-44)	Bond Amdt. No. 926; To protect workers from significant job loss by providing a point of order against climate change or similar legislation that raises Federal revenues to such an extent that it causes significant job loss in manufacturing- or coal-dependent US regions such as the Midwest, Great Plains or South.
<u>307</u>	6-Oct-09	<u>H.R. 3326</u>	Anti	Rejected (38-60)	Barrasso Amdt. No. 2567; To prohibit the use of funds for the Center on Climate Change and National Security of the Central Intelligence Agency.
<u>173</u>	27-May-10	<u>H.R. 4899</u>	Anti	Agreed to (60-37)	Collins Amdt. No. 4253; To prohibit the imposition of fines and liability under certain final rules of the Environmental Protection Agency.
<u>184</u>	10-Jun-10	<u>S.J.Res. 26</u>	Anti	Rejected (47-53)	Motion to Proceed to S.J. Res. 26; A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act.

2) 112th Congress Climate Change Legislation

More than 100 bills, resolutions, and amendments focusing on climate change were introduced in the 112th Congress (2011-2012). Many more touched on energy, environment, transportation, agriculture and other areas that would have an impact on climate change. The list below, however, contains only those bills whose authors thought it was important to explicitly reference climate change or related terms, such as greenhouse gases (GHG) or carbon dioxide. (For brevity, all legislative proposals are referred to here as "bills.")

Reflecting an anti-regulatory mood on Capitol Hill, there were nearly as many proposals in the 112th Congress to block efforts to curb carbon emissions as proposals to strengthen them. And, reflecting the general state of gridlock in Congress, virtually none of the bills proposed were enacted. What was noticeable in the 112th Congress was that not a single greenhouse gas cap-and-trade bill was introduced. However, there was a comprehensive approach to reduce US greenhouse gas emission by establishing a carbon tax.

The 112th Congress, overall, had little change in the picture from the previous congress. The Senate voted on four bills to prevent, delay or modify EPA's authority to regulate greenhouse gas emissions, all of which failed.

Table 3. US Senate Roll Call Votes 112th Congress ²²

Vote	Date	Issue	Identity	Result	Description
<u>54</u>	6-Apr-11	<u>S. 493</u>	Anti	Rejected (50-50)	McConnell Amdt. No. 183; To prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.
<u>52</u>	6-Apr-11	<u>S. 493</u>	Pro	Rejected (7-93)	Stabenow Amdt. No. 277; To suspend, for 2 years, any Environmental Protection Agency enforcement of greenhouse gas regulations, to exempt American agriculture from greenhouse gas regulations, and to increase the number of companies eligible to participate in the successful Advanced Energy Manufacturing Tax Credit Program.
<u>201</u>	10-Nov-11	<u>S.J.Res. 27</u>	Anti	Rejected (41-56)	Motion to Proceed to S.J.Res. 27; A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.
<u>139</u>	20-Jun-12	<u>S.J.Res. 37</u>	Anti	Rejected (46-53)	Motion to Proceed to Consider S. J. Res. 37; A joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units.

²² http://www.senate.gov/pagelayout/legislative/a_three_sections_with_teasers/votes.htm

3) Case of the Waxman-Markey bill

The Waxman-Markey bill (H.R. 2454) which passed the House of Representatives on June 26, 2009 showed strong industrial power to the Congress on climate policy. Its goals included the creation of clean energy jobs, energy independence, the reduction of global warming pollution, and the transition to a clean energy economy. With regard to global warming, the bill aimed to reduce US GHG emissions to 20% below 2005 levels to approximately 5,746.1 million metric tons of carbon dioxide equivalent (MMTCO_{2e}) by 2020, and to 83% below 2005 levels by 2050. One of the primary mechanisms for achieving these targets was a cap and trade system through which total annual emissions from the covered industries would be limited, covered entities would have to possess permits for all of their GHG emissions, and trade in emission permits would be permitted. The Cap and Trade system is known as a market-based approach to environmental regulation. It is considered to be more flexible for the covered industries when compared to traditional, command and control, forms of policy, such as taxation or standards-based mechanisms.

The bill covered the seven major GHGs identified by the Intergovernmental Panel on Climate Change (IPCC) and would have come into effect in 2012, with the emissions cap gradually ratcheting downward until 2050. This legislation would have covered approximately 8,000 entities, accounting for 85% of US GHG emissions. H.R. 2454 also provided the framework for integrating the US carbon market into the international system. American entities would receive offset credits for investments in emission reducing

projects abroad, and in many ways the system was based on the EU example (Paket and Yacobucci, 2009: 25).

The Waxman-Markey bill was the first strong attempt by US policy makers to institute a cap and trade program on greenhouse gas. It was similar to past legislation in its compromise on affecting major industries. It set aside about 15 percent of emission allowances for industries considered most vulnerable to international competition, including iron and steel, aluminum, cement, glass, ceramics, chemicals and paper. Additional provisions were made for existing coal-fired electricity plants, which are some of the heaviest emitters. Criticisms also arose over the excessive use of offsets (paying for projects that sequester greenhouse gas) to meet targets.

Nevertheless, the targets were ambitious yet achievable, the infrastructure was in place, and the bill was a big step forward and was lauded by most environmental groups.

In the end, it is perhaps the non-decision model that best describes the state of climate change policy in the United States. This model focuses on inaction on an issue to the overpowering 14 forces of the status quo. All efforts to push legislation through Congress died in July of 2010 with oil gushing deep in the Gulf of Mexico. “We know we don’t have the votes,” Senate Majority Leader Harry Reid is quoted saying in a New York Times article on July 22, 2010. Democrats who voted for Waxman-Markey in the House of Representatives faced a strong backlash from utilities and energy firms. Industry proved too strong for a holistic approach to mitigating climate change.

3. Political Leadership and Electoral Politics

The promise of electoral democracy is what voters can hold political officials accountable for their policy choices, and thereby ensure a close connection between public will and public policy (Gailmard, 2012: 6). Voters are the principal and politicians are the agents in the principal-agent analyses of elections. According to Dixit, Grossman, and Helpman (1997) not only the constituents but also the interest groups are the principals, whereas politicians such as president and congressmen are agents.

In 2009, President Obama and a majority of Democrats in 111th Congress came to office in a favorable position to enact federal climate legislation. But less than two years later prospects for passing that legislation dimmed considerably. Even with the majority of Democrats, the President cannot automatically rely on the votes of his party's caucus or coalition in Congress. The interests of Democrats depend on their home-state constituents, especially coal, oil, and auto industries which greatly influenced by climate change policies. Therefore, the quick reversal of the political position can be explained by the principal-agent relation between the Congressional leaders and their local constituents. Congress wants to please interest groups for electoral reasons.

Congressional control over the political agenda can be disrupted not only by affecting the issue space of the legislative session, but also by affecting the particular policy responses to those issues. By offering new policy approaches to old political issues, the executive can destabilize the status quo and build new legislative majorities. Through policy innovation, the executive can redefine "congressional interests." Even if congressional majorities favor

the final policy results, the process by which they emerged cannot be regarded as consistent with a narrative of congressional dominance (Whittington, 2003: 502).

The representative democracy is too slow and requires too much negotiation. It also requires political maneuvering and championed efforts that at times seem herculean. It requires a catastrophe before significant steps are taken retroactively to address the cause of the disaster. It necessitates the unified support of diverse stakeholders and a populace informed and receptive to the issue. Finally, it requires extensive and unbiased media coverage of the issue. Most likely all of these requirements would have to be met for a climate bill to become law.

1) EPA Leadership

When Obama administration had officially launched, congressional resolutions to regulate the EPA action on regulating GHG emission passed the Senate roll call votes. Since, the Bush administration was reluctant to take strong actions to reduce the emissions and its political credibility on climate change issues were low compared to congress. Therefore, Congress did not need to regulate the EPA's action. On the contrary, the belief of changes in U.S. climate policies were high in both at home and internationally, the Senate constantly prepared bills to prevent the EPA.

- Resolutions proposed by Senate
 - S.Con.Res. 13 (67-31): prohibit the climate change legislation involving a cap and trade system
 - H.R. 4899 (60-37): prohibit the regulations of the EPA
 - S.J.Res. 26 (47-53): disapprove scientific findings of GHG emissions by EPA
 - S. 493 (50-50): prohibit the Administrator of EPA for action
 - S. Amdt. 183 to S. 493 Senate vote to prevent EPA action 2011.

This amendment sought to “prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.” The amendment dialed by 50-50.

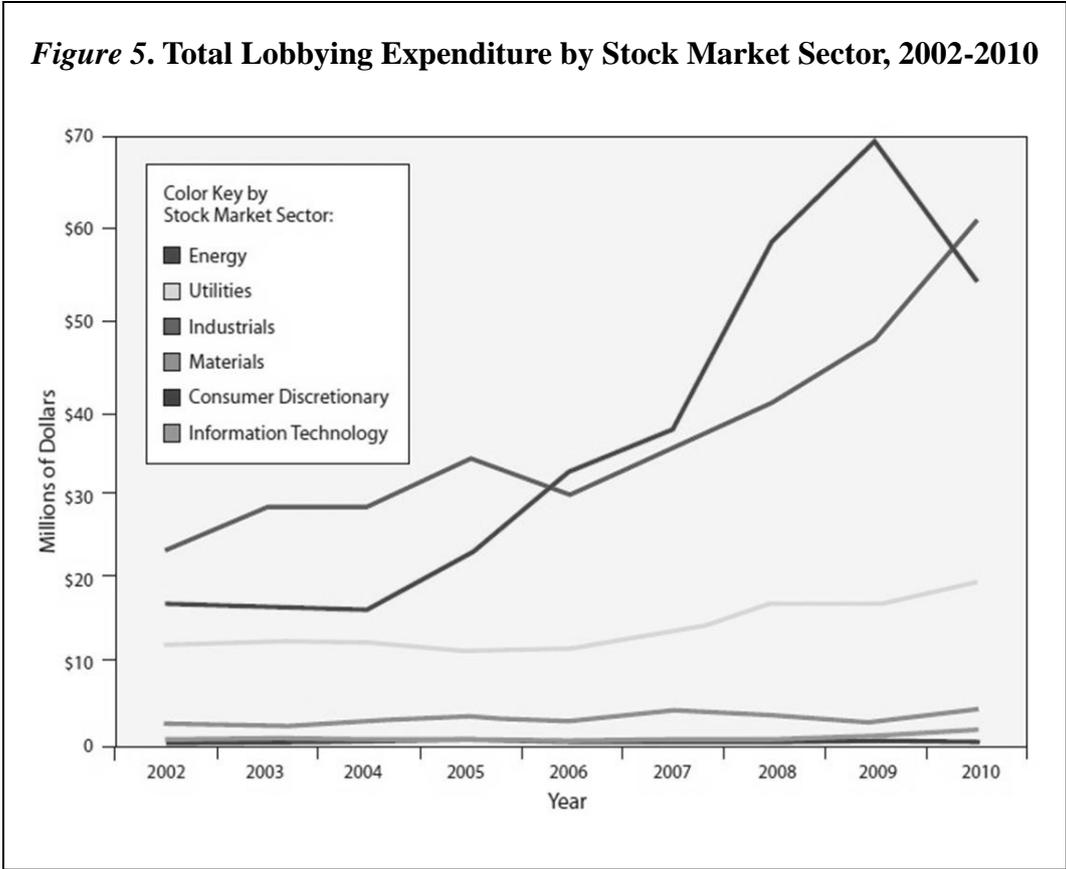
2) Regulation of Industries

Obama administration announced the coal-fired power plants are the key sources of carbon emissions and signed an executive order to regulate GHG emissions from the industries by the means of benefits and costs. The specific performance objective must adopt, rather than

specifying the behavior or manner of compliance that regulated entities. This was not an extreme EO to regulate the industries.

However, signing executive orders appeared to the congress as if the executive branch is trying to nullify its power on the climate change issue. Therefore, presidential actions towards the reduction of GHG emissions was seen as a threat to Congress and lead to constant amendments from the Senate to prevent their constituents' interests.

- Resolutions proposed by Senate
 - S.Con.Res. 13
 - Amdt. No. 731 (89-8): climate change legislation should not increase electricity or gasoline prices
 - Amdt. No. 804 (98-0): protect middle-income taxpayers
 - Amdt. No. 926 (54-44): protect workers from significant job loss in manufacturing and coal-dependent regions



Source: The Scientific Integrity Program of the Union of Concerned Scientists,
 “A Climate of Corporate Control,”

For companies in the energy sector, lobbying expenditures increased by 92 percent from 2007 to 2009, when climate change bills were being actively debated in Congress (Figure 5). Although these results were driven to some extent by companies with the largest lobbying expenditures – not notably Boeing Company and General Electric Company, which dominated the industrials sector’s trend – this figure shows that total lobbying

expenditures for all companies in this sample increased 160 percent between 2002 and 2010 during which time the inflation was only 21.2 percent.

VI. Conclusion

My research focused on the obstacles for Obama administration's ambition to introduce active climate change policies during his first term in the White House. The hypothesis of this research was that Bush administration's decision to repudiate the Kyoto Protocol made Obama administration fail to adopt comprehensive climate change policies. In particular, I classified the institutional reproduction process into three phases which helped this research find the explanation for the path dependence in this case. In addition, this research analyzed the congressional power on the climate change issue by focusing on the senate roll call. This was to answer whether the Bush administration's decision influenced the next government's political path.

However, the strong congressional power was the main obstacle to the Obama administration. Bush decision on the Kyoto Protocol maximized the power of congress by decreasing the political credibility of the US to the international climate change regime. This also strengthen the constituent's skepticism on the climate change science. The constituents focused more on the economic stability rather than reducing the greenhouse gas emission. Thus, the hypothesis of this research seems not justifiable in this case. Nevertheless, this research was meaningful finding the explanation for the institutional reproduction, which was legitimation explanation.

In sum, Obama's ambition of adopting US federal climate legislation and pursuing US participation in an international treaty to regulate greenhouse gas emissions implies that

the distribution of interests in Congress will become more significant. In Congress, support and opposition to climate change policies is strongly linked to the distribution of the natural resources that fuel the economy at both federal and state levels. In order to succeed, therefore, President Obama must break the enduring gridlock characterizing congressional debate in climate change issue area by designing policies that, through compromise and compensation, will mobilize the support of oil- and coal-state representatives in Congress.

To the international community, one of the most important factors of a US climate and energy bill is reduction targets for GHG emissions, which is on par with those of other leading developed nations. This will indicate that the United States is truly committed to moving forward by reducing GHG emissions and taking responsibility for their part in global warming.

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Abstract (Korean)

국 문 초 록

미국의 글로벌 기후변화 협약 참여:

오바마 1기 행정부와 입법부간의 갈등 분석을 중심으로

이진민

국제지역학 전공

서울대학교 국제대학원

미국 오바마 대통령은 선거 공약으로 적극적인 기후변화 대응 정책을 시행함으로써 글로벌기후변화 협약에 참여하겠다는 의지를 표명했다. 오바마 정부의 선언, 기후변화 외교, 입법과정 등 오바마 행정부의 노력에도 불구하고 국내적, 국제적으로 미국의 기후변화 정책은 교착상태에 빠져있다. 본 논문은 오바마 1기 행정부가 대통령의 강한 의지에도 불구하고 국제기후변화 협상을 주도하지 못한 이유를 찾는데 그 목적을 둔다. 이에 대한 답을 하기 위해 본 논문에서는 미국 국내의 기후변화 대응 정책과 행정 조치들을 정리 및 분석하고 있다.

본 논문의 가설은 부시 행정부 시절 교토의정서 탈퇴 선언과 미국의 국내 정치구조상 강한 입법부의 힘이 오바마 행정부의 기후변화 정책을 담보 상태에 머무르게 한 요인들로 보고 있다. 이 가설을 입증하기 위해 마호니의 경로의존성 이론과 위임자-대리인 이론을 적용하여 부시 행정부와 오바마 행정부의 주요 정책 결의안, 개정안, 법안, 그리고 행정 명령들을 분석하고 있다.

부시 대통령의 기후변화 대응 정책에 대한 결정은 국제무대에서의 미국의 정치적 신뢰성을 약화시킴으로써 오바마 행정부가 국제기후변화협상에서 주도적인 역할을 하는데 걸림돌로 작용한 것으로 보인다. 그럼에도 불구하고 본 논문의 결론은 미국의 견제와 균형의 정치구조가 바탕이 된 강한 국회의 힘이 오바마 대통령의 정책적 의지를 방해하는 가장 주된 요인으로 작용했음을 다시 한 번 확인하고 있다.

주요어: 기후변화, 오바마 행정부, 기후 정책, 국제 기후변화 협약, 교토의정서, 정치적 신뢰성

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