From:	POLITICO Pro Energy
To:	megan_bloomgren@ios.doi.gov
Subject:	Morning Energy, presented by Trout Unlimited: Taking stock of GOP"s CRA push — U.S. signs on declaration urging climate action — Pence tours coal mine in Montana today
Date:	Friday, May 12, 2017 4:48:38 AM

By Anthony Adragna | 05/12/2017 05:42 AM EDT

With help from Ben Lefebvre and Eric Wolff

WHAT A CRA-ZY RIDE: They suffered a setback with the failure of a methane challenge this week, but the Republican-led Congress was positively glowing as the clock ran out Thursday on its fastest tool to overturn their most-hated Obama-era regulations. To review, 13 Congressional Review Act resolutions have been signed into law by President Donald Trump (one more awaits his John Hancock) and four directly relate to energy or the environment. They are:

— Pub.L. 115-4, which nullified an SEC rule that required oil and mining companies to disclose their payments to foreign governments,

— Pub.L. 115-5, which axed Interior's Stream Protection Rule that sought to protect surface and ground water supplies from coal mining pollution,

— Pub.L. 115-12, which tossed out BLM's regulation updating and streamlining the agency's more than 30-year-old process for creating land use plans, and,

— Pub.L. 115-20, which killed a Fish & Wildlife Service regulation that barred certain hunting practices such as baiting, trapping and denning animals like wolves and bears in Alaskan national wildlife refuges.

Republicans take victory lap: Senate Majority Leader Mitch McConnell argued in remarks on the Senate floor the resolutions had already improved Kentucky's coal industry: "While we can't simply turn back time or completely erase the negative impact that Obama regulations have had already, the CRA has allowed us to stop a number of them in their tracks while also preventing agencies from creating similarly harmful rules in the future," he said. And Senate EPW Chairman John Barrasso said also hailed the CRAs, while suggesting there's "much more" the Republican-led government would do. "I plan to make sure that the Trump administration keeps up the pace and tosses some of these worst rules and regulations ... into the garbage where they belong," he said in floor remarks.

Democrats bemoan action: They say it's soon to know the real impacts from the CRAs, but Democrats fear the actions will severely impede the ability for agencies to issue necessary regulations. "I don't know there are any knock-out blows, but a couple have done some damage," Senate EPW ranking member Tom Carper told ME. "And the damage will occur further down the road in making it nearly impossible for agencies to come back and offer a more thoughtful regulation."

ICYMI: Pro's Alex Guillén looked at what happened on the CRA front last week and what questions lie ahead.

IT'S FRIDAY EVERYONE! I'm your host Anthony Adragna, and the answer to Thursday's

question: former California Rep. Laura Richardson was the last lawmaker formally reprimanded. For today: Who holds the title for second longest-serving governor in U.S. history (after current Iowa Gov. Terry Branstad)? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

TILLERSON SIGNS ONTO STATEMENT WITH CLIMATE MENTIONS: Even as Trump weighs whether to remain a party to the international pact, Secretary of State Rex Tillerson signed onto the Arctic Council's "Fairbanks Declaration of 2017, " which cites the Paris climate change agreement, Pro's Eric Wolff reports. The document — also signed by seven other foreign ministers — notes "the entry into force of the Paris Agreement on climate change and its implementation," and reiterates "the need for global action to reduce both long-lived greenhouse gases and short-lived climate pollutants," while it reaffirms "the United Nations Sustainable Development Goals and the need for their realization by 2030." Tillerson's move stands in sharp contrast to Energy Secretary Rick Perry's refusal at a G-7 energy ministers gathering last month to sign a joint statement that would have included references to the Paris deal.

The Sierra Club said in response: "Just five months ago, a standard, commonplace agreement like this to share climate science research and reiterate the importance of global action to reduce climate pollutants would have barely been newsworthy."

**** A message from Trout Unlimited:** For over 50 years, Trout Unlimited has been dedicated to conserving, protecting and restoring North America's coldwater fisheries and watersheds on behalf of today's anglers and coming generations of sportsmen and women. Join us as we support America's public lands and national monuments: http://bit.ly/2paVoYB **

PENCE'S MINER DETOUR: Vice President Mike Pence heads to Montana today, where he'll tour the Westmoreland Coal Company's Absaloka Mine on the Crow Indian Reservation by horseback and participate in listening sessions with officials in the "energy producing and coal mining industry." The 10,427-acre permitted, single-pit surface Absaloka mine provides coal to Midwestern utilities, including Xcel Energy's Sherburne County Station near Minneapolis, and can produce 7.5 million tons of coal annually, according to its website. Interior Secretary Ryan Zinke and Sen. Steve Daines also tag along.

After touring the coal mine, Pence participates in an event for Greg Gianforte, who hopes to succeed Zinke as Montana's congressman. An ad released Thursday argued "Greg Gianforte will fight for our access to public lands" amid attacks from his opponent, Democrat Rob Quist, about his stance on public land stances.

PRUITT TALKS WOTUS TIMELINE: Continuing his tour of friendly conservative outlets, EPA Administrator Scott Pruitt told radio host Hugh Hewitt he hopes by "sometime late this year or early next" to have issued a final new Waters of the U.S. regulation. "Folks across the country, citizens and industry and states and the federal government deserve a clarity on what a Water of the United States equals," he said. "If you are going to determine on a case by case basis what a Water of the United States is, then that doesn't provide advance notice on how to regulate, how to take care of it, and how to invest. So it's a situation we need to get right."

... And tries to tamp down science adviser controversy: Pruitt also said controversy over the EPA's decision not to reappoint 12 science advisers was overblown, as many of those

people might ultimately get their slots back. "These individuals can apply, will apply, I'm sure, in some instances, and very well could be put back on the board," the administrator said. "But it's the right thing to do to ensure transparency, its activity, peer-reviewed science and geographical representation on the board."

NEXT STEPS FOR ETHANOL WAIVER: Bipartisan legislation from Sen. Deb Fischer that would allow year-round sale of gasoline blends with 15 percent ethanol will get a Senate EPW markup and hearing, your host and Pro's Eric Wolff report. Chairman John Barrasso made that commitment as Senate Republicans were trying to secure the support of a small bloc of corn-state Republicans for a CRA to reject the methane rule that ultimately failed on the floor Wednesday. Sen. John Thune told reporters "we'll assume that [commitment] sticks" despite the failed methane vote, though Barrasso's office did not respond to requests for comment.

CANTWELL WEIGHING FERC PICKS: Senate Energy ranking member Maria Cantwell told reporters said she worked with Trump FERC pick Neil Chatterjee, a senior energy adviser to McConnell, on issues related to the energy bill last year but hadn't begun to review his nomination in earnest. "I had a brief conversation with Neil yesterday about market manipulation and issues, and I'm sure I'll be diving into questions about why those policies are so important," she said. Cantwell added she didn't know Pennsylvania regulator Rob Powelson, the other FERC selection, and hadn't yet begun to look at his record.

It's not FERC but the Senate Energy Committee announced late Thursday it would hold a hearing May 18 on David Bernhardt's nomination to be deputy secretary of the Interior. Trump tapped the lobbyist and former George W. Bush administration official for the post on April 28.

WADING INTO NAFTA FIGHT: A possible NAFTA fight is drawing in the American Fuel & Petrochemical Manufacturers, the group's CEO told ME. The refiners association stayed out of TPP discussions, but has put NAFTA on its issues target list in light of drastically increasing U.S. fuel exports to Canada and Mexico. "We're going to start looking at it because the President and his administration has made it an issue. We care more and more about export and trade," CEO Chet Thompson said. The group hired former EIA market analyst and Exxon Mobil senior business adviser Susan Grissom late last year to help analyze trade issues. And while AFPM hasn't yet identified a wish list for any renegotiation, it certainly doesn't support the rip-it-up approach President Trump has espoused. "We are certainly for free trade," Thompson said.

Ready for Trump to staff up: The lack of top staff at agencies is frustrating Thompson, who told ME that Trump will struggle to implement his deregulatory agenda if he doesn't get going. "This is across the board, this is every agency feeling this," he said. "We want these vacancies filled ASAP. We're encouraging all of our trade association and companies to urge everybody to do their part to speed this process up." Trump lags each of the past four administration's in filling Senate-confirmable posts, according to the Partnership for Public Service. Thompson said they're waiting on decisions from EPA that are slowed by lack of political leadership. "That's a problem for everybody, the agency, us, everybody," he said. "We have petitions pending at the agency, ...it's going to be hard for the agency to act on those petitions until the get some leadership up there."

CYBERSECURITY ORDER TOUCHES ON GRID: The secretaries of Energy and Homeland Security have 90 days under an executive order signed by Trump Thursday to

assess how the nation might respond to a large, sustained power outage caused by a cyber attack, Pro's Darius Dixon reports . Energy Secretary Rick Perry and DHS Secretary John Kelly were asked by Aug. 9 to look at a "potential scope and duration of a prolonged power outage associated with a significant cyber incident," American readiness to respond to such an outage and "any gaps or shortcomings in assets or capabilities required to mitigate the consequences of such an incident."

In response, Edison Electric Institute President Tom Kuhn said his organization looked "forward to working with the Administration to ensure industry and government continue to work closely together to protect the energy grid." And the American Public Power Association praised the action as well, adding that "as threats evolve, so too must the efforts of industry and government to mitigate them."

WIPP IS GOOD: Perry's tour of DOE facilities this week, which included Idaho National Laboratory and Los Alamos National Laboratory, took him to the the Waste Isolation Pilot Plant in New Mexico on Thursday. The nuclear waste repository "serves a vital national security role. The employees and contractors are proud professionals who help keep America safe," he tweeted.

MAIL CALL! REINSTATE THOSE ADVISORY BOARDS: Eight Western Senate Democrats, led by Sen. Ron Wyden, asked Zinke in a letter to lift suspensions of long-standing local committees and advisory boards. "By working through difficult land management issues and getting local input from the beginning, projects are more likely to succeed," they wrote. "Without this tool, many good land management projects would never be completed."

WARNING SHOT FIRED! Washington Attorney General Bob Ferguson sent Zinke a letter Thursday stressing any effort to rescind or reduce national monuments in his state would draw a lawsuit. "No President, however, has ever claimed the authority to revoke National Monument status," he writes. "The reason is simple: the [Antiquities] Act does not contemplate any such revocation, and to do so would be contrary to the language of the statute and the structure in which the law delegates Congress's constitutional authority.

AND I WANT TO THANK YOU: A lunchtime rally outside EPA HQ today at 11:30 a.m. will thank agency employees for their efforts in honor of Public Service Recognition Week. "We want to let them know that we greatly appreciate their endless work, especially now that their work is more important than ever before," organizers wrote. Hosts of the rally are 500 Women Scientists, AFGE and the Earth Day Network.

PERRIELLO TALKS CLIMATE TODAY: With a month to go before the Virginia gubernatorial primary, Democrat Tom Perriello will meet with the Chesapeake Climate Action Network in Norfolk at 2 p.m. today to discuss climate issues.

QUICK HITS

— Lawmaker under investigation after taking money, fighting Superfund cleanup of toxic neighborhoods. AL.com.

— Survey: Internal watchdogs worried about Trump hiring freeze. AP.

— Prison time served, coal CEO Don Blankenship insists explosion not his fault. SNL.

— Trump's climate stance casts shadow over Arctic meeting. Reuters.

— Would creating one big electric grid in the West threaten California? San Francisco Chronicle.

— EPA audit of Michigan drinking water program incomplete after 18 months. MLive.

HAPPENING TODAY

9:00 a.m. — George Mason Energy Symposium, Center for Energy Science and Policy, 3351 Fairfax Drive, Arlington, VA 22201

12:00 p.m. — "Investing in U.S. Infrastructure for Maximum Dividends," Environmental and Energy Study Institute, 2261 Rayburn

THAT'S ALL FOR ME!

**** A message from Trout Unlimited:** For over 100 years the Antiquities Act has been a bipartisan tool for conserving America's public lands and our outdoor heritage. Since the time President Theodore Roosevelt signed the Act into law, the Antiquities Act has provided for the long-term conservation of some of the best fish and wildlife habitat and hunting and angling opportunities in the country, spurring local economies. In these places, locally driven conservation efforts need to be preserved and celebrated. Currently, the Department of the Interior is reviewing national monuments designations. Secretary Zinke has strongly supported keeping America's public lands in public hands. Join us in showing him that we support upholding our national monuments: http://bit.ly/2paVoYB **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/05/taking-stock-of-gops-cra-push-022800

Stories from POLITICO Pro

Trump signs bill killing SEC rule on foreign payments Back

By Alex Guillén | 02/14/2017 03:11 PM EDT

President Donald Trump Tuesday signed the first in a series of congressional regulatory rollback bills, revoking an Obama-era regulation that required oil and mining companies to disclose their payments to foreign governments.

That regulation, part of the Dodd-Frank Wall Street reforms, was strongly opposed by the oil and gas industry — including Trump's Secretary of State, Rex Tillerson, who as head of Exxon Mobil personally lobbied to kill the Securities and Exchange Commission's rule that he said would make it difficult to do business in Russia.

"It's a big deal," Trump said at the signing. "The energy jobs are coming back. Lots of people going back to work now."

Today's signing in the Oval Office marked the first time in 16 years that the Congressional Review Act has been successfully used to roll back a regulation, and Congress is queuing up several others to send to the president's desk.

The American Petroleum Institute had challenged the SEC's first version of that rule, known as the 1504 rule after the relevant section of the 2010 Dodd-Frank Wall Street reform bill, forcing the agency back to the drawing board in 2013. In 2015, a federal judge said the SEC was dragging its feet on issuing a new version, and the SEC was ordered to finish the new rule by late June 2016 — putting it just within reach of the CRA's timeframe.

Congress has already passed another resolution gutting the Interior Department's stream protection rule that has been criticized by the coal industry. Trump was reportedly scheduled to sign that one at an event in Ohio on Thursday, but that trip has been scrubbed, and it remains unclear when he will sign the measure.

The Senate is also teeing up votes this week for several others that have already been passed by the House.

To view online click here.

Back

Senate seals fate of Interior stream rule Back

By Alex Guillén | 02/02/2017 03:18 PM EDT

The Senate voted Thursday to send President Donald Trump a measure that will kill the Interior Department's stream protection rule, a key coal mining regulation that was finalized only in December.

The Congressional Review Act resolution passed by a vote of 54-45, just one day after the House approved it. Democratic Sens. Joe Manchin of West Virginia), Claire McCaskill of Missouir, Joe Donnelly of Indiana and Heidi Heitkamp of North Dakota joined every Republican except Maine's Susan Collins in voting for the measure.

If Trump signs the resolution, as he is expected to do, it will mark just the second time that Congress has successfully used the CRA to kill a rule. The only previous use of the CRA was a 2001 vote to nullify a Labor Department ergonomics regulation.

But it will not be the last. Senate Republicans are expected to move immediately to another House resolution targeting a Securities and Exchange Commission rule that requires drilling and mining corporations to reveal their payments to foreign governments. And the House has several other CRA resolutions on tap this week, including one set to pass Friday that would overturn Interior's venting and flaring rule.

CRA resolutions require only a simple majority to pass and cannot be filibustered in the Senate, though Democrats have been able to force up to 10 hours of debate on each one.

To view online click here.

Back

Trump signs bill revoking Interior Department land use planning rule Back

By Esther Whieldon | 03/27/2017 04:19 PM EDT

President Donald Trump today signed a bill repealing the Interior Department's updated land-use planning process that fossil fuel energy companies complained would reduce access to resources on federal lands.

The Congressional Review Act resolution, which Congress passed earlier this month, revokes the Bureau of Land Management's December Planning 2.0 rule that had replaced the previous land-use process that took eight years on average to open up new acreage for development.

The previous land-use plans also occasionally triggered lengthy litigation from environmental and outdoor recreation groups, including the court fight over BLM's 2008 plans for lands in Utah that the agency only in January reached a settlement over. The updated process had allowed earlier input from the public in an attempt to reduce litigation.

But critics of the rule, including fossil fuel companies and agriculture groups, say it decreased states' and field offices' roles in planning decisions and prioritized conservation over tapping into natural resources. The CRA resolution also bars Interior from crafting a new land use planning process in the future that is substantially similar.

WHAT'S NEXT: Because the rule was not made because of a court order or a deadline-specific legal mandate, Interior Secretary Ryan Zinke will have to decide whether he wants to try again to revamp the process or to work to improve land-use planning within the limits of the existing rule.

To view online click here.

Back

GOP onslaught on Obama's 'midnight rules' comes to an end Back

By Alex Guillén | 05/07/2017 07:10 AM EDT

President Donald Trump's inauguration gave congressional Republicans a once-in-a-generation opportunity to erase a spate of late Obama-era regulations — and they used it to make a significant dent before the legislative window closes in the coming week.

Since February, Republicans have used a once-obscure 1996 law to quash 13 "midnight" regulations on topics such as coal mining pollution, gun rights, internet privacy, Planned Parenthood funding, retirement savings and even bear hunting in Alaska. A 14th rule-blocking resolution is heading toward Trump's desk, and GOP lawmakers hope to kill at least one more rule, on methane pollution, before the clock runs out Thursday.

The rollback affects just a fraction of the myriad Obama administration rules that GOP lawmakers and the Trump administration eventually hope to undo, in what White House adviser Steve Bannon has billed as the "deconstruction of the administrative state." But never before have lawmakers made such dramatic use of the Congressional Review Act, which allows lawmakers and the White House to kill recently enacted regulations without having to

overcome Senate filibusters.

The results underscore the massive partisan divide on the executive branch powers that President Barack Obama wielded so assertively during his second term.

"This should be a huge lesson to any future president, that if you're going to carry out massive regulations that don't have the support of the American people or the American Congress, then perhaps you shouldn't be doing it in the first place," said Sen. Cory Gardner (R-Colo.), who called the outcome "a success for the American people." He estimated that Congress' nullification of the rules will save companies tens of billions of dollars in compliance costs.

Sen. John McCain (R-Ariz.) portrayed Republicans' enthusiastic use of the review act as a deserved comeuppance for Obama. "I think it was bred by the fact that we had a president who said, 'I've got a pen and I've got a phone,' saying, 'I'm disregarding Congress,'" he said.

But Democratic Sen. Brian Schatz of Hawaii had a warning for Republicans: Someday, his party will retake power in Washington.

"Now that this tool has been exercised, it's available to everybody, and we'll use it too," Schatz said. He added: "As long as the statute's available to us, then we'd be crazy not to utilize it for our purposes as well."

In fact, though, Congress has successfully used the act only once before, to kill a Clinton-era ergonomics regulation in 2001. GOP attempts to use the review act during Obama's presidency either failed to make it through Congress or died in presidential vetoes.

Republicans' control of both Congress and the White House allowed them to dust off the 1996 law, which allows the rule-killing resolutions to pass by simple majority votes in both chambers. The regulations they killed included limits on stream pollution by coal companies, restrictions on broadband providers' reselling of customer data, protections for Planned Parenthood's state funding, and an anti-corruption rule requiring energy companies to disclose their payments to foreign governments.

Under the act, lawmakers can use the tool to bypass Senate filibusters within 60 legislative days after a rule takes effect, a period that is due to expire on Thursday for Obama's final regulations. Lawmakers could have tried to block any of the dozens of significant Obama-era regulations that took effect after June 2016, but their capacity was limited by other priorities on Congress' calendar, such as confirming Trump's Cabinet nominees and dealing with Obamacare.

In addition, the Obama administration made sure to finish most of its blockbuster regulations long before they would become vulnerable to the congressional attack.

That meant the repeals were as much about symbolically attacking Obama as they were about the substance of each targeted rule, said Philip Wallach, a senior fellow at the Brookings Institution.

"My understanding is the collectivity of these rules kind of seems like largely a rebuke of the Obama administration in a pretty general sense, rather than necessarily showing that Congress thought very hard about exactly what was at stake with each of these rules," he said.

Still, Republicans say they're satisfied with what they accomplished.

"I think we've taken maximum opportunity to look at things the country lived without for 228 years, and the Obama administration lived without for at least 7 1/2," Sen. Roy Blunt (R-Mo.) said. "That kind of late rulemaking probably doesn't deserve to be permanent if you can do anything about it. We did."

Democrats generally expressed dismay over the rules the GOP axed, although many said bigger battles were being waged elsewhere. "They did some damage, but in the scheme of things I don't think you look at those CRAs and say that President Obama's legacy is undermined," Schatz said.

However, the GOP's frequent use of the review act this year could raise new legal questions down the road. That's because the law doesn't just allow Congress to block the targeted regulations — it also prohibits agencies from ever issuing a rule that is "substantially the same."

That prohibition has never been tested by the courts. (The Labor Department never tried to revisit the ergonomics rule that Congress struck down in 2001.) But it was one reason Democratic leaders avoided using the review act in 2009 to attack the George W. Bush administration's midnight regulations — it could have made it harder for Obama's agencies to strengthen the same rules later.

Some of the rules Republicans squashed this year could face similar questions someday. For example, six Senate Republicans who voted to kill the Securities and Exchange Commission's anti-corruption rule later said they hope the SEC will issue a new version with some key changes. But it's unclear whether any alterations would get around the review act's similarity test.

Now that the clock is expiring, the Trump administration is using other, slower methods to try to repeal or weaken Obama-era rules across the government. It could take years for those efforts to yield results and survive the inevitable court challenges, including the EPA's efforts to repeal Obama's power plant climate rule, toughened smog standards and a nationwide regulation protecting wetlands and waterways.

The Congressional Review Act was a healthy start, Republican lawmakers said.

"I think it's been very helpful, but we still have a couple thousand more [rules] that Obama issued over the last eight years," McCain said. "We're still going to have to work on some of that."

To view online click here.

Back

Draft doc shows tension between Trump, allies over fossil fuels Back

By Andrew Restuccia | 04/11/2017 06:59 PM EDT

President Donald Trump's abrupt turnaround on U.S. climate policy is fueling tension with several of America's closest allies, which are resisting the administration's demands that they

support a bigger role for nuclear power and fossil fuels in the world's energy supply.

The dispute blew up at this week's meeting of G-7 energy ministers, where Trump administration officials pushed to include stronger pro-coal, pro-nuclear language in a proposed joint statement on energy policy. The fight had been simmering behind the scenes for weeks as the White House, Energy Department and State Department clashed with negotiators from other G-7 countries over the statement, according to an internal document obtained by POLITICO and interviews with diplomats.

After a tense back-and-forth at the meeting in Rome on Monday, the G-7 energy ministers — which included representatives from Canada, Great Britain and several European Union countries — wound up scuttling the statement altogether.

The feud comes as Trump, who often touts his "America first" approach to foreign policy, is considering whether to pull the United States out of the climate change accord that the Obama administration and leaders of nearly 200 other nations negotiated in Paris in 2015. Some Trump advisers have suggested that he should remain in the deal — but in return, should demand concessions to aid the fossil fuel sector.

G-7 officials, led by the Europeans, refused to agree to stronger language touting fossil fuels without assurances from the United States that it would stay in the Paris climate change agreement, according to officials briefed on the discussions.

The U.S. emphasis on coal "was seen as an issue for all of us," one G-7 country negotiator told POLITICO, noting that Canada, Europe and Japan all expressed frustration about the Trump administration's position. The United States' refusal to discuss or mention the Paris agreement in the joint statement was EU's "biggest" red line during the meeting, the negotiator added.

The meeting underscored the increasingly wide gulf between the Trump administration and its allies over climate change. The leaders of the other G-7 nations have all called for a shift away from fossil fuels and toward renewable energy. Meanwhile, Trump has dismissed climate change as a Chinese hoax and sought to revive the ailing U.S. coal industry.

The draft joint statement obtained by POLITICO, which is dated March 31 and is labeled as a "second draft," provides an unfiltered look at the Trump administration's energy policy priorities.

In one instance, the U.S. rewrote the part of the statement to stress that fossil fuels "including coal and natural gas will remain part of the global energy mix for the foreseeable future," striking vaguer language from an earlier draft that said countries would rely on fossil fuels for "some time, as countries progressively reduce greenhouse gas emissions of their energy system."

In another section, the U.S. added a mention of fossil fuels and nuclear power to a line calling on countries to "work together on policies to deploy clean, reliable and affordable energy."

The U.S. also proposed completely eliminating a line stating that since renewable energy will help cut carbon dioxide emissions, the G-7 nations would "take the lead in tackling the challenges of electricity systems with high shares of variable renewable energy and in addressing the resilience of the electricity system" as the energy industry transitions to cleaner sources.

And U.S. officials added a section promoting nuclear power that reads in part, "We note the importance of civil nuclear energy for providing reliable and clean baseload energy."

While the U.S. appeared to back language calling for phasing out "inefficient fossil fuel subsidies that lead to wasteful consumption" over the medium term, it proposed striking a line calling on G-7 countries to "increase efforts to phase them out by 2025."

Ultimately, the Trump administration's demands proved too difficult to overcome, and the G-7 nations scuttled the joint statement. Carlo Calenda, Italy's economic development minister and the chair of the summit, instead released a written summary of the meeting, which noted that the delegation heads of every country but the United States reaffirmed their commitment to the Paris deal.

Energy Secretary Rick Perry, who led the U.S. delegation to the meeting, said the Trump administration "is in the process of reviewing many of its policies and reserves its position on this issue," according to the summary.

It's not the first time the U.S. has been the odd country out in an international meeting since Trump took over. During a March G-20 meeting of finance ministers in Germany, Treasury Secretary Steven Mnuchin pushed for the removal of language calling on countries to help finance efforts to tackle climate change.

In the run-up to the G-7 meeting, Trump administration officials had asked foreign officials not to pack the joint statement with mentions of renewable energy and climate change, noting that they wouldn't be able to sign off on the text because the White House was still weighing its stance on the Paris deal, according to people familiar with the deliberations.

But sure enough, early drafts of the joint statement included frequent mentions of climate change. And U.S. officials sought to revise the drafts, sparking a fierce round of edits between representatives of the G-7 nations ahead of this week's meeting. One diplomat who worked on the text called it a "slow and complicated process."

At one point during the gathering, tempers flared so high that a European official accused a U.S. official of trying to "internationalize" the Trump administration's focus on fossil fuels, according to one person briefed on the exchange.

Indeed, Trump administration officials have adopted the president's "America first" approach in making the case to industry lobbyists that remaining in the Paris agreement is the best choice for the country, arguing it gives the U.S. leverage to win broader support for technologies to slash emissions from fossil fuels.

During a recent meeting on the Paris agreement, George David Banks, a top White House international energy adviser, pointed to a map of the United States in his office and said, "That's the only thing that matters to me," according to an industry official who attended.

Banks, an advocate of staying in the Paris deal, has been meeting with industry officials for weeks to discuss their views on the agreement. The meetings have had some success: Several coal companies recently endorsed remaining in the pact.

But it remains to be seen whether Trump will ultimately decide to keep the U.S. in the agreement. Steve Bannon, Trump's chief strategist, is said to be opposed to remaining in the

deal, while the president's daughter Ivanka and his son-in-law Jared Kushner are said to be supportive of staying.

White House press secretary Sean Spicer has said Trump will make a final decision by late May when he and other world leaders will travel to Italy for a G-7 summit.

Asked for comment, a White House official said Trump "has emphasized the value of the U.S. energy sector as a strategic tool in U.S. foreign policy." The official added: "All U.S. energy resources and technologies, including coal and nuclear, should play an important role in achieving universal access to affordable and reliable energy."

Kalina Oroschakoff contributed to this story.

To view online click here.

Back

E15 bill to get Senate committee markup Back

By Anthony Adragna and Eric Wolff | 05/11/2017 05:56 PM EDT

A bill from Sen. Deb Fischer (R-Neb.) to allow year-round sale of gasoline blends with 15 percent ethanol will get a markup at the Senate Environment and Public Works Committee, according to a Fischer spokesperson.

The markup stems from an agreement between Fischer and EPW Chairman John Barrasso to garner her support for a resolution to reject an Obama-era methane rule under the Congressional Review Act. The resolution failed on Wednesday, but bill proponents say the deal is still in place.

"Senator Fischer appreciated Senator Barrasso addressing her concerns and she's happy he committed to hold a hearing and a markup on the [E15] bill," Fischer spokesperson Brianna Puccini wrote in an email.

Earlier in the day, Sen. John Thune (R-S.D.) had said the hearing was part of the agreement.

"What they agreed to give us was a hearing and a markup on Fischer's bill," Thune said. "And if it can be reported out, then help us get [it] attached to a vehicle that moves."

No one from Barrasso's office or EPW responded to requests for comment.

Under the Clean Air Act, E15 cannot be sold in the summer in some parts of the country. While some in the ethanol industry believe EPA can grant an administrative waiver — and EPA Administrator Scott Pruitt said the agency is studying the matter — congressional legislation to assure year-round E15 sales would be the safest route.

WHAT'S NEXT: EPW will schedule a markup of the bill at a date to be determined.

To view online click here.

Back

Senate methane vote may return for 2018 campaigns Back

By Nick Juliano and Anthony Adragna | 05/10/2017 06:01 PM EDT

Senate Democrats extended their streak of sticking together on tough votes Wednesday, when they helped defeat Republicans' final shot at overturning an Obama-era energy regulation.

The failure of a Congressional Review Act resolution is a setback for Republicans' and oil backers' hopes for a quick reversal of the BLM rule limiting methane emissions from oil and gas drilling, but they are trying to spin a consolation prize out of Wednesday's vote: a new message to use in 2018 campaign ads.

And though the resolution ultimately failed because three GOP senators crossed the aisle to oppose it, it did put red-state Democratic Sens. Heidi Heitkamp and Joe Manchin on the record voting against the industry that plays a big role in their state economies.

While Senate Republicans' campaign arm was silent in the aftermath of the surprise vote, some potential candidates and influential groups said they hoped the vote would hurt Democrats.

"I can't imagine that the voters of North Dakota, a state that President Trump won handily, are too pleased with this vote," said Chris Warren, a spokesman for the American Energy Alliance, a conservative organization with links to the Koch brothers. "It would not surprise me one bit if this comes back to haunt her in 2018."

Rep. Kevin Cramer (R-N.D.), who has been mulling a run against Heitkamp, took a shot at his prospective opponent in an interview Wednesday with a local radio station. He said he suspected Senate Democratic leaders prevented her from casting a vote that would have allowed the resolution to pass with a tie-breaking vote from Vice President Mike Pence.

"That's exactly what happened. Her hands were sort of tied because her leadership would never let her be the deciding vote," Cramer told WDAY. "When you have to be the 50th vote, that's when you have to choose between what's good for your state and your country and what your leadership wants."

A former congressional aide who now works with industry groups in the West said he expected the vote may cause oil companies to put resources into a state they would otherwise have ignored.

"The oil and gas industry now has Heitkamp back on the radar. While they were likely set to let her race go before, expect a lot more interest in N.D. now," said the source, who requested anonymity to discuss internal deliberations.

The National Republican Senatorial Committee did not release any statements attacking vulnerable members Wednesday. The campaign arm is chaired by Colorado Sen. Cory Gardner, who remained publicly undecided up to the moment he cast his vote and did not explain why he supported advancing the resolution Wednesday. The NRCC and a spokesman in Gardner's personal office did not immediately respond to requests for comment.

The CRA resolution failed on a 49-51 procedural vote Wednesday after Republican Sens. John McCain, Lindsey Graham and Susan Collins joined all Democrats and independents in opposition.

For her part, Heitkamp said she was not worried about potential campaign attacks next year.

"There isn't a vote you couldn't bring into [an attack ad], so it is what it is," Heitkamp said. She added, "When I believe it's in the best interests of the people of my state, that's how I vote."

Heitkamp and Manchin said they had problems with BLM's methane regulation, even as they voted against using the CRA because it would prevent the government from issuing a similar rule in the future. The two sent a letter to Interior Secretary Ryan Zinke on Wednesday asking him to revise it, something the department already plans to do.

The methane resolution was the latest in a string of votes on which the minority party has maintained unity this year, even among members facing tough re-election in states President Donald Trump won. That may explain why Republican leaders decided to proceed with a vote that they risked losing: to force Democrats who had remained undecided to go on the record.

"We said we were going to have a vote on this from the beginning, and we did," said Sen. John Barrasso, the resolution's sponsor. "And people got to stand up and say where they voted, and where their beliefs were. So this was intended to be today and it was."

Sen. Jim Inhofe, Barrasso's predecessor as chairman of the Environment and Public Works Committee and a strong supporter of the resolution, said he was caught off guard by its failure today. But he predicted the vote would come back to haunt red-state Democrats.

"Because the unpopularity of over-regulation crosses party lines ... I think that's a major detraction from their campaigns," Inhofe told reporters.

Environmentalists relished the result Wednesday.

"We thank each and every Senator who stood up against big polluters today and defended these commonsense safeguards from methane pollution," League of Conservation Voters President Gene Karpinski said in a statement. "The battle for a clean, safe environment is far from over, and we will continue to stay vigilant, but today is a victory for all those who are raising their voice in resistance to the anti-environmental Trump administration, Republican leadership and Congress."

And it wasn't just greens cheering.

"We have known about the problem of wasted gas from federal lands for years, and the BLM finally did something about it by updating rules dating back to the Reagan administration when fracking didn't exist," Taxpayers for Common Sense President Ryan Alexander said in a statement. "If Congress had repealed the rule, it would have meant more waste and more losses."

Sen. Michael Bennet (D-Colo.), who bucked his party to vote for building the Keystone XL pipeline in 2015 and easily won re-election last year, said his colleagues should easily be able to defend their votes on the methane resolution.

"I don't have any doubt that the record Heidi Heitkamp has and Joe Manchin has in their states are reflective of the views of people in their states, and that's what people understand going forward," Bennet told POLITICO. "Again, I think people understand the reason this rule is in place and I don't think they're going to have any trouble explaining their votes at all."

Ben Lefebvre and Elana Schor contributed to this article.

To view online click here.

Back

Trump appoints lobbyist, Bush veteran as Interior deputy secretary Back

By Ben Lefebvre | 04/28/2017 10:45 AM EDT

President Donald Trump today nominated lobbyist and former George W. Bush administration official David Bernhardt to be deputy secretary of the Interior.

It was one of several nominations and appointments the White House announced today, just as Trump is finishing his first 100 days as president. The delay in staffing his administration has slowed work on his priorities and caused headaches for some of his Cabinet heads. Interior Secretary Ryan Zinke said earlier this month he was "frustrated" by the delays in filling top spots at the agency.

Bernhardt's nomination continues the trends of Trump appointing lobbyists to his government and stocking Interior with Westerners. Bernhardt, born in Colorado, most recently worked as a lawyer chairing the natural resource law practice at law firm Brownstein Hyatt Farber Schreck, LLP.

In that position he helped lead Trump's transition team at Interior. As part of the firm he also lobbied for Westlands Water District, California's powerful Central Valley water district, for legislative changes to how Interior's Bureau of Reclamation implements species protections in the Sacramento-San Joaquin Bay Delta. The firm made $260,000 on the work last year, according to lobbying disclosure forms.

Bernhardt worked as solicitor, Interior's third-highest position, for the full eight years under Bush. He is also a former U.S. Commissioner to the International Boundary Commission, U.S. and Canada.

Bernhardt most recently served on Virginia's Board of Game and Inland Fisheries.

WHAT'S NEXT: Once Trump formally submits Bernhardt's paperwork to the Senate, the Energy and Natural Resources Committee will begin vetting his background and schedule confirmation hearings in the coming weeks.

To view online click here.

Back

Slow pace of nominations puts Trump agenda at risk Back

By Eric Wolff | 03/27/2017 05:04 AM EDT

President Donald Trump is aiming to transform environmental and energy policy through executive orders and steep spending cuts, but the vast number of vacancies at the top of agencies like EPA and the Department of Energy could stall that overhaul.

Without the political appointees to support EPA Administrator Scott Pruitt and Energy Secretary Rick Perry, Trump's policy priorities will depend on career officials serving in acting capacities to fulfill his orders — which could encounter bureaucratic inertia or even resistance from government employees who are reluctant to unravel measures they developed under the Obama administration and have been turning to secretive communications to shield their conversations.

So far, Trump has called for rewriting the Waters of the U.S. rule and reviewing fuel economy standards, and he's expected to issue an order in the coming days to rewrite the Clean Power Plan and erase other Obama efforts to improve the climate footprint of the federal government.

"I don't think they'll get very much done if they don't get the rest of their leadership in place," said Jeff Holmstead, a former George W. Bush political appointee who ran the EPA's Office of Air and Radiation and is now a partner at Bracewell, a law firm. "The longer that takes, the less they'll be able to do."

Trump and other Republicans have blamed Democrats for delaying the confirmations, but so far the White House is lagging the pace of previous administrations in sending names to the Senate to fill 1,100 positions it must consider. And Trump has indicated he may not seek to fill every post, which would frustrate Democrats, who worry about concentrating power in the White House, as well as Republicans, who have a long list of policy objectives to roll out.

Signs of resistance to the new administration inside agencies abound: A group of EPA alumni issued a report on Wednesday castigating the administration for proposing a 31 percent cut in the agency budget that it said "appears to be nothing less than a full-throttle attack on the principle underlying all U.S. environmental laws."

For the career civil servants now holding down the various undersecretary and assistant administrator jobs at EPA and DOE, making controversial decisions to line up with Trump's goals may be going beyond their job descriptions. Many are part of the 40-year-old Senior Executive Service, created to develop a force of career federal government managers, said Terry Gerton, CEO of the National Academy of Public Administrators, a nonpartisan group aimed at making government work better.

"They're the technicians of the organization," Gerton said. "It's been up to the political appointees to interpret the president's agenda to turn that into policy to direct that to career staff to execute."

And federal managers, whose careers often span multiple administrations, are typically hesitant to make decisions that can result in public approbation or that could come back to haunt them when control of the White House changes political parties.

"Career employees in acting offices feel like they have to be in a holding pattern until

politicals are named," said Jonathan Levy, a former deputy chief of staff in the Department of Energy and who served as an appointee under former Energy secretaries Steven Chu and Ernest Moniz. "Internally or externally, they don't feel like they have enough heft to make these kinds of decisions."

Pruitt appears to have sought to remove that burden when then-EPA adviser David Schnare sent acting officials an email on March 2 obtained by Inside EPA saying that for the next 30 days, Pruitt "wishes to retain approval authority for Agency actions having significant regulatory and enforcement effect."

But the absence of of a sub-Cabinet level appointees is preventing agencies from working to capacity. Numerous reports have emerged about a State Department adrift without a high-level staff to help Secretary Rex Tillerson set the direction. And within the Department of Energy, which lacks any permanent political appointees under Perry, career managers are hesitant to advance old policies.

"They're very nervous," said one DOE staffer. "No one's willing to have the fights."

So far, Trump is lagging three of the last four administrations in submitting names to the Senate to fill out the agency jobs, according to data compiled by the Partnership for Public Administration, a nonpartisan nonprofit. The 38 nominations he's submitted as of Friday trails the 101 nominations sent by the same point under former President Barack Obama, the 51 sent by Bill Clinton, and the 45 sent by President George H.W. Bush. Trump also trails President George W. Bush's 40 nominations, notable because Bush lost a month of transition time while courts adjudicate the 2000 contested election.

Trump's pace of nominations is unlikely to accelerate, as the pipeline of new hires seems fairly empty. The Partnership asked for records through public records laws from the Office of Government Ethics, and as of March 7, the administration had submitted 63 nomination reports, a necessary precursor to Senate nomination. By the same point eight years ago, potential Obama nominees had sent 228. Even if there was a wave of new appointments, they would likely get caught in an OGE bottleneck as the tiny department conducts its reviews, Partnership CEO Max Stier said.

"It's a harbinger for the future that if you don't have people going through that process," he said. "It's lengthy."

Trump appears unconcerned with hiring people for many of the positions, telling Fox News last month, "Many of those jobs I don't want to fill."

Another complicating factor: Nominees for jobs Trump may want to fill have been subject to a strict loyalty test, and the White House has kept a tight control over the selections. Axios reported earlier this month that Interior Secretary Ryan Zinke went to Trump and demanded his staff be approved, prompting Trump to reply that Zinke will get his people "as long as they're our people."

For some Trump opponents and environmental activists, that's good news. Groups like the Natural Resources Defense Council spent years pushing to get a carbon rule like the Clean Power Plan developed, so they don't mind if rescinding or altering the rule takes a long time, and possibly is done badly.

"Would I rather have empty chairs than people the like of which we're going to get? An empty chair is better," said David Doniger, NRDC's Director of Climate and Clean Air Program. "It's going to take them months to put out a proposal, if they have any intention that it should be the beginning of a rule that would survive review. ... that's going to take time, even if you had your full crew."

Still, Senate Democrats, who may support the climate regulation, worry that without top officials, the White House will step in and make broad decisions with no pushback from agency experts.

"My sense is if you don't have people in the agencies, the White House will just consolidate power and engage in what I think is even more arbitrary kinds of policies that damage the environment, damage public health and hurt the country," said Sen. Ron Wyden (D-Ore.).

"Things can't work if there's nobody in charge of making them work," said Sen. Debbie Stabenow (D-Mich.). "I believe that in a democracy there needs to be public accountability and you have to have people in positions making decisions to have that accountability."

Republicans say Democrats are the reason many positions remain unfilled. Sen. Bill Cassidy (R-La.) said the second-level jobs can't be filled until the top positions were settled, a process that took extra time because of Democrats' foot dragging. But he conceded the slow process is "frustrating." And Sen. Lisa Murkowski (R-Alaska) has expressed some concern that the White House hasn't submitted names to restore a quorum to FERC, which is needed to help advance major energy infrastructure projects.

Jim Inhofe (R-Okla.), a Trump supporter, agrees with Trump that every job doesn't need to be filled, but he acknowledged that top cabinet officials can't enact a major deregulatory push alone.

"I think [Pruitt] does need more help, and it's been slow," he said. "It's very frustrating for Scott Pruitt."

To view online click here.

Back

Trump orders DOE to assess grid's cyber attack defenses Back

By Darius Dixon | 05/11/2017 03:02 PM EDT

President Donald Trump today ordered the secretaries of Energy and Homeland Security to report back in 90 days on how the nation might respond to a large, sustained power outage caused by a cyber attack.

Trump's long-awaited executive order on cybersecurity calls on Energy Secretary Rick Perry and DHS Secretary John Kelly to jointly assess by Aug. 9 the "potential scope and duration of a prolonged power outage associated with a significant cyber incident," American readiness to respond to such an outage, and "any gaps or shortcomings in assets or capabilities required to mitigate the consequences of such an incident."

The new order said that Trump administration officials should rely on the definition of a "significant cyber incident" crafted under former President Barack Obama. That directive defined a "significant" incident as one "likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the American people."

The two secretaries should also consult with the director of National Intelligence, coordinate with states and local governments, and turn their assessment over to Tom Bossert, Trump's homeland security adviser.

To view online click here.

Back

Was this Pro content helpful? Tell us what you think in one click.

Yes, very | Somewhat | Neutral | Not really | Not at all

You received this POLITICO Pro content because your customized settings include: Morning Energy. To change your alert settings, please go to https://www.politicopro.com/settings

This email was sent to megan_bloomgren@ios.doi.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA