Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 5/1/2018 10:05:06 AM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]
Subject: Morning Energy: How 'the swamp' could overtake West Virginia's primary — Groups react to EPA's proposed 'secret science' rule — API to tap Mike Sommers

By Kelsey Tamborrino | 05/01/2018 06:01 AM EDT

With help from Garrett Ross

HOW 'THE SWAMP' COULD OVERTAKE WEST VIRGINIA'S PRIMARY: West Virginia Attorney General Patrick Morrisey may be touting himself in the GOP Senate primary as a Washington outsider who wants to "blow up" D.C., but his opponents are dragging him through the muddy swamp. "Morrisey got filthy rich in the swamp lobbying for special interests," says the narrator of one of his opponent Rep. Evan Jenkins' ads, Pro's Theodoric Meyer reports. And while Morrisey, who's hoping to take on Democratic Sen. Joe Manchin this fall, has so far weathered the attacks and continues to do well in public polling, the May 8 vote will ultimately test whether GOP voters are willing to send a former lobbyist to Washington.

"Morrisey's self-described 'outsider' rhetoric cloaks an insider record: Before he was elected attorney general, Morrisey spent eight years as a Washington lobbyist, and the influence industry has fueled his campaign with hundreds of thousands of dollars in contributions," Theo writes. "It's going to be challenging, because the word 'lobbyist' has such negative connotations," said Cam Savage, a Republican operative who helped run Sen. Todd Young's successful 2016 campaign against former Democratic Sen. Evan Bayh, whose work for a Washington law and lobbying firm hindered his campaign. Read more.

IN THE OTHER CORNER of the Republican primary sits coal baron Don Blankenship, who spent a year in prison following the 2010 explosion at his Upper Big Branch Mine that killed 29 workers and who continues to escalate his attacks against Senate Majority Leader Mitch McConnell, POLITICO's Alex Isenstadt reports. The Senate hopeful is out with a new ad that dubs McConnell "Cocaine Mitch" as polls show Blankenship falling behind his more mainstream opponents. "One of my goals as U.S. senator will be to ditch Cocaine Mitch," Blankenship says toward the end of the new ad, possibly referring to a 2014 report in the liberal Nation magazine that drugs were once found aboard a shipping vessel owned by the family of McConnell's wife, Transportation Secretary Elaine Chao, Alex reports.

WELCOME TO TUESDAY! I'm your host Kelsey Tamborrino. BP America's Bob Stout was the first to correctly guess that former President Calvin Coolidge was the first president to attend the White House Correspondents' Dinner. For today: Which president brought the first professional baseball team to the White House to visit? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

POLITICO's Ben White is bringing Morning Money to the Milken Institute Global Conference to provide coverage of the day's events and evening happenings. The newsletter will run April 29 - May 2. **Sign up to keep up with your daily conference coverage.**

WHILE CONGRESS IS AWAY, THE CONFERENCES WILL PLAY: The National Hydropower Association continues its Waterpower Week in Washington today with remarks from FERC Chairman Kevin McIntyre and Thomas Smith , chief of operations and regulatory division for the U.S. Army Corps of Engineers. McIntyre will discuss the "global frontiers of waterpower," providing an update on FERC's

hyrdropower activities and his perspective on the industry's future. Smith will deliver remarks during the presidential luncheon this afternoon, alongside Herbie Johnson, hydro general manager at the Southern Company. The annual conference is tied to three co-located conferences, including the NHA conference, the International Marine Renewable Energy Conference and the Marine Energy Technology Symposium.

— **The Solar Summit 2018 also kicks off today in San Diego**, where Abigail Ross Hopper, president and CEO of the Solar Energy Industries Association, will discuss solar in the Trump era, with a focus on the corporate tax reform, Section 201 and other macro-level risks. Hopper will be joined on stage by Avangrid Renewables' Laura Beane and Charlie Gray, director of the Solar Energy Technologies Office at DOE's Office of Energy Efficiency & Renewable Energy.

A LOAN IN THE SUN: Coinciding with the solar conference, GTM Research is out with a new report this morning on U.S. residential solar financing. The report found that last year was the first year since 2011 when more systems have been purchased with cash and loans (59 percent) than with leases and power purchase agreements (41 percent). That's in part due to the availability of loan products, as well as a shortage of third-party ownership suppliers, and Tesla and Vivint's move away from third-party ownership, the GTM report found.

The report also said that competition has intensified in solar loans, with various solar-specific loan providers, traditional banks and credit unions entering the realm. The increased competition has led to "uber-competitive rates and therefore compressed margins, leaving questions about the financial health and long-term viability of many of these loan providers," a summary of the report said.

RULE REACTIONS: EPA is moving full-speed ahead in its controversial scientific policy that would exclude the use of studies that don't publicly disclose all data. The agency published the proposed rule in the Federal Register on Monday, kicking into gear a 30-day comment period. And already, several groups have come forward to oppose the policy, laying out what they see as the policy's adverse effects — and calling for more consideration before any formal change.

— **The Union of Concerned Scientists** — which sent a letter signed by more than 1,000 scientists to EPA Administrator Scott Pruitt last week asking him to reverse course prior to the rule's announcement — plans to send another urging for the comment period to be extended a minimum of 60 days and calling for the agency to hold three public hearings across the U.S. to receive additional input. "The current timeframe and lack of opportunities for engagement are wholly inadequate and will not allow for thorough public input of this proposed rule and its impact on science-based health and environmental safeguards." Read the letter here.

— **A group of scientific journals** released a joint statement saying that the proposal "does not strengthen policies based on scientific evidence to limit the scientific evidence that can inform them; rather, it is paramount that the full suite of relevant science vetted through peer review, which includes ever more rigorous features, inform the landscape of decision making. Excluding relevant studies simply because they do not meet rigid transparency standards will adversely affect decision-making processes."

A SOMMERS DAY: The American Petroleum Institute is expected to tap Mike Sommers to replace Jack Gerard to lead the oil and gas industry lobbying group, two sources tell POLITICO's Emily Holden and Eric Wolff. Sommers was former House Speaker John Boehner's chief of staff and has since spent two years leading the American Investment Council, a private equity trade group. Gerard announced earlier this year that he would step down in August. Read more.

TRUMP GRANTS TARIFF EXTENSION FOR SOME: The president extended a temporary exemption by one month for Canada, Mexico and the European Union from heavily watched steel and aluminum tariffs, the White House announced Monday. The move gives the key U.S. allies until June 1 to reach a deal with the administration to avoid the tariffs of 25 percent on steel and 10 percent on aluminum exports sent to the United

States. The tariffs were slated to take effect at 12:01 a.m. today if President Donald Trump had not moved to extend the deadline, POLITICO's Megan Cassella reports.

WHISTLEBLOWER SAYS PRUITT LIED: Kevin Chmielewski, the former deputy chief of staff for operations at EPA, told ABC News Pruitt was telling a "bold-faced" lie last week when he testified to lawmakers that none of his employees were retaliated against for raising concerns about his spending decisions. Chmielewsk, who was dismissed and is now acting as a whistleblower, told ABC that chief of staff Ryan Jackson called him into his office and said: "Hey — Administrator Pruitt either wants me to fire you or put you in an office so that he doesn't have to see you again." Chmielewski added: "And in addition to that, he wants to put Millan (Hupp) in your spot, as your title and your pay grade."

EPA declined to comment to ABC in response to Chmielewski's allegations, but the outlet said it obtained a personnel form filled out by EPA human resources officials that said Chmielewski resigned on March 17. "The form is not signed by Chmielewski, who says he was actually forced to leave a month before that date," ABC writes. Read more.

DEMOCRATS PRESS PRUITT ON TESTIMONY: Separately, Democratic Reps. Doris Matsui and Paul Tonko sent a letter Monday calling out a different aspect of Pruitt's testimony last week before Congress. The pair point to a contradiction between Pruitt's remarks and reports that the administration has drafted a proposed rulemaking to block California's waiver authority to set stricter standards for light-duty vehicles. "If true, these reports directly contradict your testimony last week. As you were reminded at the start of that hearing, it is a violation of the law to knowingly make false statements to a Congressional committee," Matsui and Tonko write in a letter to Pruitt. Asked last week about whether he would revoke California's special Clean Air Act waiver, Pruitt told lawmakers "not at present." The lawmakers requested Monday that Pruitt provide all documentation related to the development of the notice of proposed rulemaking by Friday. Read the letter here.

SAGE SUIT: Conservation groups are suing the Trump administration over policies that they say would "adversely impact essential habitats and populations" for the greater sage grouse. The lawsuit, filed in the U.S. District Court in Boise, concerns Interior Department's oil and gas lease auctions in Nevada, Utah, Montana, Wyoming and Idaho — and calls on the court to reverse the sales. "There's no scientific or legal support behind these policies, and no public support for them either," said Michael Saul, a senior attorney at the Center for Biological Diversity. "They're clearly intended to make fossil fuel development the dominant use of public land, and that's illegal." Read the complaint.

DOE 'ENCOURAGED' BY PJM MOVE: The Energy Department said it was "encouraged" by news Monday that PJM Interconnection will perform "stress tests" on different parts of the grid to identify fuel supply vulnerabilities. "PJM's concerns are consistent with what DOE, NERC, and others have been saying for years: premature retirements of fuel-secure resources are putting the future of our nation's electric grid at risk, and that undermines our national security," DOE press secretary Shaylyn Hynes said in a statement. DOE urges the regulatory agency "to take immediate action to stop the loss of fuel-secure capacity," Hynes said, adding that DOE continues to review all of its options within its authority to ensure a resilient grid. Recently, Energy Secretary Rick Perry has considered invoking the 1950 Defense Production Act to keep money-losing power plants running by designating them as crucial for national security.

BY PROXY: A new report from the American Council for Capital Formation out today found that proxy advisory firms — which advise shareholders on how to assess and vote on company plans — are operating with minimal oversight and are moving toward an increasingly activist stance on issues relating to the environment, as well as social and political issues. The report, titled "The Conflicted Role of Proxy Advisors," examines the impact such proxy firms have on major policies at most publicly traded companies. Read it here.

FIRST OFFICIAL DAY ON THE JOB: Today is Secretary of State Mike Pompeo's first full day in Foggy Bottom, where he will deliver a speech to introduce himself to the department. POLITICO's Nahal Toosi breaks

down the differences between Pompeo and his predecessor and former Exxon Mobil CEO Rex Tillerson here. But keep an ear out for any climate mentions, as diplomats and environmentalists gather today in Bonn, Germany, to work out the kinks of the Paris climate agreement. Greens have hit Pompeo as a climate science doubter, while others like Competitive Enterprise Institute's Myron Ebell have said the Kansas Republican will be a "forceful advocate" of Trump's decision to exit the Paris accord.

A PENNY FOR YOUR FREETHOUGHT CAUCUS: Democratic Reps. Jared Huffman, Jamie Raskin, Jerry McNerney and Dan Kildee launched the Congressional Freethought Caucus on Monday "to promote sound public policy based on reason, science, and moral values, protect the secular character of our government, and champion the value of freedom of thought worldwide." In a statement, Huffman said the caucus "will help spark an open dialogue about science and reason-based policy solutions."

PAY THE PRICE: The New York Independent System Operator and state policymakers released a draft plan on Monday to price carbon as part of the electric system, Pro New York's Marie French reports. The move comes as an early step toward addressing the impact of state subsidies for renewables and nuclear power on the competitive market. "Under the proposal, a social cost of carbon set by state regulators would be added on to regional energy prices," Marie writes. Read more.

MAIL CALL! A coalition of more than 160 groups sent a letter to Interior Secretary Ryan Zinke on Monday in opposition to the department's proposal to rescind the "blanket rule" the U.S. Fish and Wildlife Service used to extend protections for endangered species. Read the letter.

— **Oregon Sens. Ron Wyden and Jeff Merkley** and Reps. Earl Blumenauer, Peter DeFazio, Suzanne Bonamici and Kurt Schrader sent a letter Monday to Office of Management and Budget Director Mick Mulvaney and Assistant Army Secretary R.D. James., requesting federal officials support a flood protection feasibility study for Portland. Read it here.

MOVER, SHAKER: The White House is expected to tap California agriculture attorney Michael Stoker to lead EPA's San Francisco-based Region 9 office, sources tell E&E News. The regional office is the only one to which Trump has not appointed a leader.

A NEW LOOK: Trade association the American Exploration & Production Council is launching today a new website and Twitter and Facebook accounts. The new website will include videos, fact sheets, info-graphics and issue pages.

QUICK HITS

— Utilities, oil interests clash over EV policy at conservative policy summit, Utility Dive.

— Contura, Alpha to merge, creating largest U.S. met coal producer, Reuters.

— Blankenship's mine took this man's son, brother and nephew. Now Blankenship wants his vote, Huffington Post.

— In cities v. fossil fuels, Exxon's allies want the accusers investigated, InsideClimate News.

— Australia investing $377 million to protect Great Barrier Reef, NPR.

HAPPENING TODAY

8:45 a.m. — GreenTech Media holds Solar Summit, San Diego

10:00 a.m. — CSIS Energy & National Security Program discussion on carbon pricing, 1616 Rhode Island Ave NW

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To view online:
https://subscriber.politicopro.com/newsletters/morning-energy/2018/05/how-the-swamp-could-overtake-west-virginias-primary-197520

Stories from POLITICO Pro

Lobbyists fuel lobbyist-turned-'outsider' Senate candidate Back

By Theodoric Meyer | 05/01/2018 05:00 AM EDT

West Virginia Attorney General Patrick Morrisey has gone a notch above pledging to "drain the swamp" during his Senate campaign. "Let's not just change Washington; let's blow it up," Morrisey says in an early TV ad, as he drops a mountain on the Capitol dome.

But Morrisey's self-described "outsider" rhetoric cloaks an insider record: Before he was elected attorney general, Morrisey spent eight years as a Washington lobbyist, and the influence industry has fueled his campaign with hundreds of thousands of dollars in contributions. Morrisey's wife is also a lobbyist, and their work in D.C. has been the subject of unforgiving attacks from both of Morrisey's opponents in the Republican Senate primary.

"Morrisey got filthy rich in the swamp lobbying for special interests," the narrator says in one of Rep. Evan Jenkins' commercials.

Morrisey has weathered the attacks, leading the field or running a close second in recent public polls of the Republican primary to take on Democrat Joe Manchin , one of the most vulnerable senators up for reelection this year. The race has attracted national attention as Washington Republicans attempt to derail the candidacy of Don Blankenship, the former coal-mining executive who spent a year in prison for his role in a mine explosion that killed 29 men. But next week's primary will also test whether GOP voters are willing to send a former lobbyist to Washington, despite President Donald Trump's vow to curb K Street's influence.

"It's going to be challenging, because the word 'lobbyist' has such negative connotations," said Cam Savage, a Republican operative who helped run Sen. Todd Young's (R-Ind.) successful 2016 campaign against former Democratic Sen. Evan Bayh, whose work for a Washington law and lobbying firm hindered his campaign.

While Morrisey has tried to deflect attention away from his lobbying past, he has embraced it behind the scenes. Morrisey's campaign raised more than $250,000 from more than 200 current and former registered lobbyists through March 31, according to a POLITICO review of campaign finance records — accounting for nearly 20 percent of his individual donations.

Morrisey has raised even more from corporate and lobbying firm PACs, as well as from people who aren't registered lobbyists but clearly work in Washington's influence industry, such as former Rep. Mike Ferguson (R-N.J.), who heads BakerHostetler's federal policy team but isn't registered as a lobbyist. Of the $250,000, roughly $167,000 of it comes from lobbyists who are currently registered.

Many of Morrisey's lobbyist contributors work for health care and pharmaceutical interests, which Morrisey represented during his own years on K Street. They include Rodger Currie, the top lobbyist for Pharmaceutical

Research and Manufacturers of America, the powerful trade group for drug companies, who wrote Morrisey's campaign a $2,000 check in December.

Former Rep. David Jolly (R-Fla.), a former lobbyist elected in 2014, said his lobbying background "was definitely an issue that my opponents tried to use to define me" in the race. He was able to overcome those attacks, he said, because he hadn't lobbied for clients that voters found objectionable.

Morrisey represented about 30 clients during his time at two Washington firms, Sidley Austin and King & Spalding, including big pharmaceutical companies such as Bayer, Novartis and Novo Nordisk. If Jolly had represented such clients, he said, he might have had a tougher race.

"These are very fair and legitimate questions," Jolly said.

Morrisey has shied away from discussing his lobbying days, instead casting himself as an outsider and conservative in contrast with Jenkins, who used to be a Democratic state legislator.

Morrisey refused to say the word "lobbyist" during a debate last week, even as Jenkins and Blankenship attacked him for lobbying for the pharmaceutical industry — a sensitive subject in a state that's struggling to combat an opiate crisis partly fueled by drug distributors. Asked by the moderators at the end of the debate to clear up a misconception about himself, Morrisey said only that he'd "never worked on opiate issues in the private sector."

Morrisey's campaign website uses similar language, describing him as a former "health care attorney in the private sector."

Jenkins, who's facing Blankenship and Morrisey in the three-way race for the nomination, has raised far less from K Street, even though, as a sitting congressman, he has plenty of opportunity to mingle with lobbyists, too.

A review of Jenkins' campaign finance reports turned up only 10 current and former lobbyists who had given a combined $20,000 to his campaign since he filed to run last May. Four of them are currently registered. Jenkins has raised much more than Morrisey from corporate PACs: about $136,000 to Morrisey's $86,000, according to a POLITICO analysis.

Morrisey's campaign declined to make him available for an interview.

"Patrick Morrisey served as a law partner and practice group co-chair at two of the largest law firms in the country, focusing his practice on health care regulatory matters, legislative issues, compliance, fraud and abuse, administrative law, investigations, and solving client problems," Nachama Soloveichik, a Morrisey campaign spokeswoman, said in an statement.

Preeya Noronha Pinto, a partner at King & Spalding who lobbied alongside Morrisey and gave his campaign $500 last year, said much of their work involved meeting with administration officials and, occasionally, members of Congress in an effort to get Medicare, Medicaid and other government health care programs to cover new drugs and medical devices developed by their clients. She said she hadn't seen the ad in which Morrisey drops a mountain on the Capitol, but she wasn't surprised he was running a campaign critical of Washington.

"I think everybody in a certain respect, even if they've worked here for years, thinks that D.C. is dysfunctional and there's a lot of room for improvement," Pinto said.

Morrisey's wife, Denise Henry Morrisey, has also been the subject of attacks based on her lobbying work.

"His wife's firm lobbies for Planned Parenthood," the narrator charges in one of Blankenship's TV ads. "The Morriseys won't stop drug abuse or abortions by lobbying for drug companies and abortion clinics."

Soloveichik, the Morrisey campaign spokeswoman, said Denise Morrisey would stop lobbying if her husband were elected to the Senate. But she declined to say whether Denise Morrisey would give up her stake in Capitol Counsel, a top Washington firm in which she owns a 15 percent stake.

Denise Morrisey agreed to an interview with POLITICO last week but later stopped responding to emails and phone calls.

Savage, the Republican operative who worked as a consultant on Young's campaign in 2016, said it was possible to parry lobbying attacks — but only with willingness to answer questions about it.

Savage managed former GOP Sen. Dan Coats' comeback campaign in Indiana in 2010, when he won back his old seat in 2010 after working as a lobbyist. Savage credited Coats' victory, in part, to his willingness to be forthcoming about his lobbying work.

"The attacks after that kind of fell flat, to be honest with you," Savage said.

Kevin Robillard contributed to this report.

To view online click here.

Back

Blankenship slams 'Cocaine Mitch' in anti-McConnell ad Back

By Alex Isenstadt | 04/30/2018 06:23 PM EDT

West Virginia Senate hopeful Don Blankenship is intensifying his offensive against Majority Leader Mitch McConnell, calling him "Cocaine Mitch" in a new TV ad released just more than a week until the Republican primary.

"One of my goals as U.S. senator will be to ditch Cocaine Mitch," Blankenship says toward the end of the spot, which comes as polls show the coal baron falling behind his more mainstream opponents.

Blankenship, who spent a year in prison following the 2010 explosion at his Upper Big Branch Mine that killed 29 workers, offers no context for the jab. But he may be referring to a 2014 report in the liberal Nation magazine that drugs were once found aboard a shipping vessel owned by the family of McConnell's wife, Transportation Secretary Elaine Chao.

Blankenship has gone after McConnell in startlingly personal ways. During a recent interview with POLITICO, Blankenship said McConnell "has a lot of connections in China," and that Chao is "from China, so we have to be really concerned that we are in truth" putting America's interests first.

A McConnell representative did not respond to a request for comment.

With the May 8 primary fast approaching, Blankenship has launched a slash-and-burn campaign targeting the Senate GOP leader. Blankenship's offensive comes as polls show him falling behind GOP Rep. Evan Jenkins and state Attorney General Patrick Morrisey in the primary.

McConnell's political operation has moved aggressively to block Blankenship's path. Operatives close to the majority leader, convinced that Blankenship would lose to Democrat Joe Manchin in the November general election, have launched a super PAC that has spent about $1.3 million on TV ads attacking the coal baron.

One ad from Mountain Families PAC describes Blankenship as a "convicted criminal," who lived a lavish lifestyle while ignoring mine safety laws.

"Don Blankenship was about the money," the spot concludes. "West Virginia families paid the price."

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Pruitt scales back EPA's use of science Back

By Emily Holden and Annie Snider | 04/24/2018 03:17 PM EDT

Environmental Protection Agency chief Scott Pruitt announced Tuesday he would seek to bar the agency from relying on studies that don't publicly disclose all their data, a major policy change that has long been sought by conservatives that will sharply reduce the research the agency can rely on when crafting new regulations.

The unveiling of the proposed rule delivers a win to Republicans like House Science Chairman Lamar Smith (R-Texas), who unsuccessfully pushed legislation to impose the same type of change. The move also demonstrates Pruitt's persistence in pursuing President Donald Trump's anti-regulation agenda just two days before the embattled EPA chief is due to face fierce questioning from lawmakers about his hefty spending, expanded security detail and cheap condominium rental from the wife of an energy lobbyist.

At an invitation-only meeting at EPA headquarters with Smith, Sen. Mike Rounds (R-S.D.) and other supporters of the policy, Pruitt said the proposed rule was critical in ensuring that the agency was transparent about how it is making decisions to justify costly new regulations. It is the latest step Pruitt has taken to fundamentally shift the agency's approach to science.

"It is a codification of an approach that says as we do our business at the agency the science that we use is going to be transparent, it's going to be reproducible, it's going to be able to be analyzed by those in the marketplace. And those who watch what we do can make informed decisions about whether we've drawn the proper conclusions or not," Pruitt said.

Text of the proposed rule was not immediately available.

The proposal, based on legislation pushed by Smith, is intensely controversial, and scientists and public health groups say it will prevent federal regulators from enacting health and safety protections. Nearly 1,000 scientists, including former EPA career staffers, signed a letter opposing the policy sent by the Union of Concerned Scientists to Pruitt on Monday.

Their primary concern was that many of the country's bedrock air and water quality regulations are based on research that cannot disclose raw data because it includes the personal health information.

But industry has its own version of the same problem. EPA often relies on industry studies that are considered by companies to be confidential business information when determining whether new pesticides and toxic chemicals are safe to use. Internal EPA emails obtained under the Freedom of Information Act show that EPA political officials, including Nancy Beck, who became the chief of the agency's chemical safety office last year after working for years at a chemical industry lobbying group, worried that the new policy would limit the agency's ability to consider industry data or would force companies to make this proprietary data public.

"We will need to thread this one real tight!" Richard Yamada, political official who led work on the new policy wrote to Beck after she raised the concerns.

It was not immediately clear if the new proposed rule included measures to address those concerns.

Rush Holt, CEO of the American Association for the Advancement of Science, said Pruitt's changes could keep the agency from revising public health regulations as problems arise or new data comes to light.

"On the surface it sounds so innocuous or even beneficial. What could be wrong with transparency? Well it's clear to me that this is not based on an effort to be transparent. It is rather based on an effort to be just the opposite," he said.

"EPA is particularly important because when science is misused, people die," he added.

Pruitt has been discussing the new scientific policy publicly for weeks, but it only went to the White House for interagency review last week. Such swift review is very rare for the Office of Management and Budget, which often takes months to vet a new policy. At least one group, the Environmental Defense Fund, has requested a meeting with OMB officials to discuss the rule, but OMB's website shows that no meetings have been scheduled with interested groups.

Many public health studies can't be replicated without exposing people to contaminants, and environmental disasters such as the Deepwater Horizon oil spill cannot be recreated, the group said, raising intellectual property, proprietary and privacy concerns.

Pruitt's predecessor Gina McCarthy, and her air chief Janet McCabe, in an op-ed in The New York Times in March said concerns about studies are dealt with through the existing peer-review process, which ensures scientific integrity.

"[Pruitt] and some conservative members of Congress are setting up a nonexistent problem in order to prevent the E.P.A. from using the best available science," they said.

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API's Gerard to exit on an oil industry winning streak Back

By Ben Lefebvre | 01/17/2018 06:05 PM EDT

American Petroleum Institute President and CEO Jack Gerard's plan to exit the powerful trade association could signal the end an era for oil industry lobbying.

Gerard notched up a long list of achievements during his 10-year tenure, which coincided with the oil and gas boom that turned the U.S. into the world's largest energy producer. He will step down in August after deciding not to renew his contract, API announced.

Gerard took the helm at the API after leading the American Chemistry Council and the National Mining Association. And he was well compensated, receiving $6 million in salary and other compensation as of 2015, according to the API's latest tax forms.

During his time atop API, flagging U.S. production rebounded with the advent of fracking and horizontal drilling, allowing energy producers to tap new resources in North Dakota, Appalachia and West Texas. And as overall oil output doubled to nearly 10 million barrels a day, API's membership swelled by 50 percent, to more than 600 companies.

That helped API to expand its reach, and it doled out $9.4 million on lobbying Washington lawmakers in 2017, quadruple the amount it spent in the year Gerard took the helm.

API helped overturn the decades-old ban on oil exports, open new areas to drilling — including the Arctic National Wildlife Refuge — and win federal approval for the Keystone XL pipeline. And under Gerard, API also introduced the term that would eventually be taken up by President Donald Trump, when in 2012 it called for a "new era of American world energy dominance."

"We've taken the nation from energy scarcity to energy abundance," Gerard said of the industry at the API's annual State of American Energy address in Washington earlier this month.

But he warned at that event that it wasn't time for API to take "a victory lap," as he cited a to-do list that contained little more than continuing a yearslong fight to repeal a biofuels mandate the industry finds burdensome and streamlining the federal permitting process.

"It's hard to say API wasn't successful under his tenure," said John Northington, a former Clinton-era Interior Department official who works as an energy consultant for many API member companies, adding that it delivered much of what the industry wanted to accomplish.

Not all energy industry insiders agreed, however. Some pointed that for an organization with annual revenue of around $250 million — much of which it spent on advertisements, including one that ran during last year's Super Bowl, or donations to Republicans — the API's influence was limited. Despite a string of recent wins, it hadn't managed to record any progress in altering the decade-old Renewable Fuel Standard for biofuels or ending restrictions under the Jones Act against foreign-flagged ships transporting fuel between U.S. ports.

"They have this ridiculous amount of money, but they don't get a lot of results," said one refining industry source who requested anonymity to discuss the association. "They don't do bad work, but for that kind of money, you expect more."

The API's ranks have also become divided over how to handle growing public concern about the oil and gas industry's role in climate change. The group in 2016 created a task force to massage the industry's environmental image and work Democrats on a potential carbon tax, a policy that drives a wedge between companies like Exxon Mobil, which has supported such a tax, and Chevron, which has opposed it.

An API spokeswoman said it was unknown whether Gerard was retiring or would join another organization. Gerard will help lead the search for a new president and CEO, the spokeswoman added.

One possible replacement for Gerard is API's current executive vice president and chief strategy officer, Marty Durbin. Durbin had been in charge of API's government affairs before departing to become head of the lobby group America's Natural Gas Alliance, which subsequently merged with API.

Other names floated by industry insiders as potential candidates included Mike Sommers, a former chief of staff for former House Speaker John Boehner, now CEO of the American Investment Council; Karen Harbert, head of the U.S. Chamber of Commerce's Global Energy Institute; and former Sen. Blanche Lincoln, an Arkansas Democrat.

An API spokeswoman did not comment on possible candidates.

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Sources: API expected to tap Sommers as new chief Back

By Emily Holden and Eric Wolff | 04/30/2018 04:33 PM EDT

The American Petroleum Institute is expected to tap Mike Sommers, the head of a private equity trade group who worked as a top aide to former House Speaker John Boehner, to replace Jack Gerard at the helm of the powerful oil and gas industry lobby group, according to two sources.

Gerard announced his retirement earlier this year after a decade at the helm of the API, where he notched up a long list of achievements including overturning the decades-old ban on crude oil exports. He will step down in August.

API did not reply to a request for comment.

The oil and gas industry has so far gotten strong support from the Trump administration, which has moved to open the Arctic National Wildlife Refuge to exploration, is considering making wide swathes of coastal waters available to the industry, and last week said it would roll back some Obama offshore drilling rules.

But API has urged the White House to scrap its steel and aluminum tariffs, and to keep core provisions of NAFTA in place as it negotiates an update to the trade agreement.

Sommers, who was Boehner's chief of staff, has led the American Investment Council for two years, a position that kept him close to Arclight Capital Partners, The Blackstone Group, EnCap Investments and other firms that have invested heavily in energy projects. He also served as an aide to former President George W. Bush in 2005 at the National Economic Council working on agriculture, trade and food policy.

Barry Worthington, CEO of the United States Energy Association, which brings together public and private organizations, corporations and government agencies, said he'd been told Sommers would succeed Gerard.

"Jack Gerard is going to be a tough act to follow," he said.

Gerard was also one of the best-paid lobbyists in Washington, D.C. He received $5 million in direct compensation from API, plus another $1.2 million in perks in 2015, according to the group's latest IRS forms.

Marianne Levine and Ben Lefebvre contributed to this report.

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Trump grants key U.S. allies an extra month of tariff relief Back

By Megan Cassella | 04/30/2018 05:57 PM EDT

President Donald Trump has decided to extend by one month a temporary exemption from steel and aluminum tariffs for Canada, Mexico and the European Union, the White House announced Monday evening.

The move gives key allies — and three of the U.S.' four largest trading partners — until June 1 to reach some sort of deal with the Trump administration to avoid duties of 25 percent on steel and 10 percent on aluminum exports sent to the United States. The tariffs had been set to take effect at 12:01 a.m. Tuesday if Trump had not moved to extend the deadline.

The administration has also reached preliminary agreements with three other countries that had initially been granted a temporary exemption — Argentina, Brazil and Australia — allowing them to escape the duties as details are finalized over the next 30 days, the White House said. Trump did not set a deadline for those details to be worked out but said he would consider reimposing the tariffs if the agreements are not finalized "shortly."

One other country, South Korea, had already reached a preliminary deal for a permanent exemption from the steel tariffs because it agreed to cap its exports to the U.S. at 70 percent of the average export volume over the previous three years. Trump's official proclamation said the administration will monitor the implementation and effectiveness of that quota and left room for Trump to "revisit" his decision if needed.

"In all of these negotiations, the administration is focused on quotas that will restrain imports, prevent transshipment, and protect the national security," the White House said in its declaration. "These agreements underscore the Trump administration's successful strategy to reach fair outcomes with allies to protect our national security and address global challenges to the steel and aluminum industries."

The declaration brings some clarity to a decision-making process that until the official release left key allies wondering whether they would beginning Tuesday face penalties sure to roil international markets and disrupt global supply chains. Few people inside the White House or overseas had been sure of what or even when Trump would decide.

Imposing the duties would also have affected foreign steel industries that depend on access to the U.S. market. Canada and Mexico both send more than half of their steel produced annually into the United States, while the 28 nations of the EU together serve as the largest single supplier of steel to the U.S.

Of $29.1 billion worth of steel that the United States imported last year, $6.2 billion came from the 28 nations of the EU and $2.9 billion from other European countries. About $5.1 billion came from Canada, $2.8 billion from South Korea, $2.5 billion from Mexico, $1.6 billion from Japan, $1.4 billion from Russia and just $976 million from China.

A U.K. government spokesperson called the extension "positive" and said EU countries would continue to work to reach a permanent solution.

"We remain concerned about the impact of these tariffs on global trade and will continue to work with the EU on a multilateral solution to the global problem of overcapacity, as well as to manage the impact on domestic markets," the spokesperson said in a statement Monday night.

Although the move grants some of the United States' closest allies another month to work out a deal, it remains unclear what sort of concessions would satisfy Trump and his administration.

Commerce Secretary Wilbur Ross and other administration officials have said in recent days that countries would have to choose between either quotas or tariffs — but the EU, Canada and Mexico have said they expect a full exemption without having to agree to such restrictions.

"We're busy alienating the few friends we have left," said Bill Reinsch, a senior adviser at the Center for Strategic and International Studies. "The president clearly, on trade issues, doesn't make a distinction between the good guys and the bad guys. If you're not doing exactly what he wants, you're a bad guy by definition — and nothing else counts."

The process of deciding on the exclusions and exemptions has been chaotic since the departure of former White House staff secretary Rob Porter, who was heavily invested in trade policy and making sure that differing viewpoints were included in the decision-making process.

U.S. Trade Representative Robert Lighthizer, meanwhile, has had myriad policy questions on his plate, including the ongoing NAFTA talks and his upcoming trip to China later this week to talk trade.

With any final decision still up in the air, some nations have indicated exactly how they will retaliate if and when Trump does impose the tariffs. The European Union last month generated a list of U.S. exports ranging from peanut butter to lipstick and yachts that would face punitive 25 percent duties on their way into the European market if Brussels is not spared. The EU's list, which is valued at roughly $3.4 billion, is largely comprised of products from Republican states and districts that would bear the brunt of the tariff impact.

At the same time, European nations have also been working among themselves and with the United States to strike a compromise. German Chancellor Angela Merkel and French President Emmanuel Macron both traveled to the White House last week to talk face-to-face about the issue with Trump, who is still toying with the decision.

Merkel and Macron both spoke over the weekend with U.K. Prime Minister Theresa May about the "vital importance" of Europe's steel and aluminum industries and pledged to work together with the rest of the EU to push for a compromise and a permanent exemption.

To that end, EU Trade Commissioner Cecilia Malmström also spoke again over the phone on Monday with Ross.

Tensions are similarly high with Canada and Mexico, who are in intensive trade negotiations with the United States to update NAFTA.

Both countries have repeatedly made clear that they expect to be granted a full, permanent exemption from the tariffs without having to agree to quotas or any other restrictions. But their temporary reprieve was contingent upon a successful completion of the NAFTA rewrite — and with that deal still at least a week away, it remains unclear whether Trump will make the exemption permanent or at least extend it on a temporary basis while negotiations continue.

For either of the U.S. neighbors, imposition of the duties would ratchet up trade tensions at a time when all three countries are working to wrap up a NAFTA negotiation that has already been technically and politically difficult.

"Obviously, Lighthizer knows very clearly our position and how we have to react if any measure is imposed," Mexican Economy Secretary Ildefonso Guajardo said Friday during a visit to Washington to talk NAFTA. "I have been very clear that in this context a quota on steel won't be the best way to go."

If the tariffs do go ultimately into effect for any of the countries involved, a key question will be whether Trump will ratchet up the pressure again after the countries inevitably retaliate, Reinsch said.

"We act, they act, that's round one. The question will be, is [Trump] then going to start round two?" he said, noting that one round of tit-for-tat is "not that unusual" but that two would be more remarkable. "I think the trade war starts in round two."

Nancy Cook and Jakob Hanke contributed to this report.

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Source: EPA draft would halt auto standards at 2021 levels, block California authority Back

By Alex Guillén | 04/27/2018 06:28 PM EDT

A draft proposal from EPA would freeze auto emissions standards after model year 2021 and seek to block California's ability to enact its own more stringent regulations, according to a source familiar with the draft.

The text of the draft is still reportedly in flux, but if ultimately finalized, it would erase half a decade's worth of the Obama administration's much-touted emissions savings, handing a major win to the oil industry. It would also set up a nasty legal fight with California that many legal experts believe the state could win.

The Los Angeles Times first reported on the draft plan today.

EPA Administrator Scott Pruitt on Thursday told a House Energy and Commerce subcommittee that he did "not at present" have any plans to try to revoke California's Clean Air Act waiver to enforce more stringent standards.

"It's important that we work together to achieve, as was indicated earlier, a national standard," Pruitt added.

Automakers successfully lobbied the Trump administration to revisit the 2022-2025 standards — although most indicated they simply wanted more flexibility to reach the ultimate emissions goals in 2025. They had complained it would be difficult to meet the Obama administration's goals that would have ultimately lifted the average fuel economy target for the nation's fleet of cars and light trucks to 55 miles per gallon by 2025.

Industry trade groups and individual automakers have also cautioned that a single national standard is preferable to a regulatory patchwork of rules.

WHAT'S NEXT: EPA reportedly will send the proposal to the White House for review in the near future. The agency is working alongside the National Highway Traffic Safety Administration, which is writing its own separate but related fuel economy rules for 2022-2025 vehicles.

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Pruitt: EPA not going after California's waiver 'at present' Back

By Anthony Adragna | 04/26/2018 12:04 PM EDT

EPA Administrator Scott Pruitt said today his agency is "not at present" attempting to undo California's special Clean Air Act waiver allowing the state to set stricter emissions levels for vehicles.

"It's important that we work together to achieve, as was indicated earlier, a national standard," Pruitt said at a House Energy and Commerce subcommittee hearing this morning. "We are working very diligently and diplomatically with California to find answers on this issue."

California officials have warned they would diligently challenge any effort by the Trump administration to go after the waiver.

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PJM to probe fuel supply vulnerabilities Back

By Eric Wolff | 04/30/2018 11:08 AM EDT

PJM Interconnection said today it would seek to identify any fuel supply vulnerabilities in its grid and design market tools to increase resilience, a move that appears designed to head off Energy Secretary Rick Perry's effort to bail out coal-fired and nuclear power plants.

PJM says in a report out today it will run models to "stress test" different parts of the grid to see if fuel security could be compromised under different circumstances. If it finds risks of fuel constraints, it would consider allowing different prices for power from generators that are better able to hedge against fuel problems.

"As is the case with reliability standards, PJM believes the most effective way to address fuel security is to define and establish fuel security criteria and then use market forces to allow all resources to compete to meet those criteria," the report says.

The report's biggest concern appears to be a grid dominated by natural gas, since cold weather can increase demand for home heating and constrain gas supplies. The report makes only one mention of renewables.

PJM has consistently opposed efforts by DOE to exercise emergency authority under either the Federal Power Act or the Defense Production Act to directly subsidize coal or nuclear power plants struggling in the face of low cost power from natural gas and renewables.

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Perry's latest bid to help coal faces uphill battle Back

By Eric Wolff | 04/25/2018 05:08 AM EDT

Energy Secretary Rick Perry's latest idea to protect coal-fired and nuclear power plants may not fare much better than his previous efforts, according to energy experts.

Perry is considering invoking the 1950 Defense Production Act to keep money-losing power plants running by designating them as crucial for national security. But that would stretch the definition of the law and almost certainly draw legal challenges — and it would hit a big hurdle in Congress, which would need to approve perhaps billions of dollars in funding to keep the plants afloat, the experts said.

At the urging of President Donald Trump, Perry has sought to keep open coal and nuclear power plants that are threatened with shutdowns amid the stagnant demand for power — and even as natural gas and renewable power sources grab a growing share of the market.

So far, Perry's had no luck. FERC earlier this year rejected his proposal to give the plants financial support, and Energy Department lawyers stymied a push last year to invoke the agency's authority under the Federal Power Act to force the plants to run.

Some experts said any attempt to use the DPA is likely to meet the same fate.

"To me, it's a tough argument to make. It's a specious argument on its surface that seems like a perversion of the intended use of the Defense Production Act," said Tom Hicks, a former acting undersecretary of the Navy under

former President Barack Obama and now a principal at the advisory firm The Mabus Group. "Defense Production Act is on the vanguard of the need for resources, not on the back end for an industry being challenged by economic forces."

But the effort has been a priority for Trump and Perry, who sees saving coal-fired power generation as vital to U.S. security, according to a source familiar with the conversations on the issue.

The Cold War-era law grants the federal government powerful authorities to inject cash into companies essential for national defense in order to preserve domestic supplies of key products. But DOE will have to make the case that electricity produced specifically from coal and nuclear power plants, and not other types of power, is a critical resource.

Using the act to protect the plants when there appeared to be no immediate shortage of power supplies would be a novel application that would almost certainly face legal challenge.

"If the administration uses DPA, they're going to be using it very creatively," said Ari Peskoe, director of the Electricity Law Initiative at the Harvard Law School Environmental and Energy Law Program. "They may come up with reasoning for higher rates and who's going to pay for it. Whether that will hold up, I don't know."

Perry and his staff appear to have very few viable options for bailing out coal and nuclear power, a major energy priority for Trump, who has promised to revive the coal industry. DOE has opened a comments process for interested parties to weigh in on its use of the Federal Power Act's 202(c) emergency provisions, though that would require the agency to go through FERC, which unanimously rejected a similar Perry effort in January.

The 202(c) effort has been pushed by coal magnate Bob Murray, owner of Murray Energy, and by FirstEnergy Solutions, the unit of of FirstEnergy Corp. that is in bankruptcy proceedings and which expects to shut down four coal and nuclear power plants. That company asked DOE to use the emergency authority to save not only its plants, but all 85 coal and nuclear power plants in the PJM Interconnection power market.

The DPA was last used by the Obama administration starting in 2012 to help spur the biofuels industry to develop the kind of advanced biofuels that could power ships and aircraft. The government can purchase capital equipment for the cause of national security, and it can fund advertising to support the effort.

And it allows the government to become the buyer of last resort, which could put Washington on the hook to buy excess power generated by coal and nuclear plants. Technically, this electricity could only be purchased at the "cost of production," a level that in the past has been determined by a team within the Defense Department.

While no hard estimate for the cost of a DPA subsidy exists, consultants analyzing Perry's previous bailout proposal estimated costs between $4 billion and $10.6 billion annually.

That's a far higher level than Congress typically allocates for the DPA. It provided $67.4 million in the omnibus passed in March, H.R. 1625 (115), down slightly from the $76 million it provided for all projects in 2017, according to a report submitted to Congress.

And Congress — and the Republican Party — is deeply divided on using government subsidies to save these plants. Rep. David McKinley (R-W.Va.) has some allies from other coal districts for the effort, but other free market-oriented lawmakers like Rep. Pete Olson (R-Texas) say they want to see markets function unimpeded.

McKinley's staff has been in touch with DOE and the White House, as has West Virginia Sen. Joe Manchin (D).

"I think it's an emergency national concern for the national defense of our country. I think Rick Perry agrees with it, and I think the president does also," Manchin told POLITICO.

PJM has itself said the retirement of FirstEnergy's coal plants did not pose a threat to the region's power supplies, and that it had ample generation to meet demand. It has opposed any effort to mandate to require the plants to stay online.

"We believe that a market-oriented approach consistent with the American free-enterprise system offers better results than government-mandated subsidies," said PJM spokesman Jeff Shields.

Anthony Adragna contributed to this report.

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Chatty Pompeo strikes early contrast with reclusive Tillerson Back

By Nahal Toosi | 04/30/2018 06:11 PM EDT

Mike Pompeo, the new secretary of state, is leaning hard into the side of the job his predecessor seemed to hate the most: public relations.

Within hours of being confirmed last week, Pompeo took along several journalists on a trip to Europe and the Middle East, answering their questions in public and private, and appearing Sunday on ABC News' "This Week." He's planning a town hall meeting with State Department staff soon. And he may even start tweeting.

The moves are in many ways a return to tradition for a secretary of state, a high-profile position where words are the most powerful tool. But they stand in marked contrast to the man Pompeo replaced, Rex Tillerson, whose early lack of visibility caused lingering damage to his reputation inside the Trump administration and beyond.

"It signals that, unlike Tillerson, Pompeo recognizes some of the basic things he needs to do to make the State Department relevant," said Ilan Goldenberg, a former Obama-era State official now with the Center for a New American Security. "By itself, it won't make Pompeo an effective secretary of state. But not doing these things really hurt Tillerson."

On Tuesday afternoon, his first full day in Foggy Bottom itself, Pompeo will deliver a speech introducing himself to the department. Staffers and journalists won't be the only ones listening; foreign diplomats will also parse Pompeo's words carefully.

Tillerson, too, gave a well-received speech his first full day on the job. But for months afterward, he almost seemed to have taken a vow of silence.

He refused to engage reporters, didn't hold a town hall until three months in and had no social media presence. U.S. diplomats soon found themselves aimless, lacking guidance from Tillerson and his small coterie of advisers. Veteran NBC News reporter Andrea Mitchell took to loudly asking questions of a silent Tillerson during his public appearances, videos of which went viral. The department's daily press briefing, a decades-old

tradition, was put on ice for nearly two months. Under pressure, Tillerson brought it back, but in a scaled back format. Headlines asked: "Where's Rex?"

Tillerson puzzled a foreign policy establishment used to secretaries of state — including Hillary Clinton and John Kerry — who sought, rather than shunned, public attention. Many State Department staffers came to see Tillerson as isolated and aloof. And foreign leaders who concluded he was ineffectual and out of the loop engaged directly with the White House instead.

Tillerson greatly increased his visibility in the second half of his 14-month tenure, but the damage was done. Trump fired Tillerson in mid-March.

The difference between Tillerson and Pompeo might be explained, in part, by their respective backgrounds: Tillerson had previously been a taciturn CEO of ExxonMobil, Pompeo a pugnacious congressman from Kansas.

"His background as a congressman is a great asset in his current position," said Brett Schaefer, a foreign policy analyst with the conservative Heritage Foundation. "He has a great deal of experience in interacting with a broad number of people and doing so in a way that is designed to listen to their concerns and respond to them."

Pompeo has also pledged to stay in close touch with his former colleagues in Congress. Tillerson drew criticism for being slow to respond to lawmakers' requests.

And while Tillerson showed no visible interest in social media, a person familiar with Pompeo's situation said he is considering using Twitter.

David Wade, a former chief of staff to Secretary of State John Kerry, argued that a secretary of state's public words matter well beyond the Washington Beltway. "Externally, you're in a race to define the American narrative against those like Russia and China which will fill in their own narrative if you're absent," he said.

Calling Tillerson "an abysmal failure at communications both internally and externally," Wade said Pompeo "can be a good communicator, and as a politician he's more talented than his predecessor." But, he added, "all the public diplomacy in the world can't get him out from under the weight of Trump's tweets and slurs about people from the Middle East to Africa."

The timing of Pompeo's Thursday confirmation vote allowed him to attend a long-scheduled meeting of NATO foreign ministers in Brussels the next day, winning him early plaudits from others in the military alliance.

"He actually jumped on a plane just after he was sworn in and he was able to address the North Atlantic Council, the foreign ministers of NATO, just 12 hours and 34 minutes after his confirmation," NATO Secretary General Jens Stoltenberg said with admiration.

Pompeo left Washington with six journalists on his plane. On his first major overseas trip, Tillerson brought just one reporter, from the conservative Independent Journal Review.

As he continued from Brussels to Saudi Arabia, Israel and Jordan over the weekend, Pompeo picked up two more reporters. He spoke to the reporters on the plane and also took questions during news conferences on the ground.

Tillerson, by contrast, generally avoided even the reporters who — having been denied seats on his official plane — chased him around the world on commercial flights.

Shortly after he took office, Tillerson took a quick trip to Bonn, Germany, for a meeting of G-20 foreign ministers. At an appearance on the sidelines with Russian Foreign Minister Sergey Lavrov, reporters were escorted out of the room before Tillerson gave remarks. Even Lavrov was puzzled: "Why did they shush them out?" he asked.

"I'm not a big media press access person. I personally don't need it," Tillerson would later tell the IJR reporter, who traveled with him to Asia a month later.

During his 15 months as CIA director, Pompeo forged a much closer relationship with Trump than Tillerson. He is believed to have a much better sense of where the president stands, and his own, often-hawkish views appear more in line with Trump's thinking. Pompeo has also been vocal about wanting to improve morale at the State Department, where many diplomats have been distressed over Trump's attempts to slash their budget and Tillerson's unwillingness to listen to their expertise.

In a news conference in Brussels, Pompeo pointed out that he'd met with U.S. diplomats who work in the Belgian capital and that he was committed to making his department more relevant.

The diplomats, he said, "may have been demoralized, but they seemed in good spirits. They are hopeful that the State Department will get its swagger back."

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