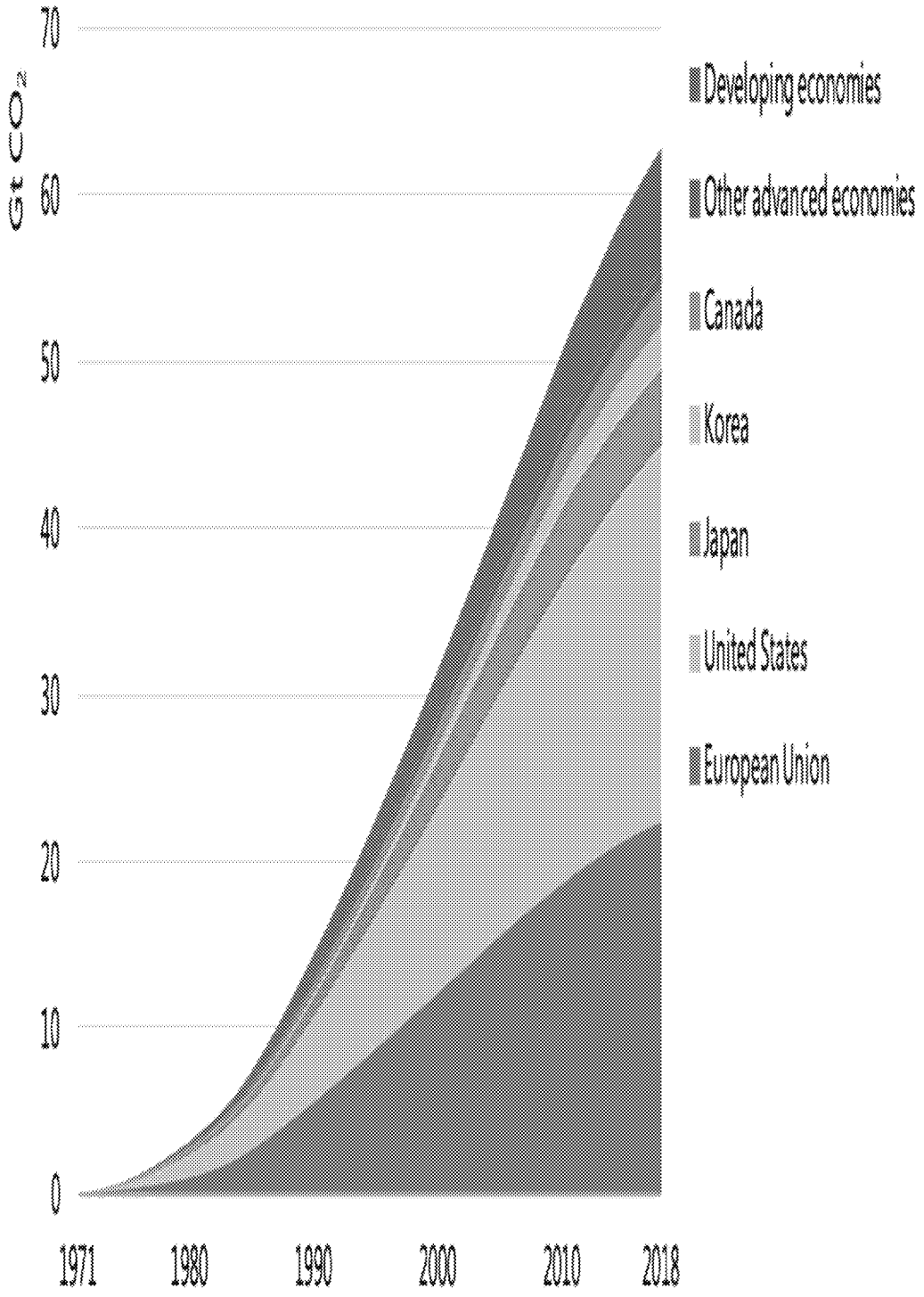
the administration has said it will keep making listing determinations based on biological science. (Bloomberg BNA)

Chart Review

Nuclear Power in a Clean Energy System
International Energy Agency

Figure 4. Cumulative CO_2 emissions avoided by global nuclear power to date



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Events Calendar (All Times Local)

05/28/2019

Energy Department Building Energy Codes Program's 2019 National Energy Codes Conference	
C2ES Event on Pathways to 2050: Alternative Scenarios for Decarbonizing the U.S. Economy	1:30 pm

05/29/2019

Energy Department Building Energy Codes Program's 2019 National Energy Codes Conference	
Solar Power Southeast Conference	
Rep. Sean Casten (D-Ill.) set to speak at University of Chicago Energy Policy Institute Conversation on Energy Policy in the 116th Congress	5:30 pm

05/30/2019

Energy Department Building Energy Codes Program's 2019 National Energy Codes Conference	
Solar Power Southeast Conference	
14th Annual Northeast Power and Gas Markets Conference	
Energy Secretary Rick Perry set to speak at Governor's Energy Summit	
Nuclear Regulatory Commission Briefing on Nuclear Regulatory Research Program	9:00 am
Hill Talk on Hurricane Season: Resiliency, Response, and Recovery	11:30 am

U.S. Energy Association Briefing on Economic Impacts of CCUS	1:00 pm

05/31/2019

14th Annual Northeast Power and Gas Markets Conference

Carbon Utilization Research Council et al. Carbon Capture 101 hill event on CO2 Storage	11:45 am

06/03/2019

Nuclear Energy Institute's Nuclear Energy Assembly

EPA Administrator Andrew Wheeler scheduled to speak at National Press Club Headliners luncheon	12:30 pm

06/04/2019

Nuclear Energy Institute's Nuclear Energy Assembly

Senate Energy and Natural Resources Hearing to Examine Expanded Deployment of Grid-Scale Energy Storage

Global Plastics Summit

Cato Institute event on the Jones Act	12:00 pm

View full calendar

7 MOST LOVED BRANDS

Introducing: Gen Z's Most Loved Brands

The definitive guide to which companies are winning over America's youngest generation.

General

Trump Appointees Shunted Scientists on Pollution at Foxconn Site
Jennifer A. Dlouhy and Amena Saiyid, Bloomberg

Trump administration appointees overruled concerns from their own technical experts in deciding not to impose tougher smog requirements on the Wisconsin county where Foxconn Technology Group planned a $10 billion manufacturing facility, newly released documents show.

Military bases preparing for this hurricane season are still reeling from the last
Tara Copp, McClatchy DC

Last year's hurricanes were particularly destructive for some of the military's most critical bases. In response, active, reserve and National Guard forces have looked at lessons learned to better prepare for this year's hurricane season, which starts June 1, even as they wait for federal funding to fix all the damage from last year.

Trump administration to pull out of rural Job Corps program, laying off 1,100 federal workers
Lisa Rein, The Washington Post

The Trump administration announced Friday that it will kill a Forest Service program that trains disadvantaged young people for wildland fire fighting and other jobs in rural communities, laying off 1,100 employees - believed to be the largest number of federal job cuts in a decade.

Lawmakers, Trump agencies set for clash over chemicals in water
Rebecca Beitsch, The Hill

An aggressive push by Congress to pass bipartisan legislation addressing cancer-causing chemicals that are leaching into the water supply is setting the stage for a fight with the Trump administration.

Democratic presidential hopeful Klobuchar proposes revamping EPA ethanol rules
Humeyra Pamuk, Ginger Gibson, Reuters

Democratic presidential hopeful Amy Klobuchar on Saturday called for revamping the Environmental Protection Agency's (EPA) rules governing how small refineries are exempted from the nation's biofuel laws, a proposal aimed at boosting her standing in the politically critical state of Iowa.

Biden under pressure from environmentalists on climate plan
Miranda Green, The Hill

Former Vice President Joe Biden is expected to unveil his climate change plan any day now, and he's under increasing pressure from environmentalists who want him to take a strong position against fossil fuels.

Oil edges up as supply remains tight, helping offset trade woes
Noah Browning, Reuters

Oil prices rose on Tuesday, supported by tighter global supplies that helped offset lingering worries that demand could be hurt by a U.S.-Chinese trade row.

Oil and Natural Gas

Amid Tensions, Iran's Crude Buyers Jump Ship
Benoit Faucon, The Wall Street Journal

One month after the Trump administration said it would tighten its ban on Iran's oil sales, the country's direct crude buyers have all but vanished, traders and executives in the Islamic Republic say.

As North Dakota oil soars, so does waste of natural gas
James MacPherson, The Associated Press

North Dakota oil drillers are falling far short of the state's goals to limit the burning of excess natural gas at well heads, five years after the state

adopted the rules to reduce the wasteful and environmentally harmful practice.

Cameron LNG set to receive tanker as facility liquefies first cargo: dispatcher
Harry Weber, S&P Global Platts

An unladen Mitsui-owned LNG tanker was in the Gulf of Mexico late Monday and scheduled to arrive Tuesday at Sempra Energy's export terminal in Louisiana as the facility prepares to ship its first cargo, a pilots dispatcher said.

Occidental to sell parts of Anadarko after debt-fueled acquisition
Jennifer Hiller, Reuters

Occidental Petroleum snatched up some of the richest shale oilfields in Texas when it beat out rival Chevron Corp in a bidding war to acquire Anadarko Petroleum.

U.S. Refiners Face Summer Snags Amid Heavy Oil Shortage
Sheela Tobben, Bloomberg

A global shortage of heavy crude will create hurdles for America's key refining belts just as they ramp up gasoline production for summer driving season.

Nuclear retirements in Northeast expected to create gas demand
Jim Magill, S&P Global Platts

While several states in the region have passed legislation to safeguard the nuclear power industry from premature plant retirements, and other states have been debating similar bills, some nuclear generating facilities nonetheless are scheduled for permanent shutdown.

Refiners Poised for Boost From Clean-Fuel Rules
Timothy Puko, The Wall Street Journal

The oil refinery owned by PBF Energy Inc. near this Delaware Bay town was mothballed nearly a decade ago. Today it is running almost full-bore, and PBF and a business partner are spending $100 million to expand it.

ConocoPhillips, Woodside see weak LNG prices as short-term issue
Sonali Paul, Reuters

Liquefied natural gas (LNG) producers ConocoPhillips and Woodside Petroleum expect prices for the commodity to pick up in the short term, pulling away from three-year lows that were hit after a mild northern hemisphere winter.

Small shale companies under pressure, says Fed official
Brendan Greeley and Ed Crooks, Financial Times

Independent shale drillers in the US are facing pressure to either expand or be acquired, Robert Kaplan, president of the Federal Reserve Bank of Dallas, has said.

Utilities and Infrastructure

California Utilities Prepare as Fire Season Looms
Hudson Sangree, RTO Insider

Utilities are bracing for another fire season as the state heads into summer, but officials say troubling questions remain about how to gauge their level of readiness.

Renewables

Fiat Plans Merger With Renault in Latest Auto Industry Jolt
Tommaso Ebhardt and Daniele Lepido, Bloomberg

Fiat Chrysler Automobiles NV proposed a merger with Renault SA to create the world's third-biggest carmaker as manufacturers scramble for scale to tackle an expensive shift to electrification and autonomous driving.

Tesla Gets Ready to Reveal Prices of Model 3 in China
Yan Zhang and Haze Fan, Bloomberg

The company is considering pricing the vehicle between 300,000 yuan ($43,400) and 350,000 yuan before subsidies, according to people familiar with the matter, who asked not to be identified discussing a private matter.

Coal

In Becker, little shock over news of coal plant's early demise
Kirsti Marohn, Minnesota Public Radio

The central Minnesota community was already bracing for two of the plant's three coal-fired generators to close in the next few years. Then, last week came the announcement that the entire plant could close, much sooner than expected.

Nuclear

IEA rings alarm bell on phasing out nuclear energy
Geert De Clercq, Reuters

A steep decline in nuclear energy capacity will threaten climate goals and power supply security unless advanced economies find a way to extend the lifespan of their reactors, the International Energy Agency said.

Trump's pick for NNSA No. 2 confirmed by U.S. Senate
Colin Demarest, Aiken Standard

The U.S. Senate last Thursday confirmed William Bookless, a longtime senior physicist, as the National Nuclear Security Administration's second in command. Bookless, a 2010 Nuclear Posture Review contributor, will now become the principal deputy administrator, a step below chief Lisa Gordon-Hagerty.

Climate

Feds, States, Companies Alone Can't Meet Carbon Cuts: Report
Abby Smith, Bloomberg BNA
The May 28 report from the nonpartisan Center for Climate and Energy Solutions, or C2ES, lays out three scenarios to cut U.S. greeenhouse gas emissions 80% below 2005 levels by 2050.

Older People Are Contributing to Climate Change, and Suffering From It
Paula Span, The New York Times

In the nine Northeastern states, for instance, where average winter temperatures climbed 3.8 degrees Fahrenheit between 1970 and 2000, they have seen fewer snow-covered days, and more shrubs flowering ever earlier.

Green parties' gains could boost climate action in Europe
Frank Jordans, The Associated Press

Green parties' surprisingly strong showing in elections for the 751-seat European Parliament raised hopes - particularly among young voters - that global warming and other environmental issues will get more serious consideration on the continent.

Opinions, Editorials and Perspectives

Insulation for the Future: Advancing Building Energy Efficiency and Resilience
Justin Koscher, Morning Consult

In this age of instant connectivity, virtual encounters allow communication and cooperation with unprecedented speed and ease. But there's something about a face-to-face meeting that really helps people reach common ground.

Research Reports

Pathways to 2050: Alternative Scenarios for Decarbonizing the U.S. Economy
Center for Climate and Energy Solutions

Climate change is among the most profound challenges of all time, confronting individuals, businesses, and governments across the globe. Meeting this challenge requires a sweeping, sustained effort over the coming decades.

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May 28, 2019 View in browser

MORNINGENERGY

BY **KELSEY TAMBORRINO**

With help from Eric Wolff

QUICK FIX

— **A climate change-focused Democratic debate** is gaining traction on the campaign trail and elsewhere in the party, with nearly two dozen Democratic lawmakers adding their support in interviews with POLITICO last week.

— **EPA scientists expressed significant concerns** with the agency's decision to exempt areas of Wisconsin from smog limits, according to new emails reported by The New York Times.

— **A federal judge partially blocked the president's border wall** plan in a lawsuit brought by the Sierra Club and the Southern Border Communities Coalition.

WELCOME TO TUESDAY! Hope everyone had a relaxing holiday break. I'm your host, Kelsey Tamborrino. Bracewell's Frank Maisano knew that in 1868, Gen. John Logan, commander-in-chief of the Grand Army of the Republic, first designated May 30 as Memorial

Day. For today: Which former House Budget chairman also served in a total of four Cabinet-level and White House positions? Send your tips, energy gossip and comments to ktamborrino@politico.com.

DRIVING THE DAY

DEBATE TEAM: Support is growing for a presidential debate focused primarily on climate change as Democrats seek to differentiate themselves on an issue that is a top priority for the party's voters. At least five presidential candidates have endorsed the idea first proposed by Gov. Jay Inslee, and nearly two dozen Democratic lawmakers endorsed the idea in interviews last week, Pro's Anthony Adragna reports.

A climate-focused debate may force Democrats to confront disagreements over thorny issues like the role of natural gas and nuclear power in combating climate change, although some moderates say they are eager to see a wider discussion of the issue that has so far been dominated by the left.

"I actually think the politics has been pretty clouded of the Republicans portrayal of the Green New Deal as every Democrat's solution," said Rep. Scott Peters (D-Calif.), a member of the more centrist New Democrat Coalition who has not yet endorsed a presidential candidate. "I think the planet would be better served if we had an honest discussion about what Democrats are really talking about."

The Democratic National Committee is non-committal on the idea . And some lawmakers told Anthony they're concerned it would only reinforce internal Democratic divisions. "If you're going to try to get everybody [united], you need to be talking about all the things that people care about," said Rep. Don Beyer (D-Va.). Read more.

By the way: The DNC and NBC News recently adopted a rule to evenly divide top-tier candidates across two nights in the first Democratic presidential primary debates in June. Democrats getting at least 2 percent support in the polling average will be randomly and

evenly split between the two nights, which will each feature 10 candidates, POLITICO's Zach Montellaro and Steven Shepard report.

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AROUND THE AGENCIES

OFF ROADING: The Interior Department said in a court filing Friday it will appeal a judge's ruling that blocked the land swap that allowed the department to build an access road through the Izembek National Wildlife Refuge in Alaska, Pro's Alex Guillén reports. A judge previously ruled in March that Interior failed to explain why it had reversed course on the policy after the Obama administration rejected the road. Interior said Friday it will appeal that decision to the U.S. Court of Appeals for the 9th Circuit.

EMAILS: STAFFERS OBJECTED TO EPA'S SMOG MOVE: New emails show EPA scientists raised objections to last year's move by former Administrator Scott Pruitt to exempt most of southeastern Wisconsin from federal limits on smog, The New York Times reports. Pruitt's decision in the spring of 2018 was a reversal from EPA's own earlier recommendation, and came at the same time then-Republican Gov. Scott Walker was campaigning on promises to bring a planned $10 billion Foxconn factory to the area where pollution levels already exceeded federal limits.

Hundreds of emails and internal documents released Friday to the Sierra Club and Clean Wisconsin under the Freedom of Information Act show agency scientists complained "that conclusions in support of the decision, which could not be supported by data, were being demanded by top Trump administration officials," the Times reports.

"I do not see a sound technical basis for the areas we are being directed to finalize in Wisconsin," Jennifer Liljegren, an EPA physical scientist, wrote in an email dated April 11, 2018. "I will need the wordsmithing of the legal and policy experts if we are really going to do this — I am still in disbelief."

— **The Times also reported this weekend** on the Trump administration's efforts to undermine the science on which climate change policy rests across federal agencies. Most recently, the shift has evident at the United States Geological Survey, where James Reilly has ordered scientific assessments use only computer-generated climate models that project the impact of climate change through 2040, instead of through the end of the century. Read more.

TO THE NORTH: Energy Undersecretary Mark Menezes and other senior Energy Department officials headed to Vancouver on Monday for the Clean Energy and Mission Innovation ministerials, bringing together energy ministers from more than 20 countries "to accelerate progress toward a clean energy future."

U.S. officials will hold bilateral meetings on the sidelines of the event to discuss "advancement of clean energy through technology and innovation globally," according to DOE. Side events today will focus on nuclear energy and energy storage, according to the agenda.

POLITICO LAUNCHES NEW GLOBAL PODCAST: Trade. Technology. The environment. The globe is beset by profound challenges that know no political bounds. Are our world leaders up to the task of solving them? POLITICO's newest podcast, "Global Translations" presented by Citi and launching on June 6, goes beyond the headlines, uncovering what's really at stake with the most pressing issues, the political roadblocks for solving them, and the ideas that might propel us forward. Subscribe to receive the first episode at launch.

BEYOND THE BELTWAY

JUDGE HALTS BORDER WALL AFTER GREENS SUE: A federal judge partially blocked President Donald Trump's plan to fund construction of a wall along the U.S.-Mexico border Friday, issuing a preliminary injunction in a lawsuit brought by the Sierra Club and the Southern Border Communities Coalition that immediately halts a $1 billion transfer of Pentagon counterdrug funding to cover expansions and enhancement of border barriers. But the order only limits construction in specific border areas in Texas and Arizona and does not prevent the administration from tapping other funding sources to advance those projects, POLITICO's Josh Gerstein reports.

NEW REPORT EXAMINES 2050 PATHS: The Center for Climate and Energy Solutions will release today the results of a year-long effort with the RAND Corporation and the University of Maryland's Joint Global Change Research Institute to look at the potential pathways for decarbonizing the U.S. economy by 2050.

The report outlines three different scenarios for reducing U.S. greenhouse gas emissions 80 percent by 2050 — one where there is "strong international pressure" in the form of carbon tariffs; another where U.S. states implement ambitious climate policies; and one where "increased urbanization, generational shifts, and technological breakthroughs lead to strong market demand for low-carbon consumption products and services."

"The individual scenarios are interesting, but what's most valuable are the insights you draw as you construct them and as you look across them," said C2ES President Bob Perciasepe, a former EPA deputy administrator, in a statement. "One of my key takeaways is that companies understand the urgency and magnitude of this challenge and are committed to working with others to deliver durable solutions." Read the report.

2020 WATCH

KLOBUCHAR PROMISES 'OVERHAUL' OF RFS WAIVERS: Sen. Amy Klobuchar , long a proponent of the Renewable Fuel Standard,

promised over the weekend to make substantial changes in how the program issues exemptions to small refiners, calling EPA's current program "misguided." Klobuchar, who is making a swing through Iowa, also said she would seek a legislative change to allow year-round sale of 15 percent ethanol fuel, a move that failed to advance out of committee last Congress.

THE GRID

— "Democratic donnybrook could jeopardize must-win Senate seat," POLITICO.

— "The Smithsonian's renewed fossil hall sends a forceful message about climate change," The Washington Post.

— "Placing power lines underground is an expensive way to reduce fire danger," Los Angeles Times.

— "As North Dakota oil soars, so does waste of natural gas," Associated Press.

— "Biden under pressure from environmentalists on climate plan," The Hill.

— "Rick Perry's greatest success in Trump's Washington: invisibility," CNN.

HAPPENING THIS WEEK

TUESDAY

1:30 p.m. Center for Climate and Energy Solutions release "Pathways to 2050: Alternative Scenarios for Decarbonizing the U.S. Economy," 918 F St. NW.

WEDNESDAY

Noon Institute for Carbon Removal Law and Policy webinar on "Forests in the Carbon Removal Portfolio."

FRIDAY

11:45 a.m. Carbon Utilization Research Council, the Global CCS Institute, and the Carbon Capture Coalition host "Underground Edition: CO2 Storage" briefing, U.S. Capitol Visitor Center.

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AXIOS

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Generate

By Ben Geman · Apr 11, 2019

Good morning! Tomorrow marks 35 years since Rush released "Grace Under Pressure," so that inventive trio will play us into the news...

1 big thing: The yin-yang of Big Tech and climate

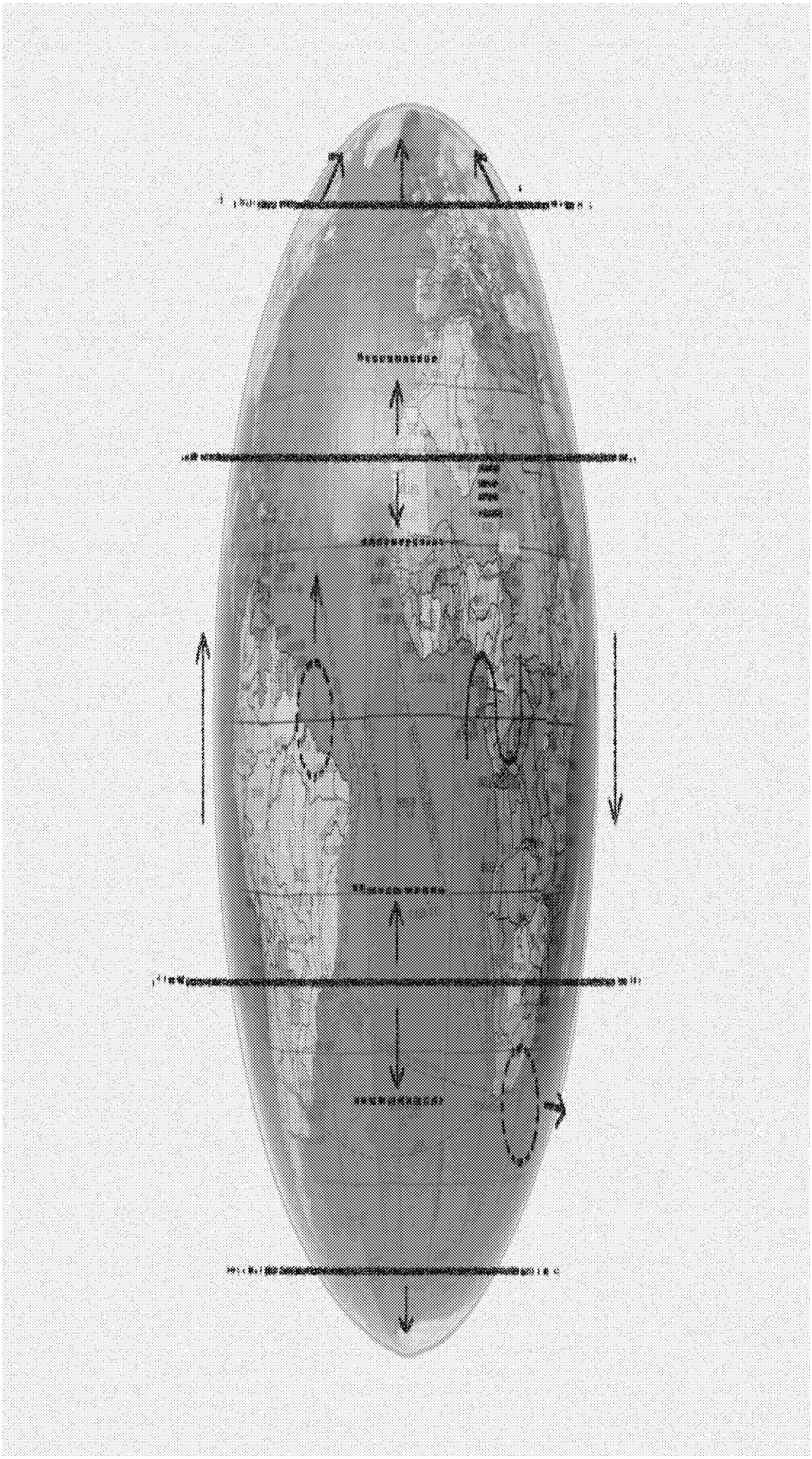


Illustration: Lazaro Gamio/Axios

The relationship between tech giants, energy and climate is pretty complicated, and 2 new developments offer fresh examples of why.

Driving the news: This morning Apple announced a huge expansion in the number of suppliers who will meet the energy needs for their Apple-related production with renewables.

Why it matters: The role of outside suppliers is crucial because manufacturing makes up three-fourths of Apple's carbon footprint.

- **By the numbers:** Per Apple, 44 suppliers — the iPhone-maker Foxconn among them — have now made the renewables pledge, roughly doubling the current number.
- **Apple said it will far exceed** its goal of bringing 4 gigawatts of renewables into its supply chain by 2020.
- **Flashback:** The company announced a year ago that now completely meets the energy needs for its own facilities with renewables.

The intrigue: The news comes a day after 3,500 employees of another tech giant — Amazon — issued an open letter calling for much tougher steps on climate and management support for a shareholder resolution on the matter.

Where it stands: The employees want firmer and more aggressive carbon-cutting goals and targets.

- The letter notes that Amazon hasn't set a deadline to meet its pledge to run operations wholly on renewables, and calls the "Shipment Zero" initiative for addressing transportation too weak.
- It also asks Amazon to abandon a business line of cloud computing services for oil-and-gas companies that help them optimize production.

My thought bubble: Big Tech's place in the fight against climate change defies easy labels.

- Facebook, Apple, Google and others are pioneering players driving growth in corporate renewable power procurement and making sustainability commitments.
- And those three, as well as Amazon, Microsoft and others, are all signatories to the "We Are Still In" pledge on the Paris Climate Agreement.

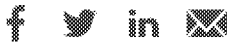
But, but, but: The companies also have big carbon footprints from powering data centers, manufacturing, encouraging consumption and, in Amazon's case, lots of fossil fuel-powered deliveries.

Plus, Amazon isn't the only company in Big Tech working with the oil and gas industry to enhance their extraction operations.

- In late February, ExxonMobil announced a partnership with Microsoft in cloud technology and data aimed at helping boost production in the Permian Basin region.
- A recent story in Gizmodo, which is cited in the Amazon workers' letter, delves into services Google, Amazon and other tech firms provide oil companies.

What they're saying: Amazon defended its wide constellation of climate and clean energy programs.

- "Amazon's sustainability team is using a science-based approach to develop data and strategies to ensure a rigorous approach to our sustainability work," Amazon said.
- They cite efforts including Shipment Zero, which aims to make 50% of deliveries with net-zero emissions by 2030, and a boost in their renewables procurement via 3 new wind farms announced this week.



2. Senate climate hawks aren't hunting the filibuster yet

Axios' Amy Harder reports that 3 Democratic senators helping to lead the charge on climate change aren't ready to call for killing the filibuster if their party regains Senate control.

Why it matters: Some White House hopefuls and liberal activists say scrapping the procedural rule, which effectively requires at least 60 Senate votes for most major bills, is vital for advancing their agenda.

- That's because even if Democrats win the White House and the Senate in 2020, there's almost no chance of a 60-vote majority or even close.

But, but, but: The 3 lawmakers aren't ready to go there — at least right now — according to a media briefing yesterday on their new carbon tax legislation.

> *"I think we would be unwise to talk about some parliamentary fork in the road that only occurs if we win the Senate and the presidency."*
>
> — Sen. Brian Schatz

> *"We should win the [climate] debate and deal with the procedural issues when it's appropriate to deal with the procedural issues."*

— Sen. Martin Heinrich

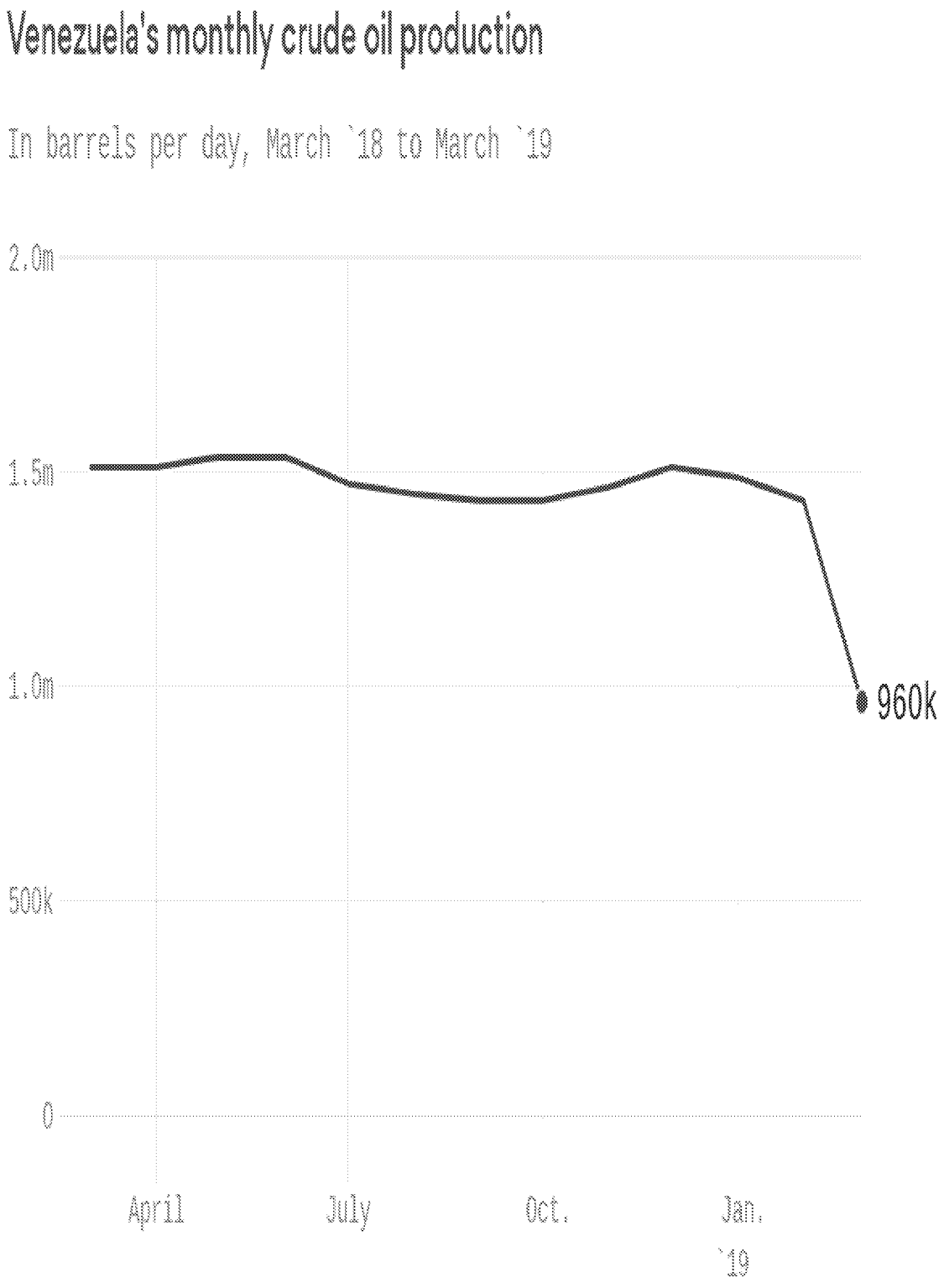
"I don't think it's true we must undo the filibuster in order to prevail."

— Sen. Sheldon Whitehouse

The other side: Democratic presidential candidates Sen. Elizabeth Warren and Gov. Jay Inslee both support ending the filibuster. A number of other candidates are open to the idea.

Go deeper

3. Venezuela's crude oil collapse



Data: OPEC; Chart: Axios Visuals

Axios' Dion Rabouin writes that Venezuela yesterday reported its oil production fell 500,000 barrels per day in March from the previous month.

The bottom line: Despite being home to the world's largest proven oil reserves, Venezuela now pumps around 1/10th of OPEC leader Saudi Arabia's output, and about half of what it produced as recently as 2017.

Flashback: In 2014, Venezuela pumped roughly 2.5 million barrels of oil daily.

Context: Most recently, the incredible production recession is the result of crippling U.S. sanctions, which, as Bloomberg reported in February, have led to half a billion dollars' worth of Venezuelan oil sitting in ships off its coast, and the rapid debilitation of the state oil company under President Nicolás Maduro.

Go deeper: U.S. sanctions cripple Venezuela's oil sector

A MESSAGE FROM CHEVRON

An investment with dividends

Chevron invested $43B in U.S. projects since 2014. Buying equipment and materials, benefiting small business, supporting thousands of jobs, and boosting local economies. Learn more.

4. The limits of Trump's energy orders

A couple of pieces caught my eye that highlight the limits of President Trump's wide-ranging new executive orders aimed at speeding energy infrastructure projects.

Keystone XL: Via S&P Global Platts, "US President Donald Trump's latest executive order to speed pipelines takes aim at the Keystone XL stalemate, but it is unlikely to get the project out of court and onto construction anytime soon."

Shareholder advocacy: One provision calls on the Labor Department to review pension funds' energy-sector investments and department guidance on proxy voting.

- A note from ClearView Energy Partners says this provision, along with recent SEC moves to limit oil company shareholder resolutions on climate, are an attempt to show that activist investors' environmental, social and governance efforts run counter to pension managers' fiduciary obligations.
- **Threat level:** The twin moves could slow down such efforts, but "may not put the genie back in the bottle now that large energy producers have started to report climate risk," ClearView writes.

Flashback: As we noted yesterday, provisions seeking to curb states' power to block natural gas pipelines under the Clean Water Act may also have limited effect.

But, but, but: Several energy lobbying groups say the orders — which contain a suite of measures aimed at spurring development — are consequential.

- They "represent meaningful progress to address some of the most pressing issues that commonly result in permitting delays, and we applaud the Trump Administration for tackling this problem," says Christopher Guith, acting head of the U.S. Chamber's Global Energy Institute.
- Guith adds they would help "increase [the] predictability and transparency" needed for infrastructure development.

5. On my screen: oil markets, Shell, Bitcoin, EVs

Markets: Via Bloomberg, "Global oil markets are tightening as OPEC supply falls, the International Energy Agency said, while warning it could lower demand forecasts because of economic threats."

Deals: Per Reuters, "Royal Dutch Shell has agreed to sell its stake in the Caesar Tonga field in the Gulf of Mexico for $965 million in cash to a subsidiary of Israel's energy conglomerate Delek Group."

Cryptocurrency: "On Monday, China's central state planner, the National Development and Reform Commission, included cryptocurrency mining in a list of 450 wasteful and hazardous activities slated for elimination," Wired reports.

Congress: A bipartisan group of senators, led by Michigan Democrat Debbie Stabenow and Tennessee Republican Lamar Alexander, introduced a bill yesterday that would expand consumer tax credits for buying electric vehicles.

- Right now the $7,500 credit is limited to 200,000 vehicles per manufacturer before it greatly phases down and vanishes.

- "The Driving America Forward Act raises the cap and allows purchasers of an additional 400,000 vehicles per manufacturer to be eligible for the tax credit," a summary states.
- **Go deeper:** Reuters has much more.

A MESSAGE FROM CHEVRON.

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Highlights

LEADING THE NEWS

States Go to Forefront as EPA Chips Away at Backlog of Decisions

By Amena H. Saiyid

Shifting the burden of environmental protection to states could speed approvals of air and water permits that businesses need to operate, as the EPA tries to halve its backlog of overdue decisions.

Industry Fights First Superfund Listing Based on Toxic Vapors (1)

By Sylvia Carignan

The EPA shouldn't make a Mississippi property potentially contaminated by toxic vapors the first site placed on the Superfund list because of those vapors, the company operating there and an industry association said.

NextEra Nuclear Plant Could Have Long Life But Face Rising Seas

By Bobby Magill

NextEra Energy Inc.'s plan to extend the lives of two South Florida nuclear reactors beyond 2050 is on a collision course with climate change.

EPA's Reason for Easing Auto Rules Will Set Up Next Policy Fight

By Abby Smith

The EPA is poised to say that Obama-era fuel economy limits for passenger cars are too strict, but questions remain about the rationale and new data the agency will provide to support easing the standards.

TODAY'S NEWS

Current Sulfur Air Standards Protect Health, Scientists Tell EPA

By Jennifer Lu

Power plants and other industrial facilities probably won't have to further limit their emissions of sulfur dioxide after EPA science advisers agreed current air quality protections are sufficient.

Brazil Launches Coastal Protections in Response to Climate Threat

By Michael Kepp

Brazil launched a program to better manage and protect its coast, the world's fifth-longest, because climate change and the effects of coastal population centers are expected to continue.

Citgo's Tab in $143M Oil Spill Cleanup Climbs

By Steven M. Sellers

Three Citgo companies will bear the brunt of cleanup costs for a 264,000-gallon oil tanker spill that cost $143 million to clean up, a federal appeals court ruled March 29.

FirstEnergy Raising Stakes in Plea for Bailout of Nuclear, Coal

By Jim Polson and Tim Loh

FirstEnergy Corp.'s competitive power unit, which is on the verge of bankruptcy, is asking the Trump administration for "immediate intervention" to help keep money-losing nuclear and coal-fired power plants online.

Rick Perry Could Rescue Power Plants in Days—If He Wants To

By Catherine Traywick

Beleaguered coal generator FirstEnergy Solutions Corp. wants federal help to keep its plants online. If history is any precedent, Energy Secretary Rick Perry could act on the company's request within days.

Batteries Included: Even the Huge Saudi Solar Farm Will Use Them

By Brian Eckhouse and Mark Chediak

The world's biggest-ever solar project—a $200 billion venture in Saudi Arabia—comes with a "batteries included" sticker that signals a major shift for the industry.

Exelon Snags Gas `Gold Mine' in Priciest U.S. Power Market

By Naureen S. Malik

Exelon Corp., a power producer that's been shutting money-losing nuclear plants, is buying a natural gas import terminal near Boston in a bid to clinch reliable supplies of fuel in America's priciest power market.

KeySpan Gas Tagged for Legacy Pollution Cleanup Costs

By Steven M. Sellers

KeySpan Gas East Corp., not its insurer, is on the hook for clean up costs associated with century-old contamination that pre-dated the availability of environmental insurance, the New York Court of Appeals ruled March 27.

How Volkswagen Walked Away from a Near-Fatal Crash

By Matthew Campbell, Christoph Rauwald and Chris Reiter

As the world's largest automaker, Volkswagen in some ways better resembles an army or a country than a mere corporation. Its flagship factory in Wolfsburg, Germany—a city built from scratch by the Nazis for the express purpose of manufacturing vast numbers of automobiles—spreads over an expanse the size of Monaco and produces more than 3,000 vehicles every day.

Russia Allocates $47M in Subsidies for Waste Treatment Projects

By Sergei Blagov

Russia plans to more than double subsidies for regional groups to build hundreds of new waste treatment and processing facilities by 2030.

Court Dismisses Attempt to Block South Africa Renewable Projects

By Paul Burkhardt

A South African court dismissed an attempt to block agreements for renewable-energy projects worth 56 billion rand ($4.7 billion), according to an industry association.

Giant Wind Farm Wants Payment Guaranteed in Advance, Thank You

By Jim Polson

On the gusty Oklahoma Panhandle, a fight is escalating over a $4.5 billion wind power project that stands to reshape the way Americans pay for clean energy.

Kenya to Sell Water Bonds to Plug Funding Gap Leaving Nation Dry

By David Herbling

Kenya is turning to the bond market to finance water and sewage projects as it seeks to plug a funding gap that's left nearly half the population without access to a tap.

Xi Jinping Has a New Signup for China's Pollution Fight: Walmart

By Bloomberg News

Chinese President Xi Jinping has vowed to slash pollution and prioritize living standards over unbridled growth. On the other side of the globe in Bentonville, Ark., the world's largest retailer is signing on.

WEDNESDAY NIGHT WRAPUP

Outcome of EPA Rule Delay Case Could Upset Trump Deregulatory Plan

By Sam Pearson

A win for the plaintiffs in a case challenging the delay of an EPA chemical safety rule could have big implications for the Trump administration's deregulatory agenda and the law governing how regulations are made, an attorney at a union legal conference said.

Canada Lays Out Plan to Prevent Another Right Whale Die-Off

By James Munson

Canada wants to avoid a repeat of last year's North Atlantic right whale die-off by slowing down ships and closing the snow crab fishing season earlier, federal ministers said March 28.

New Wisconsin Laws Could Be Boon to Homebuilders, Farmers

By Stephen Joyce

Wisconsin Gov. Scott Walker (R) signed two bills March 28 that Democrats and other critics said will place economic development ahead of stream and wetland protection.

Tesla Investors Can Move Ahead with SolarCity Deal Lawsuit

By Jef Feeley

Tesla Inc. investors can press forward with claims that billionaire founder Elon Musk duped them into backing his $2.6 billion buyout of a solar-energy firm founded by his cousins.

Carbon Auctions in Ontario Creating Green Windfall

By Jacqueline Thorpe

Ontario expects to generate C$2 billion ($1.56 billion) from auctions of carbon allowances in 2018-2019, which it will put toward everything from tree planting to high-speed rail.

Texas-Sized Gas Conundrum Emerges in America's Busiest Oil Field

By Ryan Collins and Naureen S. Malik

America's most prolific oil field is now its worst market for natural gas.

Bloomberg Environment

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By Annie Snider

03/29/2018 12:21 PM EDT

EPA's top political official for the Great Lakes will not be allowed to weigh in on a major air pollution decision impacting a manufacturing plant heralded by the Trump administration.

Region 5 Administrator Cathy Stepp, who previously ran Wisconsin's Department of Natural Resources, is recused from working on a number of matters she dealt with in her old job, according to an ethics agreement released under the Freedom of Information Act. That includes a one-year recusal from weighing in on ozone designations and plans for four Wisconsin counties, including Racine.

Racine is where the technology company Foxconn plans to build a massive LCD manufacturing plant after being wooed by Gov. Scott Walker with a $4 billion incentive package and promises of environmental exemptions.

But in December, EPA said it planned to find a key portion of the state in violation of tougher new ozone pollution requirements — a finding that would require factories like Foxconn to invest in expensive, state-of-the-art pollution controls. The Foxconn factory would present a major new pollution source to the area, and Walker has asked EPA to reverse or revise its finding, according to the Milwaukee Journal Sentinel.

In addition to the ozone decision, Stepp is also barred for one year from weighing in on enforcement matters relating to animal feeding operations and state petitions under the Safe Drinking Water Act. She is permanently barred from involvement with the state's Clean Water Act permits for large dairy operations and a plan to deal with the state's phosphorus pollution problem.

WHAT'S NEXT: Stepp will not be allowed to participate as EPA weighs whether to find Wisconsin in violation of the ozone standard.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2018/03/stepp-recused-from-major-air-decision-affecting-foxconn-plant-in-wisconsin-915223

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February 26, 2018

Teleforum Calls This Week

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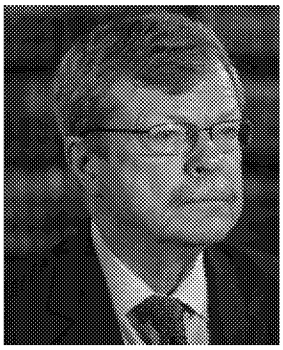
Courthouse Steps: *Janus v. AFSCME*

Labor & Employment Law Practice Group Teleforum

Monday, February 26, 2018 | 3:00 PM ET



Raymond J. LaJeunesse, Jr.
Vice President & Legal Director
National Right To Work Legal Defense Foundation

Janus v. American Federation of State, County, and Municipal Employees (AFSCME) is scheduled for oral argument in the Supreme Court on February 26. This important case will determine whether it is constitutional for public sector unions to require all employees to pay union fees regardless of their membership under the First Amendment. The ruling in *Janus* will also clarify whether the Court's decision in *Abood v. Detroit Board of Education* to uphold these requirements will remain good law.

Ray J. LaJeunesse of the National Right to Work Legal Defense Foundation will join us to discuss his impressions of oral argument.

Courthouse Steps: *U.S. v. Microsoft*

Corporations, Securities, and Anti-Trust Practice Group Teleforum
Tuesday, February 27, 2018 | *3:00 PM ET*

John Elwood
Partner
Vinson & Elkins

The Stored Communications Act of 1986 authorizes federal, state, and local law enforcement officers to obtain subpoenas, orders, or warrants that permit them

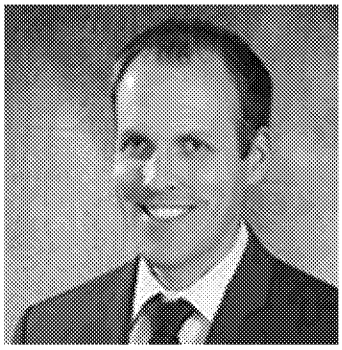
to seize emails. However, the storage of such data in the "cloud" of remote servers, many of them overseas, presents difficult questions Congress did not anticipate years before global internet access became commonplace. The main question in *United States v. Microsoft* is whether a warrant served on the tech giant's U.S. offices requires it to turn over emails of a suspected drug trafficker that happen to be stored in Ireland.

Because federal law is presumed not to apply outside the United States, the case presents the question whether the relevant conduct occurs domestically-whether the Act's focus is the disclosure of electronic records available to the U.S. company, or whether its focus is the compelled retrieval of the data stored abroad. It is an increasingly important issue at a time when many leading email providers may store an email in one location and its attachments in another location entirely. Due to the potentially vast implications, more than 30 amicus briefs have been filed by several governments, members of Congress, numerous tech firms, privacy advocates, and law-enforcement officials.

Courthouse Steps: *Minnesota Voters Alliance v. Mansky*

Free Speech & Election Law Practice Group Teleforum

Wednesday, February 28, 2018 | 1:00 PM ET



Stephen R. Klein
Attorney
Pillar of Law Institute

Most states have laws that prohibit electioneering within polling places on election day, and the Supreme Court has upheld buffer zones that extend this prohibition to areas immediately surrounding polling places. But Minnesota law goes beyond electioneering and prohibits wearing "a political badge, political button, or other political insignia . . . at or about the polling place[.]" This includes Gadsden flag t-shirts, buttons demanding to be asked for voter identification, or

apparel referencing an organization such as the AFL-CIO. In *Minnesota Voters Alliance v. Mansky*, the Court will rule whether the law is facially overbroad under the First Amendment.

Preview: *Lucia v. SEC*

Labor & Employment Law Practice Group Teleforum

Thursday, March 1, 2018 | 12:00 noon ET

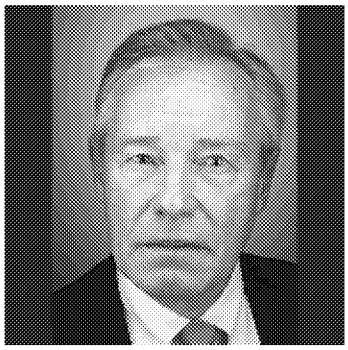
Shane B. Kelly
Associate
Wiley Rein LLP

The SEC fined petitioner Raymond J. Lucia $300,000 and barred him from working as an investment advisor for anti-fraud violations of the anti-fraud provisions of the Investment Advisers Act. The petitioner requested SEC review, arguing that the administrative proceedings were invalid, as the administrative law judge (ALJ) who decided his case was unconstitutionally appointed. ALJs are appointed by SEC staff in a manner that Lucia claimed violated the Appointments Clause under Article II, Section 2, Clause 2 of the Constitution. When the SEC ruled against Lucia, he appealed to the D.C. Circuit which denied the petition for review by a divided court, issuing a new decision affirming the SEC's decision as required under D.C. Circuit Rule 35(d).

Movie Nights with the Reagans

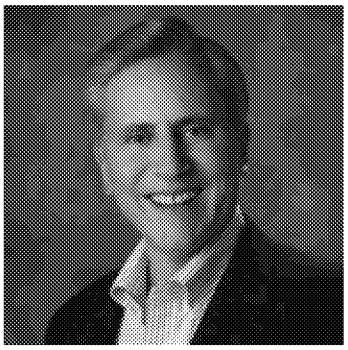
Practice Groups Teleforum

Friday, March 2, 2018 | 12:00 noon ET



James F. Kuhn
Author
Ronald Reagan in Private: A Memoir of My Years in The White House

Sheila Tate
Author
Lady in Red: An Intimate Portrait of Nancy Reagan



Mark Weinberg
Author
Movie Nights with the Reagans

Former special advisor and press secretary to President Ronald Reagan, Mark Weinberg shares an intimate, behind-the-scenes look inside the Reagan presidency-told through the movies they watched together every week at Camp David.

What did President Ronald Reagan think of *Rocky IV*? How did the Matthew Broderick film *WarGames* inform America's missile defense system? What Michael J. Fox movie made such an impression on President Reagan that he felt compelled to mention it in a speech to the Joint Session of Congress?

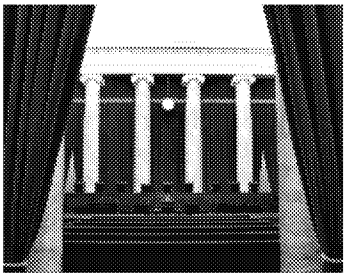
Over the course of eight years, Mr. Weinberg traveled to Camp David each weekend with Ronald and Nancy Reagan. He was one of a few select members invited into the Aspen Lodge, where the First Family screened both contemporary and classic movies on Friday and Saturday nights. They watched movies in times of triumph, such as the aftermath of Reagan's 1984 landslide, and after moments of tragedy, such as the explosion of the Challenger and the shooting of the President and Press Secretary Jim Brady.

Movie Nights with the Reagans is a nostalgic journey through the 1980s and its most iconic films, seen through the eyes of one of Hollywood's former stars: one who was simultaneously transforming the Republican Party, the American economy, and the course of the Cold War.

Previously Recorded Calls

New Developments in Wisconsin's John Doe Investigations

Free Speech & Election Law Practice Group Teleforum



Between 2010 and 2013, a team of Wisconsin state officials assembled by the Milwaukee County District Attorney, and later involving the state's Government Accountability Board, targeted the activities of certain groups who had supported Governor Scott Walker's policy agenda. The probes seized millions of emails, bank records, hard copy documents, and other materials through a combination of electronic search warrants, subpoenas, and raids that used controversial tactics. Litigation in the Wisconsin state courts froze the John Doe investigations in early 2014. The Wisconsin Supreme Court ultimately terminated the investigations in the summer of 2015. In reaction, the Wisconsin legislature passed sweeping reforms of its campaign finance and criminal laws, eliminating the Government Accountability Board, changing John Doe rules, and fixing secrecy laws so that they restrained the prosecutors, not the targets. But there were new developments eight weeks ago: Wisconsin Attorney General Brad Schimel issued a report following an investigation he initiated when, in September 2016, the British Guardian published approximately 1,400 pages of seized witness emails and draft court filings prepared by the prosecution team. Schimel found that a trove of evidence at the Government Accountability Board offices may have been leaked, and promised to institute contempt proceedings against prosecutors and other state officials. As a result, new individuals have learned that their materials were seized and reviewed during the original investigation. Some existing litigation may be impacted, and new litigation may occur. Find out what's next.

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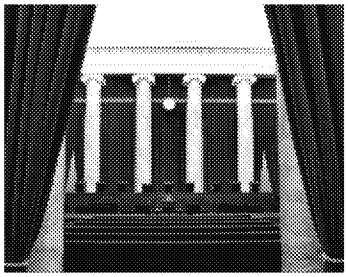
Preview: *Janus v. American Federation of State, County, and Municipal Employees*

Labor & Employment LawPractice Group Teleforum



Janus v. American Federation of State, County, and Municipal Employees is scheduled for oral argument in the Supreme Court on February 26. This important case will determine whether it is constitutional for public sector unions to require all employees to pay union fees regardless of their membership under the First Amendment. The ruling in Janus will also clarify whether the Court's decision in *Abood v. Detroit Board of Education* to uphold these requirements will remain good law.

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Highlights

LEADING THE NEWS

House Adds Water Rule Rollback to Ill-Fated Farm Bill

By Amena H. Saiyid and David Schultz

The full House took its first legislative action this year to try to repeal an Obama-era rule defining the geographic scope of the Clean Water Act, a rule that Republicans see as a federal overreach on local land-use decisions.

Dominion Ruling Signals Climate Rift at Federal Energy Regulator

By Stephen Cunningham

Just weeks after the Federal Energy Regulatory Commission launched a sweeping review of its natural gas pipeline policy, its members are again split on the extent to which they should take climate change into account.

Foxconn Plant's Emissions Concerns Not Over Yet

By Stephen Joyce

Foxconn may have received only short-term relief from a requirement to meet federal air-quality standards when it received Wisconsin construction permits for its U.S. flat-screen facility.

Trump Order Rescinds Carbon Emissions Limits for Agencies

By Rebecca Kern

Federal agencies are no longer required to meet greenhouse gas emission targets set by the Obama administration, according to a White House executive order.

Blockchain May Play a Role as California Moves to Solar Mandate

By Bobby Magill

California could be a blockchain testing ground under its new rooftop solar mandate for new homes, energy analysts say, and PG&E Co., the state's largest utility, is already looking into it.

TODAY'S NEWS

House to Introduce Bare Bones Water Resources Bill

By David Schultz and Shaun Courtney

A water resources bill in the House will be a stripped-down version of the biennial legislation that contains few if any controversial provisions, according to an advance copy of the bill obtained by Bloomberg Government.

Big Oil Investors Say More Needed to Tackle Climate Change

By Kelly Gilblom

Some of the world's biggest fund managers are ratcheting up the pressure on oil and gas companies, expressing fear that a lack of action over tackling climate change could risk their investments.

The Big Battery Boom Hits Another Roadblock: Fire-Fearing Cities

By Mark Chediak

The new era of big batteries has already drawn scrutiny after fiery electric-car crashes across America and Europe. Now, U.S. city planners are worried about the same risk of hard-to-control blazes as these power-storage units make their way into basements and onto rooftops.

PG&E Judge Says 'No Basis' to Rule Out Huge Fire Cost Claim

By Joel Rosenblatt and Mark Chediak

PG&E Corp. suffered another legal setback with a judge saying he won't release the company from a legal claim over the most destructive wildfires in California history.

Vanishing Partnerships Shrink Index in Tax Code Fallout

By Ryan Collins

And then there were 38.

For Sale: Stalled Pipeline Project, Protesters Included

By Robert Tuttle and Michael Bellusci

Justin Trudeau's pipeline nightmare may be only getting started.

Warming Planet Could Mean Bigger Corn Crops for U.S.

By Marvin G. Perez

An alarming increase in global temperatures from Earth's changing climate could bring an unexpected benefit for U.S. farmers who grow corn, the nation's biggest crop.

Mexico Plans New Linked Transmission Lines to Boost Clean Energy

By Emily Pickrell

Mexico's building extensive new electricity transmission lines to connect far-flung regions and keep pace with its ambitious clean energy goals.

Mexico's Clean Energy Certificate System Faces Challenges

By Emily Pickrell

Mexico has rolled out its new system that calls for power generators to go green or to hold clean energy certificates, but former Energy Minister officials worry that regulators might not enforce the rules by issuing fines.

Winds to Pick Up in Europe as Globe Warms, Boosting Wind Power Industry

By Bobby Magill

Winds across Europe will blow more fiercely as the climate warms this century, boosting the amount of electricity that wind farms can produce by as much as 10 percent, mainly in the U.K., according to a British Antarctic Survey and Oxford University study.

Porsche Slapped with Diesel Recall by German Regulator

By Christoph Rauwald and Birgit Jennen

Porsche must recall almost 60,000 sport utility vehicles in Europe to fix manipulated diesel engines after the German auto industry regulator found software functions that are illegal.

German Envoy Sees U.S. Sanctions Likely Over Russia Gas Pipeline

By Patrick Donahue

Germany should brace for U.S. sanctions over the Nord Stream 2 gas pipeline project with Russia, signaling an escalation of economic conflict with Europe, according to an envoy of Chancellor Angela Merkel's government.

Poland Wants a Wild Boar Wall to Thwart Swine Fever Invasion

By Bogdan Turek

Poland plans to build a long fence to keep roaming wild boars out, fearing they carry African Swine Fever that could infect domestic pigs.

Esso Raffinage Scores EU Court Win in Chemical Dispute

By Rick Mitchell

The European Union's chemical regulator needs more than a "mere letter" to ask a country within the bloc to enforce against an ExxonMobil subsidiary in a REACH chemicals case.

China Power Giant Is Said to Seek Easing of Coal Import Curbs

By Bloomberg News

China Huaneng Group, one of the country's largest power generators, has called on its business units to lobby authorities to relax restrictions on coal imports, according to a person with knowledge of the issue.

Court Orders Commerce to Review Duties on Chinese Solar Products

By Brian Flood

Anti-dumping duties on imports of certain solar cells and panels from China must be revisited and possibly changed, by the Commerce Department, the Court of International Trade ruled May 18.

THURSDAY NIGHT WRAPUP

Kilauea Eruption Blows Hawaii an Ill Wind

By Adam Allington

An acrid cloud of ash rising some 25,000 feet over the Kilauea volcano closed nearby schools May 17 and sparked health warnings as Hawaii grapples with the pollution being spewed.

Microsoft Study Claims Carbon Efficiency in Cloud (1)

By Paul Shukovsky and Sam Skolnik

Microsoft Corp.'s cloud-computing has large energy and carbon advantages compared with on-premises data centers, the company said in a May 17 study.

House Water Bill May Take the Corps Out of the Army

By David Schultz

The House is almost ready to release a major biennial water resources bill, but a top Republican is still trying to add a provision that would take the Army Corps of Engineers out of the Pentagon.

Canadian Railway Fined C$1M for Inadequate Renewable Fuel Mixing

By James Munson

Canada's largest railway will put more than C$1 million ($781,000) into an environmental restoration fund after it pleaded guilty to not mixing enough renewable fuel into shipments of imported diesel.

California Air Chief to Meet with Trump Officials Next Week

By Ryan Beene and John Lippert

The leader of California's air-quality regulator plans to meet with senior Trump administration officials next week to discuss automobile emissions standards that U.S. regulators have said need to be weakened.

40-Year-Old Pro-Renewables Law Faces Energy Regulator Review

By Rebecca Kern

A law developed after the 1973 energy crisis is getting a fresh review by a federal energy regulator, given the large increase of renewable resources and natural gas generation added to the grid in recent decades.

Alberta Defends Oil Export Bill in Kinder Morgan Showdown

By James Munson

Canada's Constitution allows provinces to control exports of their own resources but doesn't give them the power to block imports, Alberta told British Columbia in the latest tussle over Kinder Morgan Inc.'s Trans Mountain Expansion Project.

Pentagon's Use of Paint Stripper Unclear as EPA Moves to Curb Toxic

By Pat Rizzuto and Sam Pearson

A White House office is working with the Defense Department and the EPA to decide how the military and its contractors could continue to use a paint stripper the agency now plans to restrict, EPA Administrator Scott Pruitt told Congress.

Canada Launches $1.5 Billion Climate Adaptation Fund

By James Munson

Communities across Canada worried about climate change can now apply to a C$2 billion ($1.56 billion) federal fund meant to handle worsening floods, wildfires, and droughts.

Hybrid Wind-Solar Power Projects Get Boost With New India Policy

By Madhur Singh

More hybrid power plants that rely on both solar and wind energy to generate electricity could be coming to India thanks to a new policy released by the country's renewables ministry.

Bloomberg Environment

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Highlights

LEADING THE NEWS

Coal Dust Protections Should Be Strengthened, Scientists Say (1)

By Stephen Lee

Mine operators should go above and beyond current regulations if they want to stave off recent spikes in black lung disease, a panel of scientists said June 28.

Hazardous Waste Firms Hesitant to Use New EPA Tracking System

By Sylvia Carignan

Hazardous waste handlers are anticipating growing pains with the EPA's new electronic manifest system, scheduled to launch June 30.

Big Challenges for Environmental Analysis of Alaska Oil Leasing

By Alan Kovski

A federal team has begun pulling together the studies that will play a central role in determining what oil exploration drilling, if any, is done on the coastal plain of the Arctic National Wildlife Refuge in Alaska.

Stricter Standards Eyed on Water Filters Removing Fluorochemicals

By Emily C. Dooley

A Michigan-based organization that has certified in-home water filters to remove two types of fluorochemicals is debating stricter thresholds for treatment and perhaps including the entire family of chemicals in the screening.

TODAY'S NEWS

No Easy Task for EPA to Redo Air Pollution Standards for Boilers

By Amena H. Saiyid

Revising how steel mills, power plants, or refineries reduce hazardous air pollutants from their heavy duty boilers may prove challenging for the EPA, industry analysts said.

U.S. to Miss Obama-Era Climate Goal as Trump Dismantles Policies

By Jim Efstathiou Jr

The U.S. will fall short of its commitment to cut greenhouse gases as the Trump administration continues to roll back Obama-era policies, according to a new report.

Foxconn Plant Still Needs Wisconsin Permits to Curb Stormwater

By Stephen Joyce

Foxconn's proposed plant in Wisconsin hit a critical milestone June 28 with a groundbreaking ceremony attended by President Donald Trump, but it still needs at least one state permit before it can start operations.

Oregon Eyes Linking Toxic Air Pollution Permits to Health Risks

By Paul Shukovsky

Oregon regulators plan to enact new rules in November that tie air emission permits to the potential health risks of toxic pollutants contained in those emissions.

North Carolina Eases Coastal Protections, Despite Governor's Veto

By Andrew M. Ballard

North Carolina lawmakers have eased certain stormwater controls in coastal areas already impacted by pollution from chemicals and hog farms.

Interior Department's Watchdog to Probe Zinke Montana Land Deal

By Ari Natter

The Interior Department's inspector general will investigate Secretary Ryan Zinke's involvement in a land deal with a property development group backed by Halliburton Co. Chairman David J. Lesar, the IG said in a letter released by House Democrats.

Shareholders Quash West Sacramento Superfund Claims

By Peter Hayes

The city of West Sacramento, Calif., can't pursue Superfund claims against the shareholders of a defunct plating company, the Eastern District of California ruled.

Senate Farm Bill Vote Possible Today as Cuba Issue Smoothed Over

By Teaganne Finn

Senate Republican leaders were optimistic on finishing work on a farm bill after a dispute on Cuba trade between Sens. Marco Rubio (R-Fla.) and Heidi Heitkamp (D-N.D.) appeared to be resolved.

U.S. Push to Rev Up Pipelines Seen Inviting More Legal Strife

By Rachel Adams-Heard and Stephen Cunningham

Streamlining U.S. approvals for natural gas pipelines may actually lengthen the time needed to finish them by opening new opportunities for legal challenges.

Coal Miners Murray, Consol Deemed Most Exposed to Plants at Risk

By Tim Loh

Murray Energy Corp. and Consol Energy Inc. are exposed to potential losses because power plants that burn their coal may close, according to a report by CreditSights Inc.

Where 3 Million Electric Vehicle Batteries Will Go When They Retire

By David Stringer and Jie Ma

The first batches of batteries from electric and hybrid vehicles are hitting retirement age, yet they aren't bound for landfills. Instead, they'll spend their golden years chilling beer at 7-Elevens in Japan, powering car-charging stations in California and storing energy for homes and grids in Europe.

Cost of Trump's Power Plan? Priceless, Like Freedom, Perry Says

By Ari Natter

The Trump administration is crafting a plan to keep old, unprofitable coal and nuclear plants running. The cost? Well, it's subjective.

Poland Seeks to Toss Aside Reputation as Europe's Dumping Ground

By Bogdan Turek

Poland doesn't want to be seen as Europes's dumping ground.

Cape Town Hopes to Relax Water Restrictions in Next Few Months

By Paul Vecchiatto

Cape Town, South Africa, hopes to relax water restrictions in the next few months as early winter rains eased fears of shortages in the country's most popular tourist destination, the deputy mayor said.

Queen Elizabeth Makes Millions from UK'S Offshore Wind Farms

By Anna Hirtenstein

Leasing the seabed to offshore wind developers was the most profitable business last year for The Crown Estate Ltd., the company that generates income for Queen Elizabeth II.

BP to Buy UK's Largest Electric Vehicle Charging Company

By Kelly Gilblom

BP Plc plans to acquire the U.K.'s largest electric vehicle charging company, the latest in a string of acquisitions by major oil companies in the growing market for greener transport.

Sunny Britain Helping Cut Coal by Giving Boost to Solar Power

By Rachel Morison

A pocket of high pressure that elevated the U.K.'s temperatures to their highest this year is also boosting solar generation and allowing the nation to meet peak power demand without burning coal.

Renewables May Get UK Halfway to Carbon Target Without Subsidy

By Rachel Morison

Renewables could provide half the power generating capacity needed to reach greenhouse gas targets in the U.K. by 2030 without needing more government subsidies.

Heathrow's Third Runway Seen Compatible with UK Climate Targets

By Anna Hirtenstein

London Heathrow's controversial third runway fits within Britain's plan for reining in fossil-fuel emissions, according to the government's Committee on Climate Change.

Canadian Companies Drop Challenge to Trump Solar Tariffs

By Brian Flood

Canadian solar manufacturers Silfab Solar Inc., Heliene Inc., and Canadian Solar Solutions Inc. are dropping their legal challenge to the Trump administration's "global safegaurd" tariffs on solar power products.

Canada Rejection of Copper Mine Won't Mean Loss, Owners Say

By James Munson

Canada's rejection of a proposed copper, silver, and gold mine in British Columbia won't end up as a loss for its Polish owners, the company said.

WEDNESDAY NIGHT WRAPUP

North Carolina Hog Farm Damage Award Limits Enacted Over Veto

By Andrew M. Ballard

Monetary awards in lawsuits against smelly hog farms in North Carolina have been further limited over the governor's objections.

Retiring Justice Kennedy Shaped Clean Water Act's Boundaries

By Fatima Hussein and Amena H. Saiyid

Supreme Court Justice Anthony Kennedy, who announced his retirement June 27, played a prominent role in forming the nation's environmental policies, including shaping the jurisdiction of the Clean Water Act.

U.K. Earmarks $262 Million to Bolster Its Nuclear Power Industry

By Rachel Morison

The U.K. government earmarked 200 million pounds ($262 million) to smooth the way for the next nuclear power plants just two days after rejecting the case for an experimental project that would generate power from the tides.

Bloomberg Environment

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Message

From: DeLuca, Isabel [DeLuca.Isabel@epa.gov]
Sent: 4/27/2018 8:58:25 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Millett, John [Millett.John@epa.gov]
CC: Lewis, Josh [Lewis.Josh@epa.gov]
Subject: FW: AIR POLLUTION: High-stakes EPA decision on ozone attainment due Monday -- Friday, April 27, 2018 -- www.eenews.net

FYI.

https://www.eenews.net/eenewspm/2018/04/27/stories/1060080357

High-stakes EPA decision on ozone attainment due Monday

Sean Reilly, E&E News reporter
Published: Friday, April 27, 2018

AIR POLLUTION

Local officials in Waukesha County, Wis., are fighting a proposed ozone nonattainment designation on fears of the impact to a planned electronics plant in a neighboring county. Royalbroil/Wikimedia Commons

The mayor of Waukesha, Wis., has written EPA. So has the top executive for the surrounding county, the head of the local chamber of commerce and even Wisconsin Gov. Scott Walker (R).

Their common plea: Don't deem Waukesha County out of compliance for EPA's 2015 ground-level ozone standard.

The unspoken reason: A nonattainment designation could complicate plans by Foxconn Technology Group to build a huge manufacturing complex in neighboring Racine County, tucked in the state's southeastern corner on the shores of Lake Michigan.

While Wisconsin regulators want the federal government to list both counties as in attainment with the 70-parts-per-billion ozone threshold, EPA — citing air quality monitoring data — has recommended nonattainment.

Under a court-ordered deadline, EPA must make a final decision by Monday for those counties and several hundred others around the country. For those lumped into the nonattainment column, the listing will launch long-term cleanup requirements to meet the standard.

In all, EPA is recommending that all or part of about 220 counties be declared in nonattainment. In most cases, federal and state regulators agree on the possible listings, but the Wisconsin designations represent a conspicuous point of friction.

"EPA's intended designations threaten the well-being of the state's economy for little or no environmental benefit," Walker wrote in February comments urging that all of Wisconsin be declared in compliance. For Foxconn, a Taiwan-based company, a nonattainment decision could force it to install state-of-the-art pollution controls, the *Milwaukee Journal-Sentinel* reported earlier this year. Walker's comments, like those of the Waukesha-area officials, are contained in an online docket posted on the Regulations.gov website.

President Trump, who owes his surprise 2016 election victory in part to Wisconsin, has hailed the planned Foxconn complex, which is ultimately supposed to employ thousands of people in return for a $4 billion incentive package. The issue has forced the recusal of EPA Region 5 Administrator Cathy Stepp, who previously served as head of the Wisconsin Department of Natural Resources and helped craft the state's recommendations (*E&E News PM*, March 29).

Ground-level ozone, the main ingredient in smog, is produced by the reaction of volatile organic compounds and nitrogen oxides in sunlight. It's been linked to asthma attacks in children and aggravated breathing problems in people with emphysema and other chronic respiratory ailments.

The previous standard, set in 2008, had been 75 ppb. When EPA tightened it to 70 ppb three years ago, citing the need to protect the public in light of new research on ozone's health effects, it was only the fourth time since 1971 that federal regulators had revised the threshold.

For the bulk of the areas on EPA's recommended nonattainment list for the 2015 standard, there's little suspense surrounding Monday's outcome, given that they are still listed as out of compliance with the 2008 threshold.

But the politics surrounding implementation of the 2015 standard have so far been contentious on two levels.

Under the Clean Air Act, EPA was supposed to have made the final designations by last October. But EPA Administrator Scott Pruitt, who had sued to overturn the 70 ppb limit in his previous post as Oklahoma attorney general, last June sought to impose a blanket one-year delay on the grounds that more information was needed.

Pruitt backed down in August following lawsuits by Democratic-led states and public health and environmental groups, but still missed the October deadline.

While EPA officials last November declared about 85 percent of U.S. counties in attainment, they punted on decisions for every area unlikely to meet the standard.

Last month, in response to more legal challenges, a federal judge in California last month ordered EPA to make almost all of those remaining designations by this Monday. The exception is an eight-county area in and around San Antonio; the judge set a July 17 deadline for that designation (*E&E News PM*, March 12).

An added complication is that EPA only issued formal implementation guidance for the 2008 standard in 2015, leading businesses groups and some lawmakers to argue for a long-term delay in the compliance timetable for the 2015 benchmark.

Under H.R. 806, sponsored by Rep. Pete Olson (R-Texas), EPA wouldn't have to make attainment designations for the 70 ppb benchmark until 2025. An extension of that scale, however, is unacceptable to most congressional Democrats. After clearing the House last July, Olson's bill has yet to advance in the Senate.

Message

From: POLITICO Pro Budget and Appropriations [politicoemail@politicopro.com]
Sent: 10/31/2018 8:41:59 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Budget & Appropriations: A lose-lose election for December spending work — Tester's in trouble — How the border wall plays out on the campaign trail

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BUDGET & APPROPRIATIONS

10/31/2018 04:40 PM EDT

By JENNIFER SCHOLTES (jscholtes@politico.com; @JAscholtes), SARAH FERRIS (sferris@politico.com; @sarahnferris)

GAMING IT OUT: Over the past four decades, Congress has had a pretty solid record of not shutting down the government during the lame duck. The last (and only) time that happened was in 1982. This year, however, a fiercely partisan campaign season is prompting many on Capitol Hill to assume the worst for a December funding showdown.

All eyes on the House: Lawmakers must pass seven unfinished spending bills within just four weeks of returning on Nov. 13 from their midterm campaign break. Those measures will invoke a slew of policy fights, including the ugliest of them all: the battle over President Donald Trump's demand for $5 billion to build his border wall. Aides from both parties predict it'll be particularly tricky in the House, when the current GOP majority will eventually need to strike a deal with Democrats to get any funding bills passed through the Senate. But bruising Election Day defeats could provoke one party to resist any deal making and instead play the blame-game with a partial funding lapse, as Sarah reports for Pros today.

'Perfect time for a shutdown'? Democratic leaders have made clear that, if they win back the House, they'd like to finish up spending bills before heading home for the holidays. But

that would require deal making with Republicans on the Hill and in the White House — negotiations that could go sour if the GOP experiences a shellacking on Nov. 6. Some conservatives are already agitating for a shutdown if the GOP is about to lose the House. One House conservative aide told us, "It would be the perfect time for a shutdown," because there would be no harm done to the Pentagon or key health programs, since they were already funded back in September.

Predicting a punt: The most likely scenario, according to multiple aides and former aides, is that Congress will agree to push back spending decisions until next spring. In fact, that was the outcome in three of the last four post-midterm lame ducks. (The only time lawmakers were able to clear an omnibus, rather than a stopgap funding bill, was back in 2014 . The three other sessions — in 2010, 2006 and 2002 — have all resulted in at least one continuing resolution.) But even a CR would require Trump's signature, which — once again — brings the fate of the border wall into play.

GOOD WEDNESDAY AFTERNOON — AND HAPPY HALLOWEEN! Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

DOC OF THE DAY

The Department of Transportation's inspector general said in a report released today that the department's grant process is not to blame for the collapse of a pedestrian bridge in Florida this year. More from Tanya Snyder.

#DAILYBUDGETFACT

Federal spending on interest payments is expected to more than triple between 2017 and 2028, according to the Committee for a Responsible Federal Budget. Total spending on interest could reach $1 trillion within a decade.

QUOTE DU JOUR

Former Federal Reserve Chair Janet Yellen lamented rising deficit spending in an economic conference on Tuesday, saying: "If I had a magic wand, I would raise taxes and cut retirement spending."

CAMPAIGNS

TESTER'S IN TROUBLE: Sen. Jon Tester (D-Mont.) — ranking Democrat on the Homeland Security spending subcommittee that matters more than ever in the age of the border wall —

looks to have lost his lead in the last week leading up to the midterms. As Burgess Everett reports from Montana , the race is statistically tied, according to new Republican polling viewed by POLITICO. Trump's own campaign against the incumbent, coupled with a deluge of outside cash, has helped tip the scale toward Tester's challenger.

Election day is almost here. Have you made your POLITICO Playbook Election Challenge picks yet? Don't miss your chance to compete against the nation's top political minds in the POLITICO Playbook Election Challenge by correctly picking the winning candidates in some of the most competitive House, Senate and gubernatorial races in the country. Win awesome prizes and eternal bragging rights. The contest closes at 6 a.m. on November 6. Sign up today. Visit **politico.com/playbookelectionchallenge** to play.

IMMIGRATION

COUNT 'EM ON ONE HAND: Our Charlie Mahtesian and Steven Shepard tick through the five crucial races today that will determine the future of the immigration debate, including what the candidates think about that $25 billion border wall.

FINANCIAL SERVICES

FREDDIE RAKES IT IN: Freddie Mac reported third-quarter earnings of $2.6 billion today, a slight increase over its $2.4 billion haul from the second quarter, Katy O'Donnell reports. That means the Treasury will be getting $2.6 billion richer come December since the mortgage giants are still relinquishing most of their surpluses despite long ago making up for the money they borrowed during the housing crisis.

HEALTH CARE

WORK REQUIREMENTS FOR WISCONSIN: The feds announced the go-ahead this afternoon for Wisconsin to impose work requirements on some Medicaid recipients, and to institute new copays and premiums. As Dan Diamond explains , CMS rejected Gov. Scott Walker's proposal to drug test all Medicaid applicants, instead allowing the state to ask recipients if they have used drugs in the past or if they are in recovery. CMS Administrator Seema Verma is expected to skip the local victory tour since Walker is in a tough race for reelection.

MEDICAID EXPANSION? MAYBE NOT: Medicaid expansion is no done deal in Montana, where the tobacco industry is spending tens of millions of dollars to defeat the ballot measure that would use a $2-per-pack tax increase on cigarettes to fund the growth of the program,

Sarah Owermohle reports. New polling found support and opposition running at around 41 percent of registered voters, with Republican support falling to 24 percent.

AGRICULTURE

STRAIGHT FROM THE [FARMER'S] MOUTH: In our latest installment of "The Midterm View" video series, Eugene Daniels visits Iowa's 3rd Congressional District and Minnesota's 8th, two regions hit hard by retaliatory tariffs. Iowa farmer Bill Shipley, who says his farm hasn't been profitable in half a decade, favors trade relief over the kind of aid the Trump administration has promised with its $12 billion infusion. "What they're offering to pay us is a help, but it's not what we want," Shipley said. "We want trade. We want to export our product."

TAX

IN THE BLACK: The IRS debt collection program is actually turning a profit these days. As Aaron Lorenzo explains, Sen. Chuck Grassley (R-Iowa) released new data this week showing that the private partnership yielded a $22.3 million profit by the end of fiscal 2018, since starting in April 2017. Revenues have totaled $88.8 million, while program costs ran $66.5 million since inception.

BRADY PROPOSES TIT-FOR-TAT ON TECH TAX: House Ways and Means Chairman Kevin Brady (R-Texas) warned today that lawmakers will essentially consider retaliatory taxes on foreign tech companies to "level the playing field in the global market" as the U.K. moves to tax U.S. tech empires like Google and Facebook, Aaron reports.

TRANSPORTATION

A RE-IMAGINED GAS TAX: If Republicans can hang onto the House, Rep. Sam Graves (R-Mo.) may become one of the most important chairmen for implementing Trump's 2019 agenda. Graves is the current favorite to take over for retiring Rep. Bill Shuster (R-Pa.) as House Transportation chairman, Sam Mintz reports for Pros today. Graves and his top competitor, Rep. Jeff Denham (R-Calif.), have both endorsed moving away from the gas tax. But Sam explains that Graves has been more outspoken in favor of a vehicle-miles-traveled fee to make sure electric cars are also paying their share. He said he's also open to increasing the gas tax, upping tolls or creating a tire tax.

READ UP!

— Trump launches early blame game on markets and the economy. POLITICO.

— In echo of Flint, Mich., water crisis now hits Newark. The New York Times.

— U.S. steps up scrutiny of funds for asbestos exposure victims. The Associated Press.

— Pentagon girds for audit backlash that may echo $435 hammer era. Bloomberg Government.

— That Big Mac and Coke now come with a side order of inflation. Wall Street Journal.

WE'RE COUNTING

Government funding runs out in 37 days (Dec. 7) for the departments of State, Homeland Security, Commerce, Agriculture, Transportation, Interior, Justice and HUD, as well as science programs, foreign operations and agencies like the IRS and EPA. Funding runs out in 334 days (Sept. 30) for the departments of Education, Energy, Labor, Defense, Veterans Affairs and HHS, plus water projects, the Legislative Branch and military construction. The National Flood Insurance Program expires in 28 days (Nov. 30).

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Message

From: Bloomberg Environment - Environment & Energy Report [bloomberg@bna.com]
Sent: 3/29/2018 10:53:29 AM
To: Woods, Clint [woods.clint@epa.gov]
Subject: First Move: New Nuclear Worry: Climate Change • EPA's Fuel-Economy Rationale • Animal Waste Emissions

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New Nuclear Worry: Climate Change • EPA's Fuel-Economy Rationale • Animal Waste Emissions

By Chuck McCutcheon

As if the nuclear industry hasn't had enough to worry about lately, here's a new headache: climate change.

NextEra Energy Inc. wants to extend the lives of two South Florida nuclear reactors beyond 2050, Bobby Magill writes in a story being published today. But rising seas and hurricane storm surges are poised to threaten the Turkey Point Nuclear Generating Station and its cooling system during the next 35 years of that extended lifetime.

Turkey Point was built in the 1970s south of Miami on the shore of Biscayne Bay. It sits in a hurricane-prone region that scientists consider among the nation's most vulnerable to rising seas caused by climate change.

FUEL ECONOMY: The EPA is expected to say soon that Obama-era fuel economy limits for passenger cars are too strict. But questions remain about how the agency justifies its decision.

That justification could provide critical clues about how the Trump administration envisions the fuel economy program's future, teeing up the policy discussions

that will quickly follow to set new fuel efficiency and greenhouse gas targets, Abby Smith writes in a story being published today.

But the agency's rationale could also risk causing tensions between the Trump administration and California, which has the special ability under the Clean Air Act to set its own vehicle standards, to boil over.

That could complicate the hopes of automakers and others to maintain one program nationwide.

OTHER STORIES WE'RE COVERING

- Shifting the burden of environmental protection to states could speed approvals of air and water permits that businesses need to operate as the EPA tries to halve its backlog of overdue decisions, Amena H. Saiyid says in a story being published today.
- Two fossil fuel bills await action as Georgia's Legislature concludes its session today. One bill, which still needs Senate approval, would require power plants such as those owned by Southern Co.'s Georgia Power to give public notice when draining water from coal ash ponds into state waters. The other awaits the governor's signature and requires the state's environmental agency to adopt rules on fracking while creating a permitting process for oil and gas drilling. Oil and gas companies have explored in Georgia, most recently for shale gas, but have no producing wells there. Chris Marr is following.
- The Trump administration is asking oil companies and the public to weigh in on a possible auction of drilling rights in the Beaufort Sea north of Alaska as soon as next year.
- Brazil's oil regulator holds an oil auction today. Many major companies have signed up.

QUOTE OF THE DAY

"There's just so much bad news right now."
—John Thompson, chief executive officer of Vilas Capital Management LLC, discussing Tesla Inc.'s fatal crash of its Model X crossover and other setbacks befalling Elon Musk's electric-car maker.

ALL ABOUT: ANIMAL WASTE EMISSIONS

Farmers and ranchers will no longer have to worry about calculating and reporting the emissions from decomposing animal waste, thanks to the newly signed omnibus spending law.

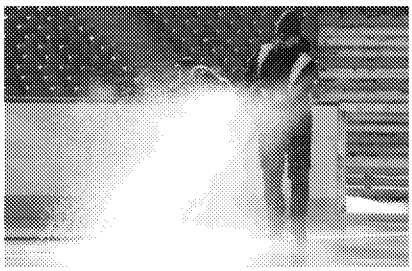
Ammonia and hydrogen sulfide are common hazardous substances from those wastes. Reporting is generally required for those substances under other circumstances.

Livestock and poultry are often fed high-protein feed, which contains surplus nitrogen, to make sure the animals' nutritional requirements are met. Nitrogen that isn't metabolized into animal protein—milk, meat, or eggs—gets excreted in the urine and feces of livestock and poultry; further microbial action releases ammonia into the air when manure decomposes. Hydrogen sulfide is a gas that also results from decomposing manure,

Agricultural industry groups say the emissions-reporting requirements created unnecessary, time-consuming paperwork. Health groups and others say they're needed to protect public health.

As a result of a 2017 D.C. Circuit decision, farms with animal operations that release certain amounts of hazardous substances into the air would have been be required to start reporting those emissions. The omnibus language pre-empted the court's mandate, which was expected as early as May 1. — *Sylvia Carignan*

AROUND THE WEB



A worker floods the ice ahead of the Scotiabank NHL100 Classic at Lansdowne Park in December 2017 Ottawa, Canada.
Photographer: Andre Ringuette/NHLI via Getty Images

- The National Hockey League says it's trying in multiple ways to help the environment, from decreasing water use to deploying more efficient lighting at arenas.
- In other environment-related sports news, a pipe leak at Dodger Stadium created a "nasty" mess on the field.

- Minneapolis' 56 Brewing holds a tasting today of the world's first craft beer made with "solar honey," which comes from bees that have visited solar sites planted with native flowers.
- High-tide flooding will become an every-other-day occurrence by 2100 in coastal areas along the East Coast and Gulf of Mexico, a new report says.
- A new Foxconn Technology Group manufacturing complex in Wisconsin would add more air pollution to an area with summer smog problems.

TODAY'S EVENTS

- **10 a.m. • Reforestation** • Yale's School of Forestry and Environmental Studies holds webinar on reforestation and forestry in the tropics as climate change mitigation solutions.
- **11 a.m. • Toxicology** • EPA's Computational Toxicology Communities of Practice holds webinar on agency's updated Computational Toxicology Dashboard software suite.
- **4:30 p.m. • Ukraine/Estonia** • Institute of World Politics' Women Executives in National Security program hosts forum on energy-related preferences and climate change beliefs in Southern Ukraine and Western Estonia.

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Message

From: Bloomberg Environment - Environment & Energy Report [bloomberg@bna.com]
Sent: 6/28/2018 9:47:25 AM
To: Woods, Clint [woods.clint@epa.gov]
Subject: First Move: Greenhouse Gas Pledge Shortfall • Alaska Refuge Studied • Perry at Gas Confab

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Greenhouse Gas Pledge Shortfall • Alaska Refuge Studied • Perry at Gas Confab

By Chuck McCutcheon

Advocates of tackling climate change often warn President Trump's actions will cause the U.S. to fall short of what his predecessor had promised. A new report shows just how short.

Greenhouse gas emissions in the U.S. are on course to fall between 12 percent and 20 percent by 2025 from 2005 levels, according to the report released today by research firm Rhodium Group LLC. President Obama had pledged a 26 percent to 28 percent cut as a signatory to the Paris Agreement—a pact Trump wants the U.S. to leave.

Why the wide range of percentages? Because of the uncertainty over policy changes as well as the economic, technical, and market forces that feed into how many emissions are pumped out.

"From regulatory and legal hurdles to pushback by the regulated industries themselves, many of the Trump administration's rollback attempts remain stymied," according to the report.

For updates, follow Bloomberg News' Jim Efstathiou Jr. on Twitter and watch for his story later this morning.

ANWR WORK: Federal agencies and others are gradually pulling together the studies that will establish how much oil drilling—if any—is done in Alaska's Arctic National Wildlife Refuge.

Specialists are combing through available information on the wildlife, plants, water, soil, and other features of the Arctic region, as well as any useful details from public comments the government has received.

The tentative schedule is to put out a draft of an environmental impact statement in the fall or winter and a final one in the spring or summer of 2019. But it's likely an application for a permit to drill will require its own separate environmental analysis.

Follow Alan Kovski on Twitter for more details and look for his article later this morning.

GASSING ALONG: The World Gas Conference enters its third day with a lineup that includes the Senate energy committee chairman, Energy Secretary Rick Perry, and Enbridge Inc.'s president and CEO.

Alaska GOP Sen. Lisa Murkowski, the committee chair, will speak at a session about energy poverty and making affordable energy environmentally sustainable and safe. Other panelists include Omar Mitha, chairman and CEO of ENH, Mozambique's state oil company, and Ariel Yepez Garcia, the Inter-American Development Bank's energy division chief.

Perry will talk about the role for natural gas in an integrated North, Central, and South America. Also speaking are Enbridge leader Al Monaco and Javier Iguacel, Argentina's energy minister. Rebecca Kern, Alan Kovski and Bloomberg News are covering.

OTHER STORIES WE'RE COVERING

Billionaire Terry Gou, chairman of Foxconn Technology Group, holds a license plate honoring the company during a November 2017 event.
Photographer: Daniel Acker/Bloomberg via Getty Images

- Trump is expected to travel to Wisconsin for the groundbreaking of Foxconn's proposed $10 billion manufacturing facility, which has drawn considerable attention for its environmental impacts. Stephen Joyce and Bloomberg News are covering.
- Federal Energy Regulatory Commission member Neil Chatterjee and Eric Lightner, director of the Energy Department's smart grid task force, are among the speakers at a conference on technology and advancing the electric grid. Rebecca Kern is covering.
- Brazil's power sector regulator, Aneel, is holding a transmission lines auction. Michael Kepp is covering.
- The European Parliament environment committee will vote on certain parts of the EU's renewable energy strategy through 2030, including a biofuel framework. Stephen Gardner is tracking.
- The Air & Waste Management Association conference in Hartford, Conn., will feature a discussion of Clean Air Act developments, including emissions standards for hazardous air pollutants. Panelists include Peter Keller, an EPA environmental protection specialist, and Miles Keogh, executive director for the National Association of Clean Air Agencies. Another session covers air permitting problems and solutions that industry runs into with government regulators and environmental groups. Amena H. Saiyid is covering.

QUOTE OF THE DAY

"His replacement is sure to be more in the mold of the late Justice [Antonin] Scalia—with whom Kennedy sometimes clashed—and perhaps even more conservative than Justice [Neil] Gorsuch."
—Vermont Law School professor Pat Parenteau, discussing Supreme Court Justice Anthony Kennedy's retirement.

AROUND THE WEB

- An Irish statistics office is digitizing paper records of weather dating back to the 1830s to help tracking of climate-change patterns.
- Regulators typically examine chemical risks as if people are only exposed to one compound at a time, but the European Food Safety Authority is seeking comments on strategies to analyze combinations of chemicals.
- Tropical forests lost roughly 39 million acres of trees last year—an area roughly the size of Bangladesh.

TODAY'S EVENTS

- **9 a.m. • Brazil** • Inter-American Dialogue holds forum on Brazil's energy policy.
- **10 a.m. • Fossil Energy** • U.S. Energy Association holds briefing on the role of fossil energy in a sustainable energy future.
- **1 p.m. • Formaldehyde** • The EPA holds public meeting on mandates of its emissions standards for formaldehyde from wood products.
- **4 p.m. • Climate Risk** • World Bank, U.S. Agency for International Development, International Finance Corp. and Inter-American Development Bank offer perspectives on managing for climate risk.

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Message

From: Atkinson, Emily [Atkinson.Emily@epa.gov]
Sent: 4/5/2018 1:42:07 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: RE: Meeting Request: Kohler Company

Sounds good – thanks Clint.

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Woods, Clint
Sent: Wednesday, April 04, 2018 5:47 PM
To: Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: Meeting Request: Kohler Company

Emily,

Yes, please. If they are still available, maybe just myself and Justin Schwab? Thanks!

Clint Woods
Deputy Assistant Administrator
Office of Air and Radiation, U.S. EPA
202.564.6562

From: Atkinson, Emily
Sent: Wednesday, April 4, 2018 4:23 PM
To: Woods, Clint <woods.clint@epa.gov>
Subject: RE: Meeting Request: Kohler Company

Clint are you ok with me going ahead and setting this up for you? And do you want to do this on your own, or do you want to have Mandy, Byron and/or staff join you for this meeting?

From: Woods, Clint
Sent: Wednesday, April 04, 2018 9:36 AM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: Meeting Request: Kohler Company

Yes – Thanks!

Clint Woods
Deputy Assistant Administrator

Office of Air and Radiation, U.S. EPA
202.564.6562

From: Dominguez, Alexander
Sent: Wednesday, April 4, 2018 9:35 AM
To: Brown, Byron <brown.byron@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: Meeting Request: Kohler Company

Thanks Byron – Adding Clint and Emily as this is most likely one Clint will want to take.

From: Brown, Byron
Sent: Tuesday, April 3, 2018 5:07 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: FW: Meeting Request: Kohler Company

Mandy – adding Alex. This is probably best left for OAR, but let me know if you need assistance from me.

From: Swanson, Kevin O (59578) [mailto:koswanson@michaelbeststrategies.com]
Sent: Tuesday, April 3, 2018 12:53 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Schreibel, Thomas B (57936) <tbschreibel@michaelbeststrategies.com>; Burton, Tamika <burton.tamika@epa.gov>
Subject: RE: Meeting Request: Kohler Company

Hi Mandy and Byron:

I was hoping to follow up on Kohler's request to meet with you or the appropriate person from the Office of Air and Radiation regarding the ozone attainment designation for Wisconsin. Kohler's senior leadership would appreciate the opportunity to meet and discuss the importance of the designation. The best dates of availability for Kohler are April 10th and the 16th.

If there is someone else that you would recommend reaching out to, we would gladly welcome your suggestion.

Thank you for your consideration of this request.

Best regards,

Kevin O. Swanson
Senior Associate
T 202.747.9578 | michaelbeststrategies.com
Michael Best Strategies

From: Swanson, Kevin O (59578)
Sent: Wednesday, March 28, 2018 11:23 AM
To: 'gunasekara.mandy@epa.gov'; 'Byron R. Brown (brown.byron@epa.gov)'
Cc: Schreibel, Thomas B (57936); burton.tamika@epa.gov
Subject: RE: Meeting Request: Kohler Company

Hello Byron and Mandy:

I was hoping to follow up on this request on behalf of the Kohler Company. Is there a chance you and Assistant Administrator Wehrum would be available April 10th or the 16th?

Thank you for your consideration.

Best regards,

Kevin O. Swanson
Senior Associate
T 202.747.9578 | michaelbeststrategies.com
Michael Best Strategies

From: Swanson, Kevin O (59578)
Sent: Thursday, March 15, 2018 4:53 PM
To: 'gunasekara.mandy@epa.gov'; Byron R. Brown (brown.byron@epa.gov)
Cc: Schreibel, Thomas B (57936)
Subject: Meeting Request: Kohler Company

Hello Mandy and Byron:

I am reaching out to you on behalf of the Kohler Company with a request to meet with the appropriate person from the Administrator's office and the Office of Air and Radiation regarding EPA's upcoming ozone attainment designation for Wisconsin. We would appreciate the opportunity to meet with you or Assistant Administrator Wehrum on this critical issue. The essential details of the issue are below and we thank you for any advice or insight you could provide on the best way to convene a conversation. The best dates of availability for Kohler are April 10th and the 16th.

Topic: Equitable and Accurate Ozone Attainment Designation

Background:
The EPA is due to issue its final ozone attainment designations by April 30, which could impact Kohler Company, located in Sheboygan County Wisconsin. The EPA issued a draft on December 20, 2017 that outlined the proposed lines for Sheboygan County.

The area extends approximately 3 to 5 miles inland from the lakeshore. Specifically, the portion of Sheboygan County inclusive and east of the following roadways with the boundary starting from north to south: Union Road which turns into County Road Y which turns into Highland Drive, to Lower Road which turns into Monroe Street, to Broadway/Main Street to Highway 32 which turns into Giddings Avenue to County Road W to County Road KW.

Governor Scott Walker and the Wisconsin Department of Natural Resources submitted their plan to the EPA on February 28, 2018 where Governor Walker calls for the entire state of Wisconsin to be placed in attainment. However the Governor and WDNR also recognize that if this cannot be done, the best solution based on sound science is to create a line 2.3 miles in from the shores of Lake Michigan in Sheboygan County.

Kohler supports the WDNR's position of drawing a 2.3 miles line.

Attendees:
Buddy Robinson Sr. Vice President, General Counsel, Corporate Secretary & Business Development, Kohler
Natalie Maciolek Lead Attorney - Kohler
Mike Cassidy - Manager- EHS Technical Resources - Kohler
Tom Schreibel Michael Best Strategies

About Kohler:

Kohler Company is one of the largest privately operated firms in the United States. Kohler has always been owned and run by a circle of family members who descended from the founder. One of Wisconsin's largest employers, Kohler is best known for its line of baths, sinks, toilets, and other bathroom fixtures. The company is also a leading producer of electric generators and small engines, owns two distinguished furniture manufacturers, and operates successful hospitality and real estate businesses in Kohler, Wisconsin, where it has its corporate headquarters and largest manufacturing facilities.

Thank you for your consideration of this request.

Best regards,

Kevin O. Swanson
Senior Associate
E koswanson@michaelbeststrategies.com
T 202.747.9578 | **M** 415.497.4689 | **F** 414.277.0656

Michael Best Strategies

my bio | our firm | vCard

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Message

From: Bloomberg Environment - Environment & Energy Report [bloomberg@bna.com]
Sent: 4/26/2018 8:22:34 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Environment & Energy Report Highlights

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Environment & Energy

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Highlights

LEADING THE NEWS

Foxconn Gets Wisconsin's Nod to Start Work on Flat-Screen Factory

By Stephen Joyce

Foxconn could break ground as early as April 30 on a planned 22 million-square-foot factory in southern Wisconsin after the state issued six necessary environmental permits for the project in a span of three days.

Companies Save Money, Dodge Water Controls as EPA Drops Reviews

By Amena H. Saiyid

Companies like FirstEnergy Corp. will dodge additional costly pollution controls because the EPA will drop plans to reassess expired water permits that states have temporarily extended.

EPA's Pruitt Faces Skeptical Lawmakers Amid Ethics Scandals (1)

By Jennifer A. Dlouhy and Ari Natter

EPA chief Scott Pruitt insisted he had "nothing to hide" as he endured withering criticism in his first public hearing since a cascade of revelations about an unorthodox condo rental, a $43,000 secure phone booth and pricey travel.

Avenue Capital, Middle River Eye Purchase of Navajo Coal Plant

By Stephen Lee

Avenue Capital Group, a New York investment company, and Middle River Power, a private equity company from Deerfield, Ill., have emerged as potential buyers of the biggest coal-fired power plant west of the Mississippi, according to emails obtained by Bloomberg Environment.

EPA Working on Legal Basis for Year-Round Biofuels Sales: Pruitt

By Jennifer A. Dlouhy

EPA Administrator Scott Pruitt said the agency is working to justify issuing a waiver that would allow year-round sales of gasoline containing 15 percent ethanol.

TODAY'S NEWS

Navajo Generating Station Owner Sets May Deadline for Sale

By Stephen Lee

The largest lease-holder of the biggest coal-fired power plant west of the Mississippi warned the Trump administration it will have to start shutting down the plant if a new buyer isn't found before mid-May, according to a recent letter obtained by Bloomberg Environment.

Duke Energy Faces Lawsuits Over Customer Coal Ash Costs

By Andrew M. Ballard

North Carolina's attorney general is taking issue with a public utility's decision that would leave customers footing the bill for clean up of coal ash.

Energy Department Urged to Act Now So Hanford Site Workers Are Safe

By Sam Pearson

Bechtel National Inc.'s alleged poor engineering at a nuclear waste treatment plant in Washington state could lead to project delays or render the site unsafe for employees.

Orsted Calls for States to Expand Ports for Offshore Wind Developers

By Bobby Magill

Orsted A/S is calling for East Coast states to expand their ports to allow the offshore wind power industry to build wind farms with imported components too large for many existing ports, Thomas Brostrom, Orsted North America president, said April 26.

Husky Wisconsin Refinery Area Being Evacuated After Blast (1)

By Robert Tuttle and Sheela Tobben

An evacuation has been ordered around Husky Energy Inc.'s refinery in Superior, Wis., after an explosion early April 26 that left multiple people injured, according to the police department.

Wanted: Investors for South Korea's $10 Billion Climate Tech Plan

By Elaine Ramirez

Private investors and international financial institutions could play a role in South Korea's $10 billion climate technology plan to reduce 860 million tons of greenhouse gases in developing countries by 2030.

Johnson Controls Loses Environmental Defense Claim

By Peter Hayes

Johnson Controls can't recover defense costs triggered by an Environmental Protection Agency liability letter from an excess insurer, a Wisconsin appeals court said April 25.

Dow Hazmat Appeal Bounced By California's Top Court

By Steven M. Sellers and Joyce E. Cutler

Dow Chemical Co.'s arguments that it shouldn't be held accountable for toxic substances dumped in Modesto, Calif., sewer drains were turned aside by the California Supreme Court April 25.

California Oil Dreams Fade as Beverly Hills Derrick Comes Down

By Robert Tuttle and Laura Blewitt

Draped in flower-covered panels, the iconic derrick that towers over Beverly Hills High School has pumped crude for decades. Now, it waits to be dismantled , its demise mirroring the fate of oil drilling in California.

Time for Europe to Quit Green Power Subsidies, Accenture Says

By Rachel Morison

The time has come to let go of government aid that's increasing the price of power on consumer electricity bills, according to Accenture Plc.

Maersk CEO Says Use Clean Fuel to Cut Air Pollution, Not Scrubbers

By Kyunghee Park

As the maritime industry counts down to when it'll be forced to meet tougher air emissions rules, Maersk head Soren Skou said less-polluting fuel is the way to go rather than equipment that does the cleaning on board.

Carbon Price Jump Spurs Europe to Start Switching Off Coal

By Mathew Carr

A tripling of the European Union's carbon price since May is starting to prod utilities to switch off their least-efficient coal plants and turn on their best natural gas generators.

Battery Craze Is Bringing Giant New Caledonia Mine Back to Life

By R.T. Watson

Once on the brink of closure, Vale SA's operation in the far flung South Pacific is making a comeback thanks to rising prices for metals pivotal to manufacturing electric-car batteries.

RWE's Municipal Owners Want CEO Assurance on Life After Coal

By Brian Parkin

RWE AG's municipal stakeholders want Chief Executive Officer Rolf Martin Schmitz to explain how swapping assets with EON SE will impact business when Germany accelerates its exit from coal.

WEDNESDAY NIGHT WRAPUP

House Rallies Behind Northwest Dams Judge Said Hindered Salmon

By Dean Scott and Alan Kovski

The House April 25 took a step toward bypassing a federal judge's opinion to protect Pacific Northwest salmon and steelhead fish at hydroelectric dams on the Columbia River system.

Trump Nominee Oldham Pressed on Criticism of SCOTUS, EPA

By Patrick L. Gregory

Federal appeals court nominee Andrew S. Oldham attempted to distinguish past advocacy positions from his own convictions at a Senate Judiciary Committee confirmation hearing April 25.

Coal Permits Being Fast-Tracked in West Virginia

By Stephen Lee

Coal companies operating in West Virginia, such as Arch Coal Inc. and Alpha Natural Resources LLC, may not have to wait up to the two years it often takes to get a mining permit.

Volkswagen to Pay Maryland $33.5 Million for Diesel Cheating

By Leslie A. Pappas

Volkswagen will pay Maryland $33.5 million to resolve allegations that it violated the state's environmental laws through use of "defeat devices" that concealed harmful emissions from its diesel cars, the state announced April 25.

Trump Tax Revamp Threatens to Make Gas Pipes Pay $18.5B

By Naureen S. Malik

Pipeline owners led by Enbridge Inc. and Williams Cos. could be forced to refund as much as $18.5 billion to drillers, utilities, and even United Airlines Inc. for upfront payments they charged customers before new U.S. tax rules cut the corporate rate.

Saskatchewan Tries to Block Trudeau's Carbon Price in Court

By James Munson

Canada's energy policy hit a new bump in the road April 25 as Saskatchewan sought in court to stop the federal government from pricing carbon in the province.

Canada's Trudeau Under Fire for Funding Kinder Morgan Opponents

By Josh Wingrove

Justin Trudeau's government isn't doing anything to make his job easier.

Chile Car Ban Scaled Back, But on Track to Go Into Effect in May

By Tom Azzopardi

Chile's new government scaled back proposed restrictions on car use to reduce air pollution in Santiago, arguing the measure should be implemented gradually to ensure its effectiveness.

Bloomberg Environment

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Message

From: Bloomberg Environment - Environment & Energy Report [bloomberg@bna.com]
Sent: 3/28/2018 8:39:52 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Environment & Energy Report Highlights

Bloomberg Environment

Environment & Energy

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Highlights

LEADING THE NEWS

Massachusetts Sinks Eversource Power Project, Picks Avangrid (1)

By Adrianne Appel

Massachusetts dropped Eversource's $1.6 billion Northern Pass transmission project after the company failed to meet the state's deadline for securing a necessary permit from nearby New Hampshire.

Chemical Makers Worry Steep New EPA Fees Could Stifle Innovation

By Adam Allington

Chemical manufacturers are concerned that hefty new EPA fees to support premarket reviews could stifle innovation and pose a barrier to bringing new chemicals to market.

White House Reshuffle Fills Vacuum on Climate, Energy Posts

By Dean Scott

An energy policy adviser with the State Department is set to join President Donald Trump's National Security Council next week, the latest move to shore up expertise on international energy and climate issues after a top adviser departed in February.

Ghana Hopes Lithium Load Will Lure Automakers

By Diosa B.G. Woods

Ghana might become the world's next hot spot for lithium, after large quantities of the element and other base metals have been identified in the Ashanti and Central regions, the Ghana Minerals Commission said.

New German Sustainability Plan Ignores Buildings: Analysts

By Jabeen Bhatti

Svenja Schulze highlighted Germany's commitment to its ambitious sustainability program to bolster green energy and drastically reduce greenhouse gas emissions, in her first address to parliament last week as the country's environment minister.

TODAY'S NEWS

Chicken Filth Spurs Mountaire Lawsuit Threat by Delaware Residents

By Leslie A. Pappas

Nearly 50 rural Delaware residents say they'll sue a local Mountaire chicken-processing plant to force it to stop polluting their drinking water with nitrogen from chicken waste.

Advocates Urge EPA to Go Big in Court-Ordered Chemical Spill Rule

By Amena H. Saiyid

Preventing all hazardous chemical spills ought to be the goal of an upcoming EPA rule rather than just focusing on a 2014 Freedom Industries Inc. spill that tainted West Virginia's water supplies, environmental groups say.

Proposed Pipeline Crack Standards Go Too Far, Industry Says

By Sylvia Carignan

A federal proposal on cracked-pipe repairs is too aggressive and could cost gas pipeline operators time and money for inspections, operators' representatives told the Pipeline and Hazardous Materials Safety Administration.

Germany to Give Millions to Boost Brazil's Solid Waste Management

By Michael Kepp

Brazil will improve its urban solid waste management, helping the country meet its Paris climate agreement pledge, under a technical cooperation partnership with Germany.

Wis. Governor Signs Streams, Wetlands Bills Over Critics' Objection

By Stephen Joyce

Wisconsin Gov. Scott Walker (R) signed two bills March 28 that Democrats and other critics said will place economic development ahead of stream and wetland protection.

Metals Tycoon Targets Australia Renewables to Power Industry

By Perry Williams

Conglomerate tycoon Sanjeev Gupta may build up to 10 gigawatts of renewable energy capacity in Australia, including battery storage that could help power steel mills and aluminum smelters.

Private Tree Farms in India Would Harm Ecology, Activists Warn

By Madhur Singh

A proposal from India's environment ministry that would allow private companies to establish tree-growing and harvesting operations on lands

traditionally occupied by forest-dwelling communities is drawing criticism from activist groups.

Saudi Arabia and Softbank Plan World's Largest Solar Project

By Vivian Nereim and Stephen Cunningham

Saudi Arabia and SoftBank Group Corp. signed a memorandum of understanding to build a $200 billion solar power development that's exponentially larger than any other project.

Westinghouse Sees Marquee Reactors in China Loading Fuel in 2018

By Bloomberg News

Westinghouse Electric Co. expects its next-generation nuclear reactors in China to load fuel some time this year, a small step for the projects amid continued delays.

Tesla Says Cause of Fatal Crash Unknown as Challenges Mount

By Dana Hull and Ville Heiskanen

Tesla Inc. said it doesn't yet know what caused the crash involving its Model X crossover in California March 23, an accident that killed the driver and intensified the pressure mounting on Elon Musk's electric-car maker.

Oil Titans From Exxon to BP Seen Boosting Deepwater Drilling

By Ryan Collins

Drilling for oil in the briny deep could be poised for a major comeback.

Shale Oil Producer Concho Buys RSP Permian for $8 Billion

By Javier Blas and Jim Polson

Concho Resources Inc. will buy rival shale oil producer RSP Permian Inc. in an $8 billion all-share deal, creating one of the largest producers in the region at the center of America's energy boom.

UK Plan to Tackle Bottle Waste Boosts Norwegian Machine Maker

By Joe Easton

The U.K. government's announcement of plans to tackle plastic bottle and can pollution is likely to be good news for a Norwegian maker of "reverse vending machines."

EU Moves Forward With Truck Carbon Dioxide Monitoring Law

By Stephen Gardner

European Union truck manufacturers cautiously welcomed an agreement on an EU regulation on monitoring carbon dioxide emissions from heavy vehicles, but said implementation of the measure could present technical difficulties.

Martin Marietta Subsidiary to Spend $20M for Pollution Violations

By Jennifer Lu

An Ohio lime manufacturing plant will have to spend an estimated $20 million on pollution controls after operating under obsolete permits for over 30 years.

Russia Moves to Tighten Rules on Oil Spill Clean Up

By Sergei Blagov

Oil companies could be responsible for cleaning up land spills and providing compensation for environmental damages under a new bill that passed Russia's State Duma March 28.

Utah's Settlement Bid in Gold King Mine Spill Put Off

By Steven M. Sellers

A stay of litigation over a massive mine spill will remain in effect despite Utah's bid to settle its claims against the EPA, a federal court in Utah ruled March 27.

TUESDAY NIGHT WRAPUP

Auditors Find Holes in Canada's Big Climate Plan

By James Munson

Most Canadian provinces and territories are falling short of achieving the country's greenhouse gas reduction targets, signaling risk for the federal government's climate change plan, according to a report auditors published March 27.

Engie to Close Coal Plants in Chile After Mulling Potential Sale

By Vanessa Dezem

Engie SA is closing its coal-fired power plants in Chile after deciding there was little point in trying to sell them.

European Majors Join Race for Mexico Oil Bonanza in Gulf Waters

By Amy Stillman and Adam Williams

European oil majors are swarming the shallow waters of the Gulf of Mexico as the country races to attract investment before an election.

Bloomberg Environment

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Message

From: POLITICO Pro Budget and Appropriations [politicoemail@politicopro.com]
Sent: 5/8/2018 7:17:18 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Budget & Appropriations: Trump taunts Democrats with 'common sense' cutbacks — The end of the former speaker perk — Pair of spending bills ready for House vote

By Sarah Ferris and Kaitlyn Burton | 05/08/2018 03:14 PM EDT

WATCH 'EM SQUIRM: The White House thinks it has an offer that Democrats can't refuse.

Just as congressional Democrats thought they'd reclaimed the "fiscal hawks" mantle in Washington, the Trump administration today presented a plan to save billions without harming a single program. As Rep. Tom Cole (R-Okla.) put it today: "It's going to be interesting to see Democrats — who I know have used these very same things themselves to offset additional spending — now argue, 'Oh my gosh, we can't touch any of this.'"

What's not to like? Even nonpartisan groups have acknowledged that most of the money wouldn't, or couldn't, have been spent anyway. That includes the $7 billion rescission from the Children's Health Insurance Program, which was never actually scored to cost the federal government anything. In fact, a similar rescission was included in this year's omnibus bill, H.R. 1625 (115), which Democrats overwhelmingly supported. Key fact: Out of the whole package, just $3 billion amounts to actual savings. See the whole list of proposed cutbacks from Sarah here.

Your move, Hoyer: Administration officials have been making the case for rescissions using the words of a key Democratic House leader just a few weeks back. Last month, Minority Whip Steny Hoyer (D-Md.) said he'd support eliminating money that's just "laying in an account that has not been spent for one, two, three years." Hoyer told reporters today that he hasn't yet read through the proposal, but isn't entirely ruling it out. "Sure, I'd be willing to take a look," he said, though he objected to taking away CHIP money that he said "has been used very positively for emergencies." (Because the package tackles mandatory spending, Democrats plan to challenge the use of a simple-majority vote in the Senate, per Playbook.)

'Not too scary': GOP appropriators, at least in the House, seem receptive to the idea, even if it drains from their prized pool of offsets for future bills. And Majority Leader Kevin McCarthy is already in talks about how to proceed, either allowing the House Appropriations Committee to take up the request or sending it straight to the floor. "It's not too scary," Cole told reporters with a laugh. "This one was fine. We'll wait and see what the next one is."

Not so simple: On paper, Republicans would be able to approve this request without a single Democratic vote. But White House aides are still trying to get official sign-off from Senate Majority Leader Mitch McConnell. "We're hopeful the Senate's going to come our way, but I would say it's an ongoing conversation right now," a White House aide told Capitol Hill staffers in a private call on Monday. More from Sarah and Kaitlyn here . For his part, McConnell told reporters today that he'll "take a look at it" if it passes the House. He also noted: "It does not breach the bipartisan agreement we reached in the caps deal."

GOOD TUESDAY AFTERNOON! Reach out: sferris@politico.com (@sarahnferris) and kburton@politico.com (@knicoleburton).

Doc of the day — President Donald Trump's 41-page "special message" to Congress proposing $15.4 billion in rescissions requests.

#DailyBudgetFact — About one-fourth of single parents are living below the poverty line. Just 8 percent of married parents are living in poverty.

RESCISSIONS

BUT WAIT, THERE'S MORE: In a total affront to GOP spending chiefs, the White House is planning to soon release a far more contentious rescissions package that directly targets this year's omnibus. Administration officials said Monday that they're already drafting a "substantial" plan to slash billions from Congress' spending deal this year, but offered no other details. Sarah had the scoop for Pros here . That package would be a key messaging vote for Republicans in the House, but it stands almost no chance of passage in the Senate. "Even though a rescission package is not subject to filibuster, we do not have enough fiscally conservative folks in the Senate to get a true win," Rep. Dave Brat (R-Va.) said today.

APPROPRIATIONS

MARKUPS ON TOP OF MARKUPS: It's the busiest week yet for the House Appropriations Committee, so let's dive in. Here's what's happened so far:

Energy-Water: The House Appropriations Energy-Water Subcommittee approved its bill in a voice vote Monday night, Annie Snider reports. The legislation includes $7.28 billion for the Army Corps of Engineers, $451 million above current levels. DOE's energy programs would also get $13.4 billion, with boosts for fossil and nuclear energy research and cuts for renewable energy and energy efficiency. Democrats called out that mismatch, along with a slew of policy riders like a provision to repeal the Obama administration's Waters of the U.S. rule.

Military Construction-VA: House appropriators also cleared, on a 47-0 vote, the Military Construction-VA bill today, Connor O'Brien reports. The panel rejected Democratic efforts to bar funding for a border wall and a new terrorist detention facility at Guantanamo Bay. The measure contains $10.3 billion for Pentagon infrastructure, $214 million above current spending, and $85.3 billion in discretionary funding for the VA, a $3.9 billion hike from current levels.

Legislative Branch: The full committee unanimously approved the Legislative Branch bill this afternoon and — most notably — nixed office allowances for former House speakers, Kaitlyn reports. The panel adopted an amendment from subcommittee chief Kevin Yoder (R-Kan.) to completely eliminate the former speaker's allowance. Behind the scenes, there was a bit of jockeying between Speaker Paul Ryan and Minority Leader Nancy Pelosi, herself a former speaker, about which party gets credit for scrapping the perk, as John Bresnahan explains.

What's next?: The spending panel's Agriculture-FDA and Commerce-Justice-Science subcommittees are set to mark up their bills Wednesday at 4 p.m. and 5 p.m., respectively.

HEALTH CARE

SHUT DOWN: Conservative state lawmakers trying to overhaul Medicaid aren't all too happy with the Trump administration, Rachana Pradhan reports. Case in point: Federal officials have denied Kansas' request to put in place the first-ever lifetime limits on Medicaid coverage — the first time the Trump administration has shut down cuts to the program pushed by a red state.

AGRICULTURE

GETTING THE JITTERS: House GOP leaders this week have begun the tough job of selling a massive farm bill to the rest of their conference — and it doesn't seem to be going well. "It's my understanding that they don't have the votes on their side," Hoyer told reporters, lambasting the GOP's proposed crackdown on food stamps.

Conservative lobbying blitz: Meanwhile, GOP leaders may go even further to the right to win support from holdouts in the House Freedom Caucus. Rep. Mark Meadows (R-N.C.), the head of that caucus, said late Monday night that members still have some big changes in mind, including stricter work requirements, Liz Crampton and Rachael Bade report.

OPIOIDS

ONE-TRACK MIND: Fighting opioid addiction is one of the few parts of the federal budget where both parties on Capitol Hill have agreed to spend more. But with more than $1 billion devoted specifically to opioids in recent years, attention — and funding — is dwindling for other anti-drug programs. That's happening even as deaths from crystal meth and cocaine use are spiking. It's one of the many unintended consequences of the U.S. response to the opioid addiction, as Sarah Karlin-Smith and Brianna Ehley report today.

Pharma's big moment: In a moment reminiscent of the 1994 tobacco hearings, executives from major drug distributors had their moment in the sun today as part of Congress' ongoing probe into the epidemic. Those companies include Cardinal Health, AmerisourceBergen and McKesson, which together spent more than $4.6 million on Washington lobbying last year, Theodoric Meyer reports. The Healthcare Distribution Alliance, a trade group for the industry, spent nearly $1.3 million more.

EARMARKS

— Trump's request to cut spending has a shot at passing Congress. Bloomberg.

— Senate mourns death of assistant parliamentarian Michael Beaver. Roll Call.

— Pruitt fast-tracked California cleanup after Hugh Hewitt brokered meeting. POLITICO.

— The underlying problem with Congress is deciding how to allocate their time. Vox.

— Here's the EPA memo that justified Scott Pruitt's first-class travel. Washington Post.

— Trump trims U.S. spending cuts amid warnings of new fiscal fight. Reuters.

WE'RE COUNTING: 85 days until the National Flood Insurance Program expires (July 31), 146 days until funding runs out (Sept. 30).

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https://subscriber.politicopro.com/newsletters/budget-appropriations/2018/05/trump-taunts-democrats-with-common-sense-cutbacks-207754

Stories from POLITICO Pro

What's on the Trump administration's $15B cost-cutting list Back

By Sarah Ferris | 05/08/2018 11:21 AM EDT

The Trump administration Tuesday proposed a sweeping $15.4 billion package of spending cuts that slices across 10 federal departments, ranging from children's health insurance to public housing programs.

Most of the White House requests affect money that's been authorized to be spent but hasn't been paid out. The Office of Management and Budget released a "special message" that targets $15.4 billion in budget authority, which is what the government is authorized to spend.

But the cuts would actually decrease federal spending by just $3 billion in outlays, the OMB said.

The White House's 41-page request serves as the opening bid with congressional leaders to use an obscure federal law to slash spending from the ever-growing federal deficit. It doesn't affect a massive omnibus spending bill, H.R. 1625 (115), passed by Congress earlier this year but the administration has promised it will be targeted next.

The White House has said none of the proposed cutbacks would affect current programs, focused entirely on unspent dollars from previous years.

But Democrats are already pouncing on Trump's planned cuts to the low-income kids' health program, just months before the midterms.

The request now goes to the House Appropriations Committee, which will have 25 calendar days to craft its own bill before other House members can act on their own to bring up rescissions legislation. If the House passes a bill, it would be taken up next by the Senate, where prospects are regarded as slimmer. Rescissions bills require only a simple majority for passage, though.

"With a national debt exceeding $21 trillion, every member of Congress should support rescinding these unspent, sometime egregious, but obviously unnecessary funds that are simply sitting in the coffers of federal agencies," White House budget chief Mick Mulvaney said in a statement.

Included in the White House's proposed reductions:

AGENCIES
— $10 million from the Environmental Protection Agency
—$150 million from the Corporation for National and Community Service
— $52 million from the Millennium Challenge Corporation

AGRICULTURE
— $148 million from the Animal and Plant Health Inspection Service
— $656 million from the Natural Resources Conservation Service
— $42 million from the Rural Housing Service
— $50 million from the Rural Business-Cooperative Service
— $50.2 million from the Rural Utilities Service
— $16 million from the Forest Service

COMMERCE
— $30 million from the Economic Development Administration

ENERGY
— $4.3 billion from the Advanced Technology Vehicles Manufacturing Loan Program
— $683 million from the Innovative Technology Loan Guarantee Program

HEALTH
— $6.96 billion from the Children's Health Insurance Program
— $800 million from the Center for Medicare and Medicaid Innovation
— $220 million from "Departmental Management" expense fund

HOUSING
— $40.8 million from Public and Indian Housing Programs

JUSTICE
— $106 million from Legal Activities and U.S. Marshals

LABOR
— $22.9 million from the Employment and Training Administration

STATE
— $30 million from the Complex Crises Fund
— $252 million from U.S. AID, for the Ebola outbreak response

TRANSPORTATION
— $179.1 million from the Federal Highway Administration
— $53.4 million from the Federal Railroad Administration
— $46.5 million from the Federal Transit Administration

TREASURY
— $53 million from the Treasury Forfeiture Fund
— $22.7 million from the Community Development Financial Institution Fund
— $151 million from Capital Magnet Fund, Community Development Financial Institutions

OTHER
— $133 million from the Railroad Unemployment Insurance Extended Benefits program

To view online click here.

Back

Trump tries to woo conservatives with bid to cut spending Back

By Sarah Ferris and Kaitlyn Burton | 05/07/2018 09:05 AM EDT

The White House on Tuesday will send $15 billion in proposed spending cuts to Congress in an attempt to demonstrate fiscal austerity to skeptical conservatives, senior administration officials confirmed Monday night.

The administration had last week planned to send Congress a package of $11 billion in spending reductions. But since then, some conservatives have quietly pushed for an even bolder proposal, particularly after the GOP's spending binge in recent months, said Republicans familiar with the discussions.

The White House initially floated as much as $60 billion in cuts, including an unprecedented attempt to cancel money from this year's omnibus spending bill. The proposal was later downsized to $11 billion, and then back up to $15 billion, targeting only unused funding from past years, which POLITICO first reported.

One senior administration official told reporters that the proposal coming Tuesday is "the largest single rescissions package at one time."

The White House also plans to make a second attempt at clawing back funding from the omnibus, but the senior administration official said that could come weeks later.

The official said said President Donald Trump will be personally involved in the details of the next package, which will include "substantial" cuts in current spending based on the president's own budget request.

Unlike regular spending bills, a presidential rescissions package is given fast-track authority in both chambers. That means the proposal is one of the rare spending-related bills that is able to bypass the 60-vote threshold in the Senate.

Nearly half of the package, a whopping $7 billion, pulls from the Children's Health Insurance Program, which covers about 9 million low-income children.

Of this, $5 billion is fiscal 2017 funding that has already expired, and $2 billion is money from a so-called contingency fund that states can tap into if they're short on cash.

These CHIP rollbacks "will not impact the program," the senior administration official said.

It would also cut $800 million from the Center for Medicare & Medicaid Innovation, which was created under Obamacare.

In addition, the proposal will target 38 programs with large amounts of leftover cash, including $148 million from the Animal and Plant Health Inspection Service, $107 million for Hurricane Sandy in 2013 and $252 million for the Ebola outbreak in 2015.

The senior administration official said the White House is starting with "uncontroversial" cutbacks as a sweetener to bring Democrats on board.

"I don't think we believe there's a reason we wouldn't get bipartisan support for a package like this," the official said.

The process also includes a special bonus for fiscal hawks: Whenever the president submits a rescissions request, that spending is frozen automatically for 45 legislative days, or until Congress formally rejects it.

OMB Director Mick Mulvaney said in April that he hopes for a vote in the House before the July Fourth recess, and officials told reporters Monday that the House is "very interested in this package."

The GOP-dominated House is expected to easily clear the rescissions package, but even White House officials are less confident about its fate in the Senate, White House legislative affairs director Marc Short told POLITICO on Monday. Trump is pleased with the $15 billion proposal, Short said.

In a call with Capitol Hill staff on Monday, White House officials skirted a question about whether Majority Leader Mitch McConnell had signed off on the proposal.

"We are in discussions with the majority leader," the administration official said on the call, which POLITICO was permitted to listen to by a staffer. "We're hopeful the Senate's going to come our way but I would say it's an ongoing conversation right now."

Trump's unusually large request would come after a nearly two-decade drought of any formal rescissions proposal.

Former President Bill Clinton was the last president to propose rescissions. His three requests totaled just $128 million, a fraction of Trump's request.

Even with Trump's record-setting sum, conservative groups are demanding the Trump administration go further by proposing to cancel funds from the omnibus, which Trump threatened to veto.

Americans for Prosperity, the right-leaning group founded by the Koch brothers, is asking the White House to reel back $45 billion from the $1.3 trillion omnibus.

The group on Monday released an exhaustive list of programs it believes should go on the chopping block, including homeless assistance grants, a Coast Guard security center, FBI salaries and the National Cancer Institute.

Behind the scenes, top budget officials have wrestled for weeks with Republican lawmakers on the size and scope of the rescissions package.

The debate was largely centered on whether to cut money across the board from the omnibus spending package, or whether to target individual programs.

Few Republicans wanted the across-the-board cuts as those would have hit the hard-won increases to military spending. But officials also worried that going after specific programs would spur infighting among Republicans, according to one former top GOP congressional aide briefed on the deliberations — an outcome everyone hoped to avoid ahead of the 2018 midterm elections.

Meanwhile, belt-tightening conservatives in the House are still hoping for more than $15 billion in cuts.

An internal survey of dozens of House Republican Study Committee members found that lawmakers overwhelmingly support the largest possible rescissions request. The survey, which was obtained by POLITICO, found that 71 percent of RSC members said they would back a proposal that cut at least $60 billion. Another 9 percent said they'd support any amount.

And 94 percent of RSC members surveyed said the rescissions package should cut at least some domestic funding from this year's $1.3 trillion omnibus. Only 6 percent said "maybe."

Republican budget wonks also wondered if the final package would accomplish the task of reducing government spending in a meaningful way, if it indeed took previously unspent money from old programs.

"This is not a deficit reduction exercise, but more of a public relations exercise to soothe the base and convince them that the White House is fiscally responsible," said G. William Hoagland, a senior vice president at the Bipartisan Policy Center and former director of budget and appropriations for former Senate Majority Leader Bill Frist as well as the former director of the Senate Budget Committee.

"If they are finding unused budget authority and putting that in a special package to Congress as appropriators are trying to put together the [fiscal] 2019 bill, it may have the effect of creating more spending for 2019 rather than less," Hoagland said.

Nancy Cook, John Bresnahan and Matthew Nussbaum contributed to this report

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White House will try to roll back billions from omnibus spending deal Back

By Sarah Ferris | 05/07/2018 06:31 PM EDT

Over the objections of GOP spending chiefs, White House officials said Monday they will plow ahead with a sweeping plan to claw back billions from Congress' massive spending deal this year.

Administration officials told Capitol Hill staffers on a call that they still plan to release a bill that would roll back money that Congress approved in this spring's budget-busting omnibus measure, H.R. 1625 (115).

"We're going to send them up a separate package" that focuses on the omnibus bill, White House officials told Hill staff in a conference call briefing. A staff member allowed POLITICO to listen to the call.

A date for the new proposal was not specified, but any package unveiled this year could have major implications for federal agencies.

Even if Congress ignores the request, the dollars in a presidential rescission package are automatically frozen for 45 legislative days. Critics say that would effectively prevent government agencies from carrying out key programs that are targeted.

A rescissions package — which hasn't been used since 2000 — is also given special powers to bypass a Senate filibuster. White House officials say that gives Trump a one-time chance to retract spending from the $1.3 trillion bill he detested.

It would be an unprecedented move, delivering an affront to many long-serving Republican appropriators. The leaders of both the Senate and House spending panels have publicly dismissed the idea, arguing that it would amount to going back on a deal with Democrats.

The Republican Appropriations chairmen, Rep. Rodney Frelinghuysen of New Jersey and Sen. Richard Shelby of Alabama, have both said the White House plan would undermine any future dealmaking. That includes the spending measure that Congress must pass by the end of fiscal 2018 on Sept. 30 to avoid a government shutdown just weeks before the midterm elections.

The omnibus was painstakingly negotiated between both parties, though Trump was not a fan. On the same day he was supposed to sign the bill, Trump said publicly he wanted to veto it even if it would mean a near-certain government shutdown.

Experts have said that every other proposed rescissions package has gone after years-old unspent money, rather than weeks-old spending deals negotiated by both parties.

The White House is already mulling the largest-ever single rescissions package. Officials will send a $15 billion package to Congress on Tuesday that proposes to cancel funding from dozens of government accounts that have leftover money.

That package is intended as an opening salvo, with GOP leaders hoping to entice Democrats to support a package of largely noncontroversial cuts.

The second round of spending cutbacks would be far more partisan, taking cues from Trump's austere budget blueprints from his first two years in office. The second proposal is likely to cut deep in domestic programs, while keeping intact Trump's massive boost for the Pentagon.

"It will be substantial, and it will be similarly historic," a senior administration official said in a call with reporters later on Tuesday, confirming the plans.

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House Appropriations panel advances $44.7B energy and water bill Back

By Annie Snider | 05/07/2018 06:15 PM EDT

A House Appropriations Committee subpanel swiftly approved its $44.7 billion energy and water spending bill on a voice vote today, sending it to the full committee for consideration.

Democrats applauded the boost in funding that the measure provides for the Army Corps of Engineers and DOE thanks to the bipartisan agreement to lift spending caps.

"Our bill is certainly a message to the executive branch that the legislative branch rejects the ill-considered, draconian cuts we have come to expect to every important agency we fund in this bill," said Rep. Marcy Kaptur, the top Democrat on the subcommittee.

Overall, the bill would provide $7.28 billion to the Army Corps of Engineers, $451 million over 2018 levels. That includes $1.6 billion for harbor maintenance activities, or $160 million more than the level appropriators committed in a major 2014 bill.

DOE's energy programs would get $13.4 billion under the measure, with increases for fossil and nuclear energy research and cuts for renewable energy and energy efficiency.

Democrats objected to that disparity, as well as to a spate of policy riders in the bill such as a provision to repeal the Obama administration's Waters of the U.S. rule and another to override a court decision and operate the Columbia and Snake rivers' dams for hydropower production rather than protecting endangered salmon.

WHAT'S NEXT: The full House Appropriations Committee is expected to consider the measure soon.

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House appropriators reject limits on border wall, Gitmo construction funding Back

By Connor O'Brien | 05/08/2018 12:09 PM EDT

The House Appropriations Committee today rejected separate Democratic efforts to bar funding to build a border wall and a new terrorist detention facility at Guantanamo Bay, Cuba.

Before approving the annual funding bill for military construction and veterans programs, the panel rejected by voice vote an amendment from Reps. Debbie Wasserman Schultz (D-Fla.) and Henry Cuellar (D-Texas) to bar funding for the wall along the U.S.-Mexico border.

President Donald Trump campaigned on building the wall, but has sparred with lawmakers over paying for it and recently floated the possibility of the Pentagon paying for the massive project.

Democrats slammed the proposal as costly and an attack on property owners on the southern border. Republicans countered that the bill the Homeland Security subcommittee has purview.

The appropriations panel also rejected by voice vote another Wasserman Schultz amendment to strip $69 million in funding to construct a new detention facility at Guantanamo. Appropriators, however, approved an amendment to limit funding for the project unless it is authorized by House and Senate Armed Services Committees.

The panel ultimately approved its version of the fiscal 2019 Military Construction and Veterans Affairs spending bill, 47 to 0.

The legislation includes $96.9 billion in discretionary funding, $4.2 billion above the current fiscal year. Pentagon infrastructure would receive $10.3 billion, a $214 million increase over the current year. The bill also would allocate $85.3 billion in discretionary funding to VA, a $3.9 billion increase above current levels.

Text of the bill is here. An accompanying report is here.

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House appropriators end office allowances for former speakers Back

By Kaitlyn Burton | 05/08/2018 01:12 PM EDT

The House Appropriations Committee on Tuesday cut off office allowances for former speakers of the House as it unanimously approved its fiscal 2019 Legislative Branch bill in a 47-0 vote.

The panel adopted a manager's amendment, on a voice vote, from Legislative Branch Subcommittee Chairman Kevin Yoder (R-Kan.) that would eliminate an allowance that former speakers of the House can tap into for office expenses.

"Taxpayers should not be on the hook to fund an office for former speakers," said House Appropriations ranking member Nita Lowey (D-N.Y.).

The bill had originally cut back this funding for things like office rental, mail and a small staff to one year, POLITICO reported. It is available to former speakers for up to five years after they leave Congress.

However, House Minority Leader Nancy Pelosi called for the allowance to be nixed in an April letter to Lowey and the top Democrat on the panel's Legislative Branch Subcommittee, Tim Ryan (D-Ohio).

"It is my opinion that funding for the office of former Speakers should be removed altogether," Pelosi wrote.

But before Democrats had a chance to offer such an amendment during Tuesday's markup, a House GOP leadership aide said that House Speaker Paul Ryan's office had pushed for the one-year change and that he, in fact, also supports zeroing out the allowance.

"Speaker Ryan is a strong proponent of Mr. Yoder's manager's amendment to eliminate all funding for former speaker offices," said AshLee Strong, Ryan's spokeswoman.

Doing away with the allowance would likely apply to only two current lawmakers: Pelosi and Ryan, who is retiring at the end of his current term in Congress.

Former Speaker John Boehner (R-Ohio) is still eligible for the allowance, though he has already shut down his office.

The individual spending measure contains $3.8 billion for House and joint House-Senate operations, a $132 million jump from current levels.

The Capitol Police would get $456.4 million, $29.9 million more than current spending; the Library of Congress would get $709.8 million, $40 million above current levels; and the Government Accountability Office, the U.S. government's internal watchdog, would get $579 million, on par with current spending.

House Republicans hope to hold stand-alone floor votes on noncontroversial appropriations bills like Legislative Branch as soon as possible, POLITICO has reported.

The panel's Agriculture-FDA and Commerce-Justice-Science subcommittees are scheduled to mark up their bills Wednesday.

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Dems, GOP jockey over cutting funds for ex-speakers Back

By John Bresnahan | 05/08/2018 08:56 AM EDT

Congress looks like it's finally getting rid of one perk for former speakers, but not before a little partisan gamesmanship between Nancy Pelosi and Paul Ryan.

Under current law, former speakers of the House get funding for office space, equipment, franked mail and "staff support" for a five-year period. Only former Speaker John Boehner (R-Ohio) is eligible for this benefit currently, but Ryan — who is retiring after the November elections — would be expected to get it as well. Pelosi would be as well when she leaves.

But in marking up the 2019 legislative branch funding bill, which covers congressional operations, the five-year period for funding was reduced to one year.

However, Pelosi told Rep. Nita Lowey of New York , the top Democrat on the House Appropriations Committee, and Ryan in an April 26 letter she wants to cut out these funds entirely. "It is my opinion that funding for the office of former Speaker should be removed altogether," Pelosi wrote.

Pelosi and Lowey were planning on having a Democrat offer an amendment to do that when the legislative branch funding bill is marked up in the Appropriations panel Tuesday.

But a House GOP aide said that Ryan's office was actually behind the reduction in funding from five years to one year, and that Ryan is fine with eliminating the provision entirely. Rep. Kevin Yoder (R-Kan.) is planning on offering a manager's amendment that will do that anyway.

"Speaker Ryan is a strong proponent of Mr. Yoder's manager's amendment to eliminate all funding for former speaker offices," said AshLee Strong, Ryan's spokeswoman.

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Red states find Trump an unpredictable ally on Medicaid Back

By Rachana Pradhan | 05/07/2018 06:46 PM EDT

Conservatives state lawmakers aren't getting everything they want from the Trump administration as they try to overhaul Medicaid.

Federal officials on Monday denied Kansas' request to implement the first-ever lifetime limits on Medicaid coverage, delivering a reality check with larger implications for how far the GOP can go trimming the health program for the poor.

It marked the first time the Trump administration has categorically denied Medicaid cuts pushed by a red state. The decision — delivered in a brief letter from the Centers for Medicare and Medicaid Services without elaboration — dismayed some conservatives and frustrated state lawmakers, who say it's virtually impossible to know what will get approved without an onerous back-and-forth with federal officials.

"They won't tell us what they will or won't approve until we apply. We're throwing spaghetti on the wall and seeing what sticks," said Utah state Sen. Daniel Hemmert, whose state has asked the Department of Health and Human Services to limit certain Medicaid enrollees' benefits in his state to five years, among other conservative changes.

"We only get one toss per year, basically," he added. "To innovate within Medicaid, it's frustrating and slow."

Arizona, Utah and Wisconsin have also asked the Trump administration for similar caps on how long certain enrollees can stay in the program.

"We have heard informally from CMS that they will not approve it," Utah state Rep. Jim Dunnigan, a Republican, said of lifetime limits in other states. A CMS spokesperson said, "CMS evaluates every demonstration proposal individually and in accordance with a set of state-specific facts."

The Trump administration has yet to act on another Kansas request: to impose a work requirement affecting roughly 12,000 low-income parents, although HHS has given four other GOP-led states permission to institute similar requirements. New Hampshire on Monday received permission to tie Medicaid benefits to employment, following similar approvals in Kentucky, Indiana and Arkansas.

Those four states, unlike Kansas, expanded Medicaid under Obamacare, growing their programs by thousands of low-income adults.

"We know that two of the best policies to move individuals from welfare to work are work requirements and time limits," said Tarren Bragdon, president of the Foundation for Government Accountability, a conservative think tank that has opposed Obamacare's expansion of the Medicaid program, who expressed disappointment with the decision on Kansas' request. "I am surprised."

HHS made granting work requirement requests a linchpin of its Medicaid reform strategy, pleasing conservative activists and Republican legislators. But it's being more circumspect about a long list of other controversial ideas from Republican governors.

Wisconsin's Scott Walker wants to impose drug testing on certain Medicaid beneficiaries while Massachusetts' Charlie Baker is seeking to limit what prescription drugs are covered under the program. Texas' Greg Abbott, meanwhile, is pressing Trump administration officials to reinstate federal Medicaid funds for a women's health program that excludes Planned Parenthood.

Kansas' bid for a work requirement wasn't the first time federal health officials have punted on a major red state initiative. They were silent in March on Arkansas Gov. Asa Hutchinson's request to cap eligibility for the state's Obamacare Medicaid expansion at the federal poverty line, a move that would have trimmed enrollment in the Affordable Care Act program by roughly 60,000 people. Massachusetts has a similar proposal still under review.

"I don't think there's any expectation that the administration says yes to every request just because it comes from a Republican state," said Akash Chougule, director of policy for the Koch brothers-funded Americans for Prosperity.

A spokesperson for Kansas Gov. Jeff Colyer said state officials were told in late April that CMS was unlikely to approve lifetime limits.

"While we will not be moving forward with lifetime caps, we are pleased that the administration has been supportive of our efforts to include a work requirement in the 1115 waiver," Colyer said in a statement Monday following the rejection.

Kansas already has some of the strictest Medicaid eligibility levels in the nation for nondisabled adults, and the state had wanted to go further and limit thousands of low-income parents to three years of Medicaid benefits.

"I'm not real surprised," said Sheldon Weisgrau, interim director of the Alliance for a Healthy Kansas, which supports Obamacare and has advocated for Kansas to expand its Medicaid program under the law. "I think ideologically they would have liked to say yes but my guess is that they found real trouble finding authority."

Conservatives concede that there's only so much federal officials can do through executive authority to fundamentally alter Medicaid's trajectory without getting Congress involved. Congressional Republicans tried to enact major reforms last year — including enshrining Medicaid work requirements into federal law — but those efforts collapsed with the party's failed bid to repeal Obamacare.

State officials in both parties have long complained that it takes protracted negotiations with HHS to change elements of their programs. Republicans say the Trump administration is being more flexible and open-minded about new ideas but they still have to jump through hoops.

"I think this sends a really important message to Congress," said Naomi Lopez Bauman with the Goldwater Institute, a conservative think tank in Arizona that supports lifetime limits. "There are going to be things that don't make it through."

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Meadows: Conservatives could support tweaked farm bill Back

By Liz Crampton and Rachael Bade | 05/07/2018 08:35 PM EDT

Freedom Caucus leader Mark Meadows suggested Monday that House Agriculture Chairman Mike Conaway (R-Texas) could get the support he needs to pass the farm bill by making several changes that would satisfy the right flank of the GOP.

He said the Freedom Caucus plans to offer "several" amendments related to the bill's work requirements but declined to describe them in detail.

"I don't know that there's an overwhelming issue, I think it's just modifying the existing farm bill to make sure it reflects conservative principles," the North Carolina Republican told reporters. "With some modifications I'll be a yes," he added.

Meadows said following a Freedom Caucus meeting late Monday night that members would like to make changes to the bill's provision that would impose stricter work requirements on able-bodied adults without young children. He said they're looking at making sure the expanded requirements are more of a "work initiative but not necessarily supporting a jobs program within the USDA."

Under the proposed bill, adults between the ages of 18 and 59 who are not disabled, pregnant or caring for a child under the age of 6 would be required to either work or enroll in a training program for at least 20 hours a week.

He also said there was discussion of the sugar program that uses price supports, domestic marketing allotments and tariff-rate quotas to help control the quantity of sugar circulating in the U.S. market. Meadows said most of the members at the meeting were pushing back against an amendment from Rep. Virginia Foxx (R-N.C.) that aims to add market reforms to the existing sugar program and help prevent sugar processors from having to forfeit their crops and default on loans.

"Outside of that, I would say the general consensus on that is to try to make it a little bit better but to hold any opposition to it," Meadows said.

Rep. Mark Walker (R-N.C.) said ahead of the Freedom Caucus meeting that conservatives have "six or seven things" that they're aiming to change before the bill moves to the floor. One ask is that the new work requirements being imposed on certain able-bodied food-stamp recipients are "legitimate."

"We are undecided at this point but leaning in the right direction," he said.

Conaway is ramping up his effort to get Republicans on board with his bill. USDA Secretary Sonny Perdue was called to Capitol Hill on Monday by House Majority Whip Steve Scalise (R-La.) to rally his team before he begins wihipping the bill on Wednesday.

GOP leaders know they will need to rely entirely on their own members, leaving them little room for defections. Several conservative and libertarian groups, including Heritage Action and those backed by the Koch brothers, have mounted fierce criticism of the House version, saying it does not go far enough in reining in unneeded subsidies to farmers.

Perdue told Republicans "let's work as a team, let's get this done and support rural America," Conaway said after the meeting. Perdue left the meeting without answering any questions from reporters.

According to those present, Perdue urged leaders to emphasize the need to help farmers — especially because of the recent trade escalation with China. The soybean industry, Perdue argued, has been especially hit, according to one Republican in the room. And now is not the time to be squabbling internally, he said.

"The message from Secretary Perdue and Chairman Conaway was that Rural America is hurting right now, with a 50 percent drop in commodity prices in the last five years, and that now more than ever we need to make sure the safety net is there for our farmers," said Rep. Richard Hudson (R-N.C.), who was in the whip meeting.

Conaway will continue to meet with Republicans the next two days. They will be discussing the matter Tuesday morning during a closed-door conference meeting.

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5 unintended consequences of addressing the opioid crisis Back

By Sarah Karlin-Smith and Brianna Ehley | 05/08/2018 05:07 AM EDT

The crackdown on opioids is having unintended consequences.

The push for fewer opioid prescriptions at lower doses and for shorter periods has increased suffering for some pain patients including those near the end of life. The emphasis on opioids has also overshadowed other forms of substance abuse that require attention.

With fatal overdoses soaring and millions addicted or dependent on powerful painkillers, there's broad consensus that the number of opioids in circulation should be scaled back significantly. At the peak of prescribing in 2012, doctors wrote 282 million opioid prescriptions — enough for eight of every 10 Americans.

And policymakers, who will hear testimony Tuesday from drug distributors about alleged "pill-dumping" in small towns in West Virginia, agree on the need to change prescription patterns to reduce the number of people starting opioids and to get people with inappropriate prescriptions off the drugs.

But sometimes solutions give rise to new problems, from hospital shortages of IV opioids to dying patients enduring avoidable pain. Here are some of the challenges state and federal lawmakers, physicians and patients, are beginning to confront.

Ready or not, we're stopping your pain drugs

Doctors face intense pressure to decrease opioid prescribing and stop treating chronic pain patients with opioids long term. The government mental health agency doesn't track the number of chronic pain patients like this, but some experts put the number as high as 10 million. Many doctors aren't prepared (or, in some cases, willing) to gradually and appropriately transition them off their opioids, addiction experts say. Done badly, that tapering can push people toward street drugs like heroin - and there have been reports, too, of suicides of people left with uncontrolled pain.

"Some people will be tapered too quickly or in a way that is intolerable to them," said Elinore McCance-Katz, the HHS assistant secretary for mental health and substance use.

"It's not just people who are on chronic opioids that have difficulty tapering," she added. Opioids create physical dependence very quickly, and even patients taking the drugs for only a few weeks may need to be gradually weaned to avoid withdrawal symptoms that can include muscle aches, vomiting and diarrhea, anxiety and insomnia.

Weaning patients off opioids should be a "cooperative process" between patient and physician — not an ultimatum or abandonment, said Sally Satel, a psychiatrist, Yale University School of Medicine lecturer and a resident scholar at the conservative American Enterprise Institute. "I've seen patients where doctors just say 'That's it, I'm done. I'm not going to lose my license over you and good luck,' and that's unconscionable," she said.

Andrew Kolodny, the co-director of opioid policy research at Brandeis University Heller School for Social Policy and Management, said patients need a lot of support coming off opioids. "It's not as easy as just telling a primary care doctor to lower the dose by X amount." They may need social workers or psychologists to address anxiety, and they may need other ways of treating very real pain.

But Kolodny cautioned against the narrative that some patients should stay on their chronic opioids even if they are convinced they are doing just fine. "Opioids are lousy drugs for chronic pain and when you take chronic pain patients and get them off opioids their quality of life is improved. The tricky thing is, it's very hard to get them off," Kolodny said, calling for better wraparound support services for these patients.

What was your experience tapering off opioids? We want to hear from you.

Ignoring other addiction crises

Amid the intense focus on opioids, use of drugs like cocaine and crystal meth is exploding across the country, costing lives. "We treat drug epidemics like 'whack a mole,'" said West Virginia Public Health Commissioner Rahul Gupta. "We get one under control, another pops up."

Deaths involving cocaine increased 52.4 percent between 2015 and 2016, according to the CDC. Overdose deaths involving methamphetamine increased 30 percent between 2014 and 2015.

"We are seeing meth come back, we are seeing cocaine on the horizon," said Jonathan Thompson, executive director of the National Sheriffs' Association. "This is now a cyclical problem. So how do we prepare for it? Responding to opioids is different than responding to cocaine, which is different than responding to methamphetamine."

Federal lawmakers in the last few years have focused funding specifically on opioid abuse, while leaving spending on other substance use disorders mostly flat. Trump in his 2019 budget proposal called for $13 billion to fight the opioid crisis, while proposing to cut other substance abuse treatment programs. Congress in 2016 authorized $1 billion in opioid funding over two years for states but some lawmakers — like Sen. Tammy Baldwin (D-Wis.), whose state has seen a spike in crystal meth deaths — want to give states more flexibility to spend that money. Illinois Democratic Rep. Jan Schakowsky at a recent Energy and Commerce meeting raised concerns about proposals to create opioid-specific treatment centers.

"I'm concerned about segmenting our health care system." she said. "By doing this we ignore the fact that substance abuse disorders like alcohol, crack cocaine have ravaged communities for decades and we haven't put forth the resource to address them. In fact in the past we called them junkies or criminals and continue to criminalize many addictions rather than treating that as substance abuse disorders."

Taking away painkillers doesn't take away the pain

Policymakers and insurers cracking down on access to prescription painkillers aren't spending nearly the same effort increasing access to non-drug alternatives to opioids like physical therapy, massage or cognitive behavioral therapy.

"I'm seeing more changes to make it harder to gets opioids ... than on how to help people who get in trouble with pain because they don't have opioids," said Cheryl Bartlett, the CEO of the Greater New Bedford Community Health Center, which treats patients regardless of insurance or income status.

Congress has "been big on promoting [nonopioid] alternatives" for the Defense Department and the VA. "Beyond that it's pretty much just been lip service and it's a little challenging how to craft legislation that affects what private payers are able to offer in this arena," said Bob Twillman, executive director of the Academy of Integrative Pain Management, who's membership includes a variety of health care practices from doctors to chiropractors and massage therapists.

One key barrier is that Medicare and Medicaid require a certain evidence threshold for alternative treatments before the government insurance programs can cover them.

"There actually is a fairly large body of evidence for many of these non-pharmacological treatments," Twillman said. "The unfortunate thing is very little of it is randomized controlled trials and very little of it has long-term followup. The hang up is that it's not the highest quality of evidence. But as I frequently point out to them they cover long-term opioid therapy and they don't have any evidence for that either."

Even when insurance does cover pain treatments that don't involve opioids, the treatments tend to be more costly for patients. They also often require more time than popping a pill, a challenge for hourly workers who don't have paid leave.

"It's one thing for an insurer to cover [an opioid alternative], It's another thing to cover it at a co-pay that the patient can afford. We need to stop making opioids the easy decision — in terms of writing prescriptions and patient access. Higher co-pays will stand in the way," said Cindy Reilly, who recently left the Pew Charitable Trust, where she focused on issues around opioid use and access to effective pain management.

Have you experienced any challenges over access to alternatives to opioid painkillers? Tell us your story.

Care for the dying

There's been a lot of research lately on what opioids don't work for — but there's no doubt that they can be essential for many patients nearing the end of life, or suffering metastatic cancer. CDC prescribing guidelines and state laws limiting prescriptions generally don't restrict opioids for these patients — but hospice and palliative care physicians report that their patients are having a very difficult time getting the pain control they need.

"Almost every patient I have prescribed for recently has either a) run into pharmacies that no longer carry common opioids; b) cannot receive a full supply; and c) worst of all had their mail order pharmacy refuse to fill or have had arbitrary and non-science based dose or pill limits imposed," said Sean Morrison, chairman of the geriatrics and palliative medicine department at the Icahn School of Medicine at Mount Sinai.

A combination of opioid shortages, prescribing limits and misunderstandings of policies combine to make it harder for hospice doctors to get their patients drugs like morphine.

"Even with exemptions for hospice care, prescription limits are still having an impact," said Joe Rotella, the chief medical officer for the American Academy of Hospice and Palliative Medicine. "Patients have a tougher time getting these medications and it's a lot more hassle for providers."

Insurers who don't fully understand the legislative limits may flag prescriptions. Pharmacies may question them after checking data banks on opioid use.

"I believe there has been an over-interpretation of dosing limits and threshold limits. CDC has always maintained that they meant for their guidelines to be just that, guidelines," said Patrice Harris at the American Medical Association. "But unfortunately, payers and states are putting those hard dosage limits into statute and regulations."

Hospital shortages of IV opioids

Hospitals in the U.S. are experiencing shortages of IV opioids for patients undergoing surgery, in intensive care units or being treated for cancer — all of which are appropriate uses for the powerful painkillers. The shortage of drugs like morphine and fentanyl began in mid-2017. The shortages weren't directly caused by the focus on the opioid epidemic; it's largely attributed to manufacturing delays impacting Pfizer. But ending those shortages has become more difficult because of measures put in place to address opioid overuse and diversion. And it's been serious enough that some hospitals have had to delay or cancel elective procedures, said Michael Ganio, directory of pharmacy practice and quality at the American Society of Health-System Pharmacists.

Normally when there's a drug shortage, other manufactures try to boost production to meet the demand, but with controlled substances like opioids, they need special permission from the Drug Enforcement Agency, Ganio explained. Even getting permission to move raw materials for making opioids from one facility to another can be a challenge; a company with a problem at one manufacturing plant can't simply ship the ingredients to another location and continue production.

"Our hospital pharmacists can't be short of critical medications that are workhorse drugs that have been used for decades," said Dan Kistner, senior vice president of pharmacy services at Vizient, the country's largest hospital group purchasing organization. The DEA has taken steps to begin to ease the shortages. But Kistner said it's been bad enough that pharmacists have had to spend hours and extra resources trying to acquire these opioids,

instead of providing care to patients. And patients can have inadequate pain relief, or much more costly alternatives.

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Back

'People are dying every day': Drug distributors to face lawmakers Back

By Theodoric Meyer | 05/08/2018 05:06 AM EDT

The nation's largest drug distributors spent millions on Washington lobbying last year. Now they're about to find out how much goodwill it has bought them in Congress.

The House Energy and Commerce Committee is hauling in the executives of five drug distribution companies Tuesday after spending the last year investigating their role as middlemen between drugmakers and the hospitals and pharmacies that dispensed millions of pills in towns that are now ravaged by the opioid epidemic.

Cities and counties across the country are suing the distributors, arguing they failed to report suspiciously large or frequent drug orders and otherwise allowed the crisis to spread. Now, their lawyers are hoping to turn Tuesday's hearing into a modern equivalent of the 1994 tobacco hearings, when top executives insisted cigarettes weren't addictive — and helped turn the tide of public opinion against the industry.

Mike Papantonio, one of the lawyers suing the drug distribution companies, said the public outrage over the opioid crisis has the potential to outstrip the tobacco backlash decades earlier.

"It took 20, 25 years for somebody to die" from using tobacco, Papantonio told POLITICO. "Right now, there's a real immediacy. People are dying every day."

Papantonio and one of his colleagues held a briefing in the Capitol last week that drew aides for more than a dozen committee members, according to Sphere Consulting, the firm that organized it. The lawyers distributed a six-page list of suggested questions for lawmakers to ask.

Both sides agree that the legal battle is more significant to the drug distributors' business than the hearing, but the executives' answers before members of Congress will almost certainly be incorporated into the litigation. Some of the questions on the list distributed by the lawyers, which was obtained by POLITICO, wouldn't sound out of place in a courtroom. "Do you concur that filling suspicious orders is a direct and proximate cause of the prescription opiate epidemic plaguing our country?" one reads.

"The litigation is an existential threat," said a lobbyist for one of the distributors, speaking on condition of anonymity. "The congressional investigation is a reputational hazard."

The companies' lobbyists have told lawmakers ahead of the hearing that they're not the villains of the opioid crisis.

"The people of Cardinal Health care deeply about the devastation opioid abuse has caused American families and communities and are actively demonstrating our commitment to helping solve this complex national public health crisis," reads a six-page document that's been circulated by Cardinal Health, whose executive chairman, George Barrett, will appear Tuesday.

In addition to Barrett, lawmakers will hear from Steven Collis of AmerisourceBergen; John Hammergren of McKesson; Joseph Mastandrea of Miami-Luken; and J. Christopher Smith, the former president and chief executive of the H.D. Smith Wholesale Drug Co.

Miami-Luken and H.D. Smith don't employ Washington lobbyists, but Cardinal Health, AmerisourceBergen and McKesson together spent more than $4.6 million on Washington lobbying last year, according to disclosure filings. They retain a combined 18 lobbying firms, in addition to their in-house lobbyists.

The Healthcare Distribution Alliance, a trade group for the industry, spent nearly $1.3 million more.

The companies also contribute to lawmakers' campaigns, including those of members of the Energy and Commerce Committee.

Through their PACs, Cardinal Health, McKesson, AmerisourceBergen and the Healthcare Distribution Alliance have given more than $180,000 to the campaigns and leadership PACs of members of the committee in this election cycle, according to a POLITICO analysis of campaign finance disclosures. (The lion's share of the money — about $111,000 — came from AmerisourceBergen.)

Lobbyists for the distributors have fought back particularly aggressively following an October report by The Washington Post and "60 Minutes" that a "handful of members of Congress, allied with the nation's major drug distributors, prevailed upon the DEA and the Justice Department to agree to a more industry-friendly law, undermining efforts to stanch the flow of pain pills."

"Our industry has sent hundreds of thousands of suspicious order reports to the DEA over the last 10 years," reads a memo from the Healthcare Distribution Alliance that has circulated on Capitol Hill in recent weeks.

More recently, Cardinal Health, McKesson and AmerisourceBergen have all hired top Washington law firms to help prepare their executives to testify, according to a person familiar with the investigation.

Stuart Ingis, chairman of the law firm Venable, who's prepared dozens of executives to testify before Congress, said he recommends they spend at least two weeks preparing. The cost of hiring a top firm can run more than $200,000, he said, but it's ultimately less costly than botching a hearing.

The format can be tough. Executives often aren't used to being grilled, and they need to weigh whether it's better to express contrition or defend their actions under hostile questioning.

"It's always a tough balance," Ingis said. "It really depends on the person."

The prepared statements of the distributors' executives, made public on Monday, give hints of how they're likely to respond to lawmakers' questions.

Collis, AmerisourceBergen's chief executive, largely defended his company's actions in his written testimony.

AmerisourceBergen "has refused to service and has terminated service to hundreds of pharmacies that it identified as problematic, including some of the pharmacies in West Virginia that news reports have claimed were diverting opioids," Collis said.

But Barrett, who was chief executive of Cardinal Health until January, said in his testimony that he thought two West Virginia pharmacies under investigation had received high volumes of hydrocodone and oxycodone from his company "for longer than I think they should have based on what I have since learned about the circumstances surrounding those pharmacies."

"With the benefit of hindsight, I wish we had moved faster and asked a different set of questions," Barrett said in the written testimony. "I am deeply sorry we did not."

To view online click here.

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Pruitt fast-tracked California cleanup after Hugh Hewitt brokered meeting Back

By Emily Holden and Anthony Adragna | 05/07/2018 10:12 PM EDT

EPA Administrator Scott Pruitt placed a polluted California area on his personal priority list of Superfund sites targeted for "immediate and intense" action after conservative radio and television host Hugh Hewitt brokered a meeting between him and lawyers for the water district that was seeking federal help to clean up the polluted Orange County site.

The previously unreported meeting, which was documented in emails released by EPA under a Freedom of Information Act lawsuit by the Sierra Club, showed Pruitt's staff reacting quickly to the request last September by Hewitt, who has been one of Pruitt's staunchest defenders amid a raft of ethics controversies around his expensive travel, security team spending and a cheap Washington condo rental from a lobbyist.

Pruitt has drawn criticism from environmentalists and other critics for letting prominent GOP backers and industry groups influence the agency's agenda — even as he has kicked scientists off of EPA's advisory panels and moved to limit the kinds of peer-reviewed research it will consider when making decisions.

In many cases, the people whose advice Pruitt is heeding could be useful supporters for him in a future race for U.S. senator or president. They include GOP megadonor Sheldon Adelson, who — as POLITICO reported in March — persuaded Pruitt last year to take a meeting with an Israeli water purification company called Water-Gen that later won a research deal with the EPA.

Hewitt, a resident of Orange County whose son James works in EPA's press office, emailed Pruitt in September to set up a meeting between the administrator and the law firm Larson O'Brien, which employs Hewitt and represents the Orange County Water District. Pruitt had been planning to meet with the lawyers in California a month earlier, but cancelled the trip to undergo knee surgery.

"I'll join if the Administrator would like me too or can catch up later at a dinner," Hewitt wrote in his Sept. 18 message. Hewitt added that the issues surrounding the Superfund site were "Greek to me but a big deal in my home county."

Pruitt's aides responded within minutes and quickly confirmed an Oct. 18 meeting for the lawyers and a project director.

Six weeks after that meeting, on Dec. 8, the Orange County North Basin site appeared on Pruitt's list of 21 contaminated areas to address. A month later, Pruitt proposed listing the site on EPA's National Priorities List, a move that could make it eligible for long-term federal cleanup funding from the federal government if the responsible polluters cannot be identified and forced to pay for its remediation.

Since then, Hewitt has been a robust defender of Pruitt, dismissing his recent controversies as "nonsense scandals" on MSNBC in early April and saying his detractors were "just trying to stop the deregulation effort."

Pruitt has touted the agency's Superfund work as one of his key priorities, setting up a task force to seek to speed up the clean-up of the nation's worst contaminated sites. That task force had been headed by Albert "Kell" Kelly, a former banker and longtime friend, who departed the agency last week after news about loans he provided to Pruitt in Oklahoma, including the mortgage provided to Pruitt for a house he bought from a lobbyist when he was a state senator.

Environmental advocates have worried Pruitt's efforts to identify Superfund priority sites would bypass the process set up by Congress to ensure cleanup resources are divided fairly, and that he could focus on sites seen as important to his political supporters. And environmentalists have said Pruitt's rush to claim that contaminated properties have been remediated could risk turning them over to local governments and businesses that might pursue cheaper, inadequate solutions.

Elgie Holstein, senior director for strategic planning at the Environmental Defense Fund who has been tracking EPA's Superfund actions, said the connection to Hewitt is "not a surprise."

"The biggest fear we have is that No. 1, the administrator's political priorities and personal ambitions, political ambitions become the primary criteria for action under this program instead of science and health," Holstein said.

EPA never disclosed the meeting with Hewitt's contacts. It was listed on Pruitt's public calendar as a staff briefing. But on his private Outlook schedule, which the agency has released in response to lawsuits, it appeared as an "Orange County Superfund Site" meeting with Kelly and two other staffers. The records did not list the Californians in attendance at the meeting at EPA headquarters in Washington.

But EPA spokesman Jahan Wilcox confirmed that two lawyers representing the water district, Robert O'Brien and Scott Sommer, and the water district director of special projects, Bill Hunt, were there. A third lawyer, former federal Judge Stephen G. Larson, was forced to cancel his trip due to wildfires in California, according to emails.

"Hugh Hewitt helped arrange the meeting at the request of the water district but did not attend," Wilcox said.

Wilcox said the meeting was for the water district to "brief EPA on the Superfund site's cleanup efforts and request expedited cleanup," following a 2016 agreement with the agency to conduct a remedial investigation and feasibility study, at a cost of $4 million over two years. Hunt did not immediately respond to a request for comment.

Hewitt in an email to POLITICO called Pruitt a friend and said he does not have a working relationship with him. He said that his firm has represented the water district and worked on the site with EPA's regional office for years but that he had not participated in that work.

Hewitt said he requested a meeting because the water district wanted to brief the new EPA team, he said, adding that he was an Orange County resident until 2016 as well as an Orange County Children and Families Commission member. He said that he "very much" wanted the Superfund site remediated as soon as possible.

According to an EPA fact sheet, the Orange County site has more than five square miles of polluted groundwater containing chlorinated solvents and other contaminants across the cities of Anaheim, Fullerton, and Placentia. It includes the Orange County Groundwater Basin, which provides drinking water to more than 2.4 million residents across 22 cities, according to the agency. Those pollutants can damage humans' nervous systems, kidneys and livers, and some are considered carcinogenic.

EPA has just begun its process of studying the contamination and it has not determined which companies caused the pollution in the area. But an administrative settlement with the EPA in 2016 says the area was home

to "electronics manufacturing, metals processing, aerospace manufacturing, musical instrument manufacturing, rubber and plastics manufacturing, and dry cleaning."

Hewitt also thanked EPA schedulers for working to arrange a meeting between Pruitt and the California Lincoln Clubs, which describe themselves as in favor of "limited government, fiscal discipline and personal responsibility." After some rescheduling Pruitt eventually met with representatives of the group on a trip to California in March of this year, according to his public calendar. Prominent Orange County businessman John Warner also helped to connect that group with staffers.

Pruitt and his scheduling staff have frequently sought to set up meetings with or for influential Republican figures, according to the internal EPA emails.

His team accepted an invitation for him to address The Philanthropy Roundtable at an invitation-only event at the White House for "conservative and free-market foundation CEOs and individual wealth creators to discuss the greatest opportunities for foundations to protect and strengthen free society" and "what [Pruitt] views as unique opportunities for philanthropic action.

As POLITICO reported in March, Pruitt also met with an Indiana coal executive and Trump fundraiser who was seeking to soften a pollution rule.

Pruitt also crafted his travel schedule — including a tour of states in August — to meet with big business much like a member of Congress would during the annual recess.

In July, EPA's associate administrator of public engagement Tate Bennett was working with Pruitt to "essentially create an August recess for the EPA to be out in the states talking with individual companies & doing listening sessions within sectors," said Leah Curtsinger, the federal policy director for the Colorado Association of Commerce & Industry, in an email introducing Bennett to her husband, public affairs director at coal company Cloud Peak Energy and a fellow alum of Senate Majority Leader Mitch McConnell's office.

Annie Snider contributed to this report.

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Subject: Budget & Appropriations: First minibus is out the door — Conservatives issue ultimatum for policy riders — Four-bill package remains in 'holding pattern'

By Sarah Ferris and Jennifer Scholtes | 09/13/2018 05:54 PM EDT

THE REAL TEST: Congress' first bipartisan "minibus" in years has coasted through two chambers and off to President Donald Trump. And the next package — pairing funding for the Pentagon along with some of the biggest domestic agencies — isn't far behind.

As Sarah explains, Capitol Hill leaders struck a momentous deal today to bring that huge package to the floor, H.R. 6157 (115), along with a tide-me-over funding bill to keep the rest of the government open through Dec. 7. "This is a milestone," a beaming Sen. Richard Shelby (R-Ala.) told us after the conference committee meeting on the package that pairs Defense and Labor-HHS-Education. That funding bundle won't be nearly as easy for House Republican leaders to bring to the floor, though.

Victory laps: Democrats were jubilant today as spending leaders put the finishing touches on what could be the first Labor-HHS-Education bill to be signed into law on time in 22 years. They did lose some political battles, including failed attempts to add strict new language related to arming teachers, as Caitlin Emma explains. Another bid to boost transparency on drug prices also fell short, per Alice Miranda Ollstein. Still, when we asked her today, Rep. Rosa DeLauro (D-Conn.) couldn't think of a single thing House Republicans got in the bill that she didn't otherwise want. DeLauro noted that the legislation now includes a boost for Pell Grants and said she was "very pleased" that "anti-busing" language, which has been part of appropriations legislation since at least 1974, was left out, Caitlin reports.

Not-so-veiled threat: That won't sit well with House conservatives, who already complain they were rolled in the first minibus, H.R. 5895 (115). Rep. Mark Walker (R-S.C.), who leads the influential Republican Study Committee, warned today that conservatives may oppose the final Defense and Labor-HHS-Education package if they can't bring home policy wins. "Unless this is done, many of our members will find it difficult to support this funding," Walker wrote in a statement just before leaders announced the deal. What exactly does RSC want? Here's your handy cheat sheet. (Walker's not alone: Rep. Robert Aderholt (R-Ala.), who sat on the Defense and Labor-HHS-Education conference committee, told us today: "Certainly, there's a lot of disappointments in this bill.")

Boxing them in: So far, GOP leaders aren't worried that House Republicans would reject the bill en masse if it means it hamstringing the Pentagon. "If they want to vote against Defense, that's up to them," Rep. Tom Cole (R-Okla.) said today. The same goes for Trump, who hasn't yet said whether he'll sign the massive funding deal. In fact, party leaders strategically crafted the package to avoid Trump's veto, by attaching a short-term funding bill through early December. If he refuses to sign that, "You effectively shut down the whole government," Cole explained.

GOOD THURSDAY EVENING! Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

Doc of the day — A report from Democrats on the House Budget Committee breaks down the proposed $5 trillion in cuts from the House GOP's budget resolution.

#DailyBudgetFact — In a recent face-to-face poll in Puerto Rico, 55 percent of respondents say they believe rebuilding the island is not a priority for the U.S. government.

APPROPRIATIONS

'HOLDING PATTERN': So the three-bill package is off to Trump. And odds look good for enactment of that defense-domestic duo. But what about the four-bill bundle, H.R. 6147 (115)? Spending leaders say it's stalled out right now, as Jen reports for Pros.

Make it happen: Shelby goaded his underlings during the conference committee meeting today. "We're this close on these bills. Let's wrap it up, if there's any way to do it," Shelby told negotiators about coming to agreement on the package that includes Interior-Environment, Financial Services, Transportation-HUD and Agriculture. Then after the meeting, the chairman laid it plain for reporters. "There are a bunch of riders that we're not planning to take," he said, referring to House Republicans' insistence on including partisan language that stands little chance of surviving the Senate.

What's the holdup: Even though disputes over the Interior-Environment title are often blamed for slowing progress on the package, issues remain in several of the bills. As Ryan McCrimmon reports, the spat over cell-grown meat is hanging over the Agriculture title. And Democrats are still fighting off Rep. Tom Graves' (R-Ga.) beloved "grandkids" fund in the Financial Services portion.

WHERE THINGS STAND: Congress is closer than it's been since 2009 to actually complying with its decades-old spending structure. But with 12 bills, three packages and three conference committees, it can be tough to track the status of individual bills. Here's where things stand:

— **Headed to the White House:** Energy-Water, Military Construction-VA and Legislative Branch.

— **Headed to final passage on House and Senate floor:** Labor-HHS-Education and Defense.

— **Still in negotiations:** Transportation-HUD, Agriculture, Interior-Environment and Financial Services.

— **Still waiting for House and Senate vote:** Homeland Security, H.R. 6776 (115), S. 3109 (115), State-Foreign Operations, H.R. 6385 (115), S. 3108 (115), and Commerce-Justice-Science, S. 3072 (115).

HOMELAND SECURITY

A LONG COMMUTE: Tensions are high in meetings with FEMA Administrator Brock Long right now. And not just because one of the most spectacular hurricanes in U.S. history is about to make landfall. Daniel Lippman and Eliana Johnson report today that the DHS inspector general has opened an investigation into whether taxpayers have footed the bill for inappropriate use of government vehicles for Long's commutes back to his home in Hickory, N.C., according to current and former administration officials.

Internal drama: According to one of those people, Long has been clashing with Homeland Security Secretary Kirstjen Nielsen, who allegedly asked the administrator to resign over the issue.

TAX

PRICE OF PERMANENCE: We know taking the "temporary" out of tax cuts is not cheap. If Congress follows through on making a slew of recent tax cuts permanent, we're talking $3.15 trillion from fiscal 2029 to 2038, according to a new Urban-Brookings Tax Policy Center estimate out this week. As Toby Eckert explains, the report goes a decade beyond the JCT's cost estimate.

A 'dynamic' defense: Supporters of making the cuts permanent say the move would give taxpayers more certainty, in turn boosting the economy. To that, the Tax Policy Center says the new plan for permanency, H.R. 6760 (115) , would probably boost GDP by about 0.5 percent in 2026, 0.4 percent in 2028 and 0.1 percent in 2038. And that means billions, not trillions. The economic revving is estimated to provide a total of $71 billion from fiscal 2019 to 2028, and $157 billion from fiscal 2029 to 2038, "offsetting a modest portion of the revenue loss as projected under conventional scoring," the group says.

POLITICAL STRATEGY

JUST TOUT THOSE ECONOMIC GAINS: Speaker Paul Ryan rallied House Republicans this morning for a private pep talk on holding the House in the midterms. The gist: Laser focus on talking up economic gains, guys. "Selling what we've done to voters over the next eight weeks is my top priority," Ryan told the conference, citing the unemployment rate, jobless claims, wages and GDP growth, according to his prepared remarks. "I know everyone in this room will help amplify that message and carry us to victory." However, as Rachael Bade explains, that strategy is harder executed with Trump's approval rating on the decline.

Stick to the script: Besides his waning popularity, Trump's tendency to veer off message on economic issues is also problematic for Republican lawmakers reliant on a unified campaign strategy to give them an edge over the droves of Democrats expected to flip GOP-held districts throughout the country. Ben White and Nancy Cook report that White House aides and Republicans close to the administration think it's a losing endeavor to try to push the president to stick to his economic talking points. And Trump's trade battles aren't helping much either.

Related: In an opinion piece for POLITICO Magazine, National Review editor Rich Lowry writes about how an economic boom is a terrible thing to waste.

EARMARKS

— Democrats weighing earmarks revival if they take back the House. Roll Call.

— Rettig takes over IRS amid budget challenges, regulatory crunch. POLITICO Pro.

— GOP teachers launch statehouse bids to demand more school funding. POLITICO Pro.

— U.S. recovery eludes many living below poverty level, Census suggests. The New York Times.

— Congress moving ahead on spending to avert shutdown. The Associated Press.

WE'RE COUNTING: Federal funding runs out in 17 days (Sept. 30) and the National Flood Insurance Program expires in 78 days (Nov. 30).

To view online:
https://subscriber.politicopro.com/newsletters/budget-appropriations/2018/09/first-minibus-is-out-the-door-340324

Stories from POLITICO Pro

Congress sends first minibus to Trump in race to avoid catch-all spending bill Back

By Sarah Ferris | 09/12/2018 07:18 PM EDT

The House on Thursday overwhelmingly cleared a spending package that marks Congress' first concrete step toward avoiding the kind of catch-all omnibus that President Donald Trump has said he won't sign this fall.

The House voted 377-20 to send the president a fiscal 2019 bipartisan funding deal that House and Senate leaders reached earlier this week to fund the Department of Veterans Affairs, as well as nuclear programs, energy projects, congressional operations and military construction.

Senators voted 92-5 on Wednesday to adopt the package.

In that chamber, just two Republicans opposed the bill: Jeff Flake (R-Ariz.) and Rand Paul (R-Ky.). Three Democrats were also opposed: Kirsten Gillibrand (D-N.Y.), Elizabeth Warren (D-Mass.) and Ed Markey (D-Mass.).

The three-bill package, H.R. 5895 (115), contains a $5 billion funding increase for veterans services — making for the VA's largest-ever budget — to help pay for major infrastructure upgrades at health care facilities nationally, as well as the rollout of a new e-health records system.

Nuclear weapons programs also got a nearly half-billion dollar boost, bringing the total nuclear weapons program to $11.1 billion.

The Army Corps of Engineers, the Capitol Police and the Department of Energy's Office of Research would also see substantial increases. The legislation also includes millions of new dollars for a new paid internship program across Capitol Hill.

Trump is expected to sign the bill, about two weeks ahead of the looming Sept. 30 deadline.

The White House in a statement on Wednesday night congratulated the House and Senate on reaching a conference agreement and said the minibus "aligns with many of the Administration's priorities, providing the necessary funding to implement President Donald J. Trump's historic reforms at the Department of Veterans Affairs, including those enacted in the VA MISSION Act, and to modernize and strengthen our nuclear deterrent. "

The statement added that Trump "looks forward to signing this legislation and continuing to work with Congress to enact Fiscal Year 2019 funding for the Department of Defense, Department of Homeland Security, and other agencies, while continuing to show fiscal restraint."

If enacted, it will be the first time since 2009 that the Department of Energy receives its budget on time.

Senate Appropriations Chairman Richard Shelby (R-Ala.) said Wednesday night that he had spoken to Vice President Mike Pence about the importance of Trump signing the spending package into law, rather than holding out to use the measure as leverage in his attempt to secure more money for a wall along the U.S.-Mexico border.

"I believe he will sign this bill," Shelby said. "This is progress. This is our goal. We're not there yet, but this is something that hasn't happened in years and years."

Those three bills, however, make up just one-tenth of annual spending. Even if the minibus is signed on time, dozens of other agencies could face budgetary uncertainty on Oct. 1.

Democrats have cheered the finished bill, which bucks some of the Trump administration's most severe proposed cuts to renewable energy programs, science research and the embattled Advanced Research Projects Agency-Energy. It also blocks funding for a Yucca Mountain nuclear waste site.

"House Democrats stood firm for our values and rejected both insufficient funding levels and partisan riders," Rep. Nita Lowey (D-N.Y.), the top Democrat on the House Appropriations panel, wrote in a statement this week.

But GOP leaders won out in a budget battle related to a veterans health care program — an issue that stalled negotiations for weeks this summer.

Democrats wanted billions of new dollars to fund veterans health, which is newly under Congress' purview. The program was previously funded automatically, outside of the budget caps.

House Republicans, backed by the White House, refused to boost the spending caps only months after this year's gigantic budget deal, H.R. 1892 (115).

The bill includes $500 million to fund the VA Community Care program through next year, though Democrats say that total cost will be more like $1.6 billion.

The program will also require an additional $8 billion in fiscal 2020 and $9 billion in fiscal 2021, according to Sen. Patrick Leahy (D-Vt.), the top Democrat on the Senate Appropriations Committee.

Leahy said his own proposal, which would have lifted the spending caps, was "met with strong opposition from House Republican leadership and the administration," and was left out.

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Congress dares Trump to shut down the government in new spending deal Back

By Sarah Ferris | 09/13/2018 01:20 PM EDT

GOP leaders believe they've found a way to thwart President Donald Trump's latest shutdown threats: Send him a funding bill that's impossible to resist.

Capitol Hill leaders on Thursday announced a mammoth fiscal 2019 spending deal that achieves one of the Trump administration's top priorities — the Pentagon's first on-time spending bill since 2008. But there's a catch.

The same package also funds some of the government's most sprawling agencies at levels that are billions of dollars more than Trump requested. And if Trump refuses to sign it, much of the government, including parts of the Pentagon, would shutter.

"You effectively shut down the whole government," Rep. Tom Cole (R-Okla.), a senior appropriator, said of the funding deal he helped shape.

Spending leaders from both parties detailed the strategy for the first time Thursday, just 17 days before government spending runs out. The Senate is expected to easily approve the package next week.

Under the tactic, lawmakers will vote on a two-bill spending package that funds the Pentagon as well as health, labor and education programs. There's also a new third component: Spending leaders said that the package will include temporary funding for every other agency facing a funding lapse on Sept. 30.

If approved, the bill would keep those government operations open until Dec. 7, about a month past the looming midterm elections.

Longtime appropriators of both parties said that strategy effectively ties the administration's hands — forcing Trump to decide between signing a spending bill with domestic funding levels he detests, or forcing a potential funding crisis at the Pentagon.

"The president will have to sign this bill or shut down the government, because it contains the continuing resolution," said Rep. Rosa DeLauro (D-Conn.), one of the top Democratic negotiators on the package.

Trump himself has cheered Congress' progress on the Pentagon spending bill, which would break the military's nearly decadelong stop-and-go funding cycle. On domestic funding, however, Trump's deputies have chided Congress for overspending.

It's not just Trump with complaints about the massive domestic bill. House conservatives, too, are livid about funding increases, as well as a lack of conservative policy wins at a time when the GOP controls all levels of government.

"Most of the Democrats will vote for this and smile very big," Rep. Mark Meadows, chairman of the House Freedom Caucus, told reporters Thursday. "It's a Democrat 'Labor-HHS' bill."

The Republican Study Committee, an influential group of about 170 GOP lawmakers, also released a statement Thursday that suggested its members would be willing to oppose the upcoming package — even if it means voting against the Pentagon cash.

House GOP leaders aren't worried about the Republican whip count, according to lawmakers and aides, in part because of the politically toxic prospect of voting against the military's budget just weeks ahead of election day.

"If they want to vote against Defense, that's up to them," said Cole, the lead negotiator on the domestic package. He quoted his Democratic colleague, Sen. Patty Murray (D-Wash.) about how both parties' negotiators decided to work together: "We can have a deal, or we can have a fight, but we can't have both."

Precise details on funding and language remain under wraps until the final text is rolled out. But negotiators said that the final package would largely strip out partisan language favored by House Republicans.

That means lawmakers rejected attempts to defund Planned Parenthood or destabilize Obamacare, as well as a slew of other perennial conservative riders.

"Certainly, there's a lot of disappointments in the bill," said Rep. Robert Aderholt (R-Ala.), who was one of the GOP negotiators on the package.

Lawmakers have planned for weeks to pair the broadly popular Defense bill with the typically contentious Labor-HHS-Education bill. That unprecedented combination allowed the package to soar through the Senate for

the first time in 22 years, while kick-starting formal conference negotiations on both for the first time since 2007.

Senate Appropriations chief Richard Shelby (R-Ala.), one of those to originally pitch the strategy, called it the "linchpin" of Congress' spending bill successes so far this year. "One, the top priority for Republicans; the other, the top priority for Democrats. Both important to all Americans," Shelby said.

At the White House, asked by the press pool about the spending deal, deputy press secretary Lindsay Walters responded:

"We look forward to reviewing the bill when it's released."

To view online click here.

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DeLauro: No ban on federal funds for guns in education spending deal Back

By Caitlin Emma | 09/13/2018 12:35 PM EDT

Rep. Rosa DeLauro (D-Conn.) today said she's "disappointed" that a fiscal 2019 appropriations package doesn't include language specifying that federal education funds can't be used to buy guns for schools.

"We missed an opportunity, in my view," she said.

DeLauro and Sen. Patty Murray (D-Wash.) had been pushing for such language. A House and Senate conference committee met today to discuss the Labor-HHS-Education and Defense minibus, H.R. 6157 (115).

At issue is whether school districts can tap into funds under the Every Student Succeeds Act — known as Student Support and Academic Enrichment Grants — to purchase guns and firearms training.

Education Secretary Betsy DeVos has said she won't take a position because Congress didn't authorize her to make such decisions. Democrats argue that it's her responsibility to reject such proposals and they fought for appropriations language to make it clear the ESSA grant can't be used for guns.

A number of education groups also urged conferees today to include language specifying that federal education funds can't be used to buy guns for schools.

"There is no conclusive research or evidence to indicate that arming teachers will make schools safer," the groups wrote in a letter. "On the contrary, research does indicate that the over-hardening of schools diminishes school safety and has a negative impact on school climate."

The groups signing on include the National PTA, AASA: The School Superintendents Association and the National Association of Elementary School Principals.

The ESSA grant program was created with the intention of promoting access to a well-rounded education, ensuring safe and healthy students and supporting the effective use of technology.

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Back

Negotiators drop drug price transparency from minibus Back

By Alice Miranda Ollstein | 09/13/2018 01:27 PM EDT

House and Senate negotiators on a massive minibus spending package, H.R. 6157 (115), today rejected bipartisan language that would have required drug companies to disclose product prices in advertisements.

The transparency requirement, which earlier won unanimous support in the Senate, would have marked Congress' strongest effort to address rising pharmaceutical costs since the Trump administration unveiled its plan to curb the cost of prescription drugs. The administration is preparing its own rule that would require drugmakers to display prices on ads.

Appropriators assembling the giant spending bill to fund the Pentagon, HHS and other agencies said Thursday the requirement pushed by Senate Minority Whip Dick Durbin could disrupt progress on the underlying bill and possibly improve odds for a government shutdown.

"I would hope we would not blow this thing up when we've come so close," said Senate Appropriations Chairman Richard Shelby. "This might come about someday, but not on today's bill."

Durbin said the language, also promoted by Republican Chuck Grassley, amounted to "the very least Congress can do" on rising drug costs and would "put patients before pharma." Grassley, in a tweet, called the decision to punt on the measure "embarrassing."

Experts have questioned how pharmaceutical companies could place a single price on drugs they promote when consumers pay wildly different amounts depending on their insurance coverage and manufacturers extend discounts to different payers.

Even Democrats who supported the language urged Durbin to drop it and save the fight for another day.

"In a normal authorization bill I would eagerly and strongly support it," Vermont Sen. Patrick Leahy said. "But I have to join with Senator Shelby and keep to our agreement. Senator Shelby has had to give up some of the things he wanted just as I have had to give up some of the things I wanted."

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Government funding deal will include Pell increase, DeLauro says Back

By Michael Stratford | 09/13/2018 04:08 PM EDT

The deal between House and Senate negotiators over a government spending measure that includes education funding will have a boost for Pell Grants, according to a top Democratic appropriator.

Rep. Rosa DeLauro (D-Conn.), the ranking member on the House Appropriations subcommittee overseeing education, said today that an increase in the maximum Pell Grant will be part of the final deal, the details of which are still being hammered out.

It's not clear yet how much the measure, H.R. 6157 (115), would increase the Pell Grant. But the Senate last month passed a bill that calls for a $100 boost, bringing the maximum Pell Grant to $6,195.

The House Appropriations Committee, meanwhile, voted earlier this year to advance an education funding bill that would keep the maximum Pell Grant at its current level of $6,095.

Legislative text for the funding deal, which combines funding for the Departments of Defense, Labor, Health and Human Services, and Education, is expected by the end of the week.

Congressional spending leaders also said today that they plan to tie the measure to a stopgap funding bill to keep the rest of the government open through Dec. 7.

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Back

Longtime 'anti-busing' rider dropped from education spending deal Back

By Caitlin Emma | 09/13/2018 03:56 PM EDT

A fiscal 2019 appropriations package has dropped a decades-old rider that would prohibit the use of federal funds for transportation costs for school desegregation.

Rep. Rosa DeLauro (D-Conn.) said she was "very pleased" that the "anti-busing" language, which has been part of appropriations legislation since at least 1974, was left out.

A House and Senate conference committee met today to discuss the Labor-HHS-Education and Defense minibus, H.R. 6157 (115).

The appropriations language emerged amid widespread backlash to the 1971 Supreme Court ruling in *Swann v. Charlotte-Mecklenburg County*, which deemed busing an appropriate tool to aid in desegregation.

Some elected officials — like former Vice President Joe Biden, who was then a senator — sought to appease white constituents who bristled at the thought of their children being bused into African-American neighborhoods. Lawmakers said they supported desegregation but opposed busing as a means to that end.

Civil rights groups and Rep. Bobby Scott (D-Va.), the top Democrat on the House education committee, have fought to remove the language.

In 2017, Scott called the language "a relic of an ugly history when states and school districts across the nation resisted meaningful integration of public education for decades after the Supreme Court's ruling in *Brown v. Board of Education*."

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Spending bill for IRS, agriculture, transportation held up by policy disputes Back

By Jennifer Scholtes | 09/13/2018 04:59 PM EDT

Spending leaders might not work out differences in a four-bill package that funds agriculture, transportation, the EPA, the IRS and more before federal funding runs out on Sept. 30.

If conferees are unable to reach a compromise by the end of the month, Congress is expected to clear a continuing resolution to drag out current funding levels for those measures until early December.

During a conference committee meeting Thursday, negotiators from both parties said several policy issues are holding up the fiscal 2019 legislation, H.R. 6147 (115), that would fund the departments of Agriculture, Interior, Transportation, and Housing and Urban Development, as well as the IRS and environmental programs.

"There are a bunch of riders that we're not planning to take," Senate Appropriations Chairman Richard Shelby (R-Ala.) told reporters after the meeting, referring to the position of Senate negotiators, who have vowed to keep the bills clean of policy disputes despite attempts by House Republicans to include partisan language.

Earlier in the day, appropriators signed off on a backup plan for any funding bills that aren't signed into law by the Sept. 30 deadline. Crafting a legislative package President Donald Trump would be hard-pressed to reject, spending leaders have coupled a Band-Aid stopgap with the two-bill bundle, H.R. 6157 (115), that includes funding for the departments of Defense, Labor, Health and Human Services, and Education.

But Shelby said there is still hope negotiators will zero in on a deal on the four-bill package by month's end, at least avoiding a continuing resolution for those measures.

"Don't give up on these yet. I don't think anybody wants a CR," the chairman told reporters.

House conservatives are increasingly adamant GOP leaders include Republican-backed policy language in any spending bills on the move this month, after Congress cleared a conference report, H.R. 5895 (115), for Trump's signature Thursday that was seen as largely bipartisan.

"Coming off the conference report of the last minibus, House Republican priorities were shut out across the board," Republican Study Committee Chairman Mark Walker (R-N.C.) said in a statement Thursday. "In the next round of appropriations, conservatives are looking for the conferenced legislation to reflect conservative policy riders such as the ones in the House bill. Unless this is done, many of our members will find it difficult to support this funding."

While negotiators say the vast majority of the sticking points are related to the Interior-Environment portion, an Appropriations aide confirmed that issues remain on other measures in the package as well.

"I am truly disappointed that even as we have made so much progress on Defense and Labor-HHS-Education, we have been unable to do the same with this set of four bills," said Rep. Nita Lowey (D-N.Y.), ranking Democrat on the House Appropriations Committee, during the meeting. "If we are to have any hope of avoiding a continuing resolution on these bills, House Republicans must drop their insistence on poison pill riders. ... Until that happens, we will be forced to keep the important domestic priorities in these bills in a holding pattern."

Rep. Mike Quigley (D-Ill.), ranking member on the House Appropriations Financial Services Subcommittee, took aim during the meeting at language subcommittee Chairman Tom Graves (R-Ga.) included in the House's version to set aside $585 million that can't be spent until the federal deficit reaches zero or there is a budget surplus.

"For us to try to address this issue through a subcommittee will do one thing, which is just squash any meaningful effort to fund its elements of government," Quigley said. "So it's not that we don't need to address it. Trying to do it now is far less meaningful and completely destructive to the issues we're concerned about."

Several disputes remain over language in the Agriculture bill as well, including a provision regarding the federal dispute over cell-based meat and another that would effectively block public disclosure of certain data from retailers on food stamps transactions.

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Trump's FEMA chief under investigation over use of official cars Back

By Daniel Lippman and Eliana Johnson | 09/13/2018 05:11 AM EDT

Federal Emergency Management Agency Administrator Brock Long is the target of an ongoing Department of Homeland Security inspector general investigation into whether he misused government vehicles during his commutes to North Carolina from Washington, according to three people familiar with the matter, including current and former administration officials.

The actions by Long, the U.S. government's lead disaster official as the country braces for Hurricane Florence, have been called into question by the inspector general over whether taxpayers have inappropriately footed the bill for his travel, an issue that has tripped up a number of current and former top Trump administration officials.

Long's travel habits triggered a clash between him and his boss, Homeland Security Secretary Kirstjen Nielsen, in recent weeks, clouding their relationship just as senior aides close to President Donald Trump prepared for

hurricane season — a task that's attracted extra scrutiny in the wake of the disaster that befell Puerto Rico in the aftermath of last year's Hurricane Maria.

The IG is investigating whether Long misused government resources and personnel on trips back home to Hickory, North Carolina, on the weekends, said two of the officials. The IG's interest was drawn after one of the vehicles — a black Suburban — was involved in an accident, according to one of the officials.

Long's routine absences from the office due to frequent six-hour drives between North Carolina and Washington also drew Nielsen's attention, this person said. Nielsen had raised the issue of Long's in-office schedule with him in recent months, this person added.

At a meeting in late August, Nielsen confronted Long about his travel, though people familiar with the meeting gave conflicting accounts about whether she took the step of asking him to step down over the issue.

One of the officials said Nielsen asked Long to consider resigning, though he declined to do so and remains in his role. The program to support the FEMA administrator "was never intended for this purpose," said the official.

Long did not respond to requests for comment from POLITICO but addressed the IG investigation at a FEMA briefing on Thursday morning, saying his office was working closely with the inspector general's office "to make improvements to make sure we are running programs and policies according to regulation."

"Bottom line is, we'll continue to fully cooperate with any investigation that goes on and own up to any mistakes and push forward and keep going," Long said.

"I would never intentionally run a program incorrectly," he added. "Doing something unethical is not part of my DNA, and it is not part of my track record in my whole entire career. We will work with the OIG."

Jessica Nalepa, FEMA's director of external affairs, said questions about specific IG investigations should be directed to DHS' IG office and that FEMA fully cooperates with all investigations conducted by the IG. The DHS IG's office and the White House did not respond to requests for comment.

"All questions about any potential investigation by the Office of the Inspector General should be directed to the IG. At this time, we are fully focused on preparing for, responding to, and recovering from Hurricane Florence and the storms in the Pacific," said DHS press secretary Tyler Houlton. "The secretary is confident in the leadership at FEMA and their proven disaster management ability."

Long started using a staff driver to get him home to North Carolina at the beginning of his tenure at FEMA last year. On the weekends Long spent in North Carolina, aides were put up in a hotel at taxpayer expense, according to one of the current officials.

DHS employees must be authorized to access government vehicles for personal use, including travel to a residence outside Washington, according to one of the officials. But a former DHS official said Long, as administrator, is entitled to have a contingency aide accompany him so he can have secure communications in case of a national emergency.

The former official added that Long "never asked for it and believed access to secure communications to be part of a presidential directive." FEMA recently scaled back the use of the contingency team for cost-saving purposes, and Long now drives himself or flies to North Carolina.

Former FEMA Administrator Craig Fugate, who served under President Barack Obama, said he could remember using government cars for commuting purposes only in seven instances during the eight years he held the job. In those emergency or extreme cases, Fugate said, it was deemed appropriate for a FEMA aide to brief him face-to-face as a driver took him from his home in Gainesville, Florida, to the Jacksonville airport for outbound flights to Washington, where his presence was required.

Long previously worked at an emergency management consulting firm and also served as director of Alabama's Emergency Management Agency.

The Trump administration has come under intense criticism for its response to the damage Hurricane Maria did to Puerto Rico. Almost 3,000 people died in the natural disaster, many more than the earlier official tally of 64 people. Trump said this week that his government's response to the disaster in Puerto Rico "was an incredible, unsung success."

Marc Caputo and Rebecca Morin contributed to this report.

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Tax Policy Center: $3.15T long-term cost to make tax cuts permanent Back

By Toby Eckert | 09/12/2018 04:28 PM EDT

Making recent tax cuts for individuals and non-corporate businesses permanent would cost $3.15 trillion from fiscal years 2029 to 2038 and modestly boost GDP, according to an estimate released today.

The long-term static projection by the Urban-Brookings Tax Policy Center goes beyond a cost estimate by Congress' Joint Committee on Taxation. Using its official 2019-2028 budget window, which would only capture three years' worth of costs, JCT put the plan's price tag at $631 billion.

The legislation, H.R. 6760 (115), is part of a package of tax and personal savings bills the House Ways and Means Committee is scheduled to vote on Thursday.

The individual and business tax cuts, part last year's GOP tax overhaul, H.R. 1 (115), were scheduled to expire at the end of 2025 to keep the overhaul's cost down.

Supporters say making the cuts permanent will mean certainty for taxpayers and keep the economy hot.

"This will create over 1.5 million new jobs, continue to raise wages, and boost long-run GDP," Ways and Means Chairman Kevin Brady (R-Texas) said when the legislation was introduced Monday.

Taking account of the macroeconomic effects of extending the tax cuts, the TPC said it "projects the bill would have little effect on the economy through 2025, but would increase GDP by about 0.5 percent in 2026, 0.4 percent in 2028, and 0.1 percent in 2038."

"The resulting macroeconomic feedback would boost revenues by a cumulative total of $71 billion over 2019-28, and by $157 billion over 2029-38, offsetting a modest portion of the revenue loss as projected under conventional scoring," the group added.

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GOP's second round of tax cuts would cost $657B, official estimates show Back

By Brian Faler | 09/11/2018 12:06 PM EDT

House Republicans' plans for a second round of tax cuts would cost $657 billion, new estimates show.

The projections by the Joint Committee on Taxation are sure to fuel complaints over the proposal's cost, which would come on the heels of last year's $1.5 trillion tax cut, and in the face of warnings the government's budget deficit will soon top $1 trillion.

The costliest provisions would extend temporary breaks for individuals due to expire at the end of 2025, with plans to make permanent lower rates running $522 billion and a beefed up child credit costing $179 billion.

Those costs would be partially offset by plans to extend various restrictions on itemized deductions, most notably a controversial new $10,000 cap on state and local tax write-offs. That would save $318 billion, the estimates show.

The JCT projections actually understate the plan's long-term price tag because most of the cost would fall outside of the agency's budget window.

The nonpartisan office estimates costs over the next 10 years. But the legislation would not even begin to extend temporary provisions until 2026, so only three years' worth of costs show up in the official 2019-2028 window.

House Republicans unveiled plans yesterday for their so-called Tax Cuts 2.0, a trio of measures designed to highlight for voters ahead of the November elections the GOP's commitment to lower taxes.

The bills are H.R. 6760, H.R. 6757 and H.R. 6756.

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Ryan urges Republicans to tout economic gains Back

By Rachael Bade | 09/13/2018 09:02 AM EDT

With the Republican majority hanging in the balance, and a Democratic wave building before their eyes, Speaker Paul Ryan encouraged House Republicans on Thursday to hyper-focus on selling the party's one major bright spot: a booming economy.

In a closed-door meeting Thursday morning — House Republicans' last political conference before Election Day — the retiring speaker told members to spend the final sprint of the midterm elections tuning out the drama of Washington and preaching economic gains.

"The unemployment rate is under 4 percent; jobless claims are lowest in 50 years; wages are up 3 percent; GDP is growing," Ryan told the conference, according to his prepared remarks. "Selling what we've done to voters over the next eight weeks is my top priority. I know everyone in this room will help amplify that message and carry us to victory," he added later.

Ryan vowed to help them, promising that "I am going to spend the next 54 days ... spend[ing] time in almost every battleground district until the last vote is counted."

Still, that's easier said than done when President Donald Trump's poll numbers are tanking, dragging Republicans down with him. Republican strategists have long said that if Trump's approval ratings stayed above 40 percent, the party had a serious shot at keeping the House.

But after a bruising August — including the conviction of Trump's former campaign chairman and his personal lawyer's campaign-law-violation guilty plea — Trump's numbers have sunk to the mid-to-upper 30s. At the same time, Democrats have grown their lead on the congressional ballot, with more than 14 percent of voters saying in a recent Quinnipiac University poll that they prefer a Democrat-controlled Congress over a GOP reign.

For months now, Republican leaders have been hammering rank-and-file members to weather the storm by shouting their legislative victories — tax reform, repeal of the individual mandate, rebuilding the military, opioid relief — at the top of their lungs. And on Thursday, National Republican Congressional Committee Chairman Steve Stivers reiterated those same points in a "what you should be doing" presentation at the political huddle.

Stivers ticked off "common mistakes" candidates make and warned them to be on guard. Run a hyperlocal campaign, he told them. Keep raising money like you're behind. Don't wait to engage with constituents.

Ryan told colleagues to "be focused in on the issues that matter to voters and the success of the economy" — and, of course, paint Democrats as too extreme. Whether that can stifle the allure of Democrats promising to be a check on Trump's White House is another thing entirely, however.

"Democrats want to bring dysfunction to Washington, and have gone far left with out-of-touch ideas like single payer health care and abolishing ICE," he said.

Ryan has done just about as much as a speaker could possibly do to help his colleagues. During the 35 months he's been speaker, he's visited 40 states and more than 150 cities, donated about $100 million to the NRCC this cycle and raised $200 million. Despite initial concerns that his demand to be home in Wisconsin with his kids on the weekends would cramp his fundraising prowess, Ryan has shattered records, surpassing even ex-Speaker John Boehner.

Earlier this week, Ryan helped raise $100,000 for vulnerable Rep. John Culberson (R-Texas), who faces a formidable Democratic opponent. He also helped rally the base at campaign-style north Dallas event for House Rules Chairman Pete Sessions, who's found himself in a competitive race. The event, not surprisingly, centered on tax reform.

Next week, during the one-week recess, Ryan will head to the West Coast to help incumbents and candidates in California, Arizona and Colorado. And he plans to be on the road all of October.

But the question remains: is it enough?

History is against the House Republicans — and, at times, so it seems is the White House. Midterm elections for the president's party are typically bloodbaths, averaging a loss of about 30 seats. Add Trump's penchant for drama and the scandal constantly surrounding the White House, and the picture looks grim.

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The one thing Trump can't sell: A booming economy Back

By Ben White and Nancy Cook | 09/12/2018 01:00 PM EDT

In an alternate universe, President Donald Trump would be heading into the midterms relentlessly touting his stewardship of a strong economy with results that include historically low unemployment, strong economic growth, sky-high enthusiasm among small businesses and shattered records for job openings.

Instead, the president is repeatedly muddling that message with easily debunked falsehoods or hyperbole about the state of the economy while pressing on with unpopular trade wars that frustrate establishment Republicans and business groups worried about price increases. His undisciplined approach — coupled with his obsessing about the Russia investigation, Hillary Clinton and the 2016 election — is damaging what many Republicans say should have been a political slam dunk for the GOP heading into the fall.

The result is that one of the White House's most critical projects for the midterm elections — getting Americans to credit Trump and the party with a hot economy — is in danger of failing. White House aides and Republicans close to the administration think it's a losing endeavor, at this point, to try to push the president to stay on that message when he's proven time and time again that he prefers his own method of communicating.

"The economy is the admission ticket for Republicans," said Josh Holmes, former chief of staff to Mitch McConnell, the Senate's majority leader. "But it is clearly not the only thing that matters, and in a news cycle increasingly driven by the president, an awful lot of new things are entering the lexicon of everyday Americans."

Polls show voters rate the economy highly, but approval ratings for both Trump and the GOP remain mired in deeply negative territory. Surveys also show sharp skepticism over Trump's trade battles with Canada, Mexico, China and Europe. That means a booming economy could be turning into a political bust for the party.

"It's just harder to drive a sustained message of economic enthusiasm with the shadow of a trade war looming over those efforts," said Kevin Madden, a partner at Hamilton Place Strategies and spokesman for Mitt Romney's 2012 campaign. "Too much political capital was left on the field. Small business enthusiasm, coupled with tax reform and regulatory relief, could have yielded broader political benefits heading into a tough mid-term cycle if there was a more focused message."

Just this week, as the White House rolled out a fresh push to tout the strong economy, Trump tweeted that economic growth was higher than the jobless rate for the first time in 100 years. It was actually the first time in 12 years. And he suggested that if Hillary Clinton had won the White House, the economy would be sharply contracting right now, an assertion not supported by any available facts or mainstream economists.

The claims follow months in which Trump claimed the GOP tax cut was the biggest in history. It wasn't. And he repeatedly suggested the U.S. economy is now stronger than at any time in history. It isn't.

White House Council of Economic Advisers Chairman Kevin Hassett, who took to the briefing room on Monday to argue that Trump's economy is much more than just a continuation of trends that began a decade ago under President Barack Obama, wound up having to explain why Trump tweeted his false claim about GDP and unemployment.

And he came away from the appearance frustrated that the press doesn't cover Trump's successes on the economy more positively.

"This is a historically good economy, one of those special moments that we see every now and then. If you don't agree that there is enough economic data to support this then you are a science denier as much as a denier in any other area," Hassett said in an interview while traveling in Ireland this week. "The treatment of the president is very hostile. I suppose that if we all became saintly, perfect beings that maybe there is a chance that someone might cover things positively. But it doesn't look like it to me."

Inside the White House, part of the problem stems from a long-standing lack of cohesive strategy on messaging and communications — a quandary that Trump tried to solve by bringing on a former Fox News executive, Bill Shine, as the deputy chief of staff for communications.

One senior administration official also said that Trump, as a former businessman and not politician, does not always bask in or relish his administration's successes, or boast about them enough since he's often so eager to move onto the next thing and does not always realize how hard-fought victories can be in government.

A former administration official said that Trump usually zeroes in on touting the economy on days when new economic data comes out, such as jobs or GDP numbers.

His Twitter stream this week, with less than two months until the midterms, has focused on the impending hurricane, a tell-all book by Bob Woodward, the NFL anthem controversy, North Korea, trade with China, Hillary Clinton — and the economy.

Republican congressional leaders continue to believe the economic message is the most potent one heading into the midterms and plan to keep up the drumbeat of that message — especially in swing suburban districts where House seats are in play. Leaders including McConnell and Speaker Paul Ryan gently brought that up at a meeting at the White House last week, where much of the discussion centered on the economy, said a person briefed on it.

"Would it be terrific if the only thing people cared about was the economy?" Holmes asked. "Yeah. But things like immigration, while not important to everyone, are very important to driving base turnout and focusing on things like that are an important part of the mix."

Polling also suggests that when the economy is bad, it is by far the top issue on people's minds. When it's good, it takes a back seat to other concerns such as health care.

Outside the White House, Trump's seeming inability to just stick to strong economic facts to make his case without resorting to inaccurate superlatives or contrasts to Obama is also frustrating economic conservatives who want the president to stay laser-focused on what he's done on taxes and regulation rather than fight with a former president, or the Canadians or anyone else.

"As is often the case, the president is his own worst enemy here," said David Bahnsen, chief investment officer of The Bahnsen Group, a wealth-management firm. "The deregulatory efforts are indeed laudable and pro-

growth for us free-enterprise advocates. But how many times has the president talked about 10 percent business investment growth, or capital expenditures. Instead his messaging is that Canada is ripping off Americans. It's exasperating."

Polling data show just how challenged Trump is in getting wider credit for the strong economy. A Quinnipiac poll out this week showed 70 percent of Americans rate the economy as "excellent" or "good," matching an all-time high. But that's not translating into any higher support for the president.

The same poll shows him with just a 38 percent approval rating. And 60 percent of respondents in the poll said they believe Trump is dishonest, underscoring the potential damage he does when he says untrue things about the economy. Both figures are similar to a recent CNN survey that pegged Trump's approval rating at 36 percent with just 32 percent describing the president as honest.

Democrats now enjoy a near-double-digit lead in generic ballot surveys asking which party people plan to vote for in the fall, suggesting a run of very strong economic data on growth, job openings and confidence are not boosting the GOP's prospects this fall.

Part of the problem, according to pollsters, is that for many Americans, even a strong economy won't change their opinions about the president.

"Americans made up their mind pretty quickly about Trump's presidency and many aspects of the verdict have been negative and strong," said Karlyn Bowman, who studies polling data for the American Enterprise Institute.

Bowman also noted that while the economy is strong, negative feelings about the U.S. financial system lingering from the 2008 financial crisis and Great Recession persist, further frustrating efforts by the White House to have some of the glow of the economy rub off on the president.

"Given the depths public opinion sank to after the crash and the public's conviction that our financial system isn't more secure than it was then, perhaps it shouldn't surprise us that he's not getting a lot of credit."

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An Economic Boom Is a Terrible Thing to Waste Back

By Rich Lowry | 09/12/2018 08:39 PM EDT

President Donald Trump is showing it's possible to preside over a period of peace and prosperity, and still be notably unpopular.

Over the past several months, Trump has opened even more of a wedge between the largely benign material conditions in the country and his own political standing, which is precarious and appears to be sliding backward. This isn't how it's supposed to work.

Republican politicos believed, reasonably enough, that last year's tax cuts would stoke growth and create a good-news backdrop for Republicans in the midterms. The substantive part of this theory has worked swimmingly, with headlines just over the past week about middle-class incomes increasing over $61,000 for the

first time, blue-collar jobs growing at their fastest clip in 30 years, and small-business confidence reaching an all-time high.

The only flaw in their theory is that the drumbeat of good news has coincided, lately, with a drop in Trump's numbers. In much of the recent polling, he's dipped back under 40 percent after a steady, monthslong run of being at about 43 percent in the RealClearPolitics polling average.

He hasn't done this with any spectacular misstep. There has been no great national crisis. Trump hasn't launched a major war that's gone badly, or presided over a financial crisis, or signed a law remaking a swath of American health care and botched its rollout.

What Trump has done, predictably, week after week, is mess up the easy stuff.

Getting, say, Kim Jong Un to disarm is extremely difficult, and no one has managed to do it yet, which is why Trump's approach of high-level personal diplomacy—while almost certainly misbegotten—should be evaluated with a touch of modesty.

It's all the other things that could be handled without a hiccup by a 25-year-old junior communications staffer that are hurting.

It's not hard—through gritted teeth and insincerely, if necessary—to say the appropriate things about an American hero upon his passing.

It's not hard to limit your tweets on the morning of September 11, for just a few hours, to the topic of the anniversary of the attacks and leave commentary on a recorded cable TV show for some other time.

It's not hard to avoid attacking your own attorney general in public, repeatedly and in an escalating fashion meant to inflict the greatest possible humiliation.

It's not hard to avoid throwing around the word "TREASON" loosely or to muse about changing the libel laws to exact legislation retribution on your critics.

Granted, it's harder to build a cohesive White House team, given a certain level of palace intrigue that surrounds any president, but it ought to be easy to exclude volatile C-list stars from the your old reality show and generate enough coherence to stem nonstop self-serving, backbiting leaks (let alone attacks on you in anonymous op-eds).

Any president grapples with the fact that he can't control events; Trump grapples with the fact that he can't control himself. He has dispensed with, to paraphrase Burke, the decent drapery of the American presidency, the norms devoted to investing the holder of the office — whether he deserves it or not—with a certain majesty.

Trump just let's it all hang out. This is gratifying to his core supporters, even as it creates a wearisome cycle of ceaseless controversies.

It not as though any one thing—the Stormy Daniels affair, the Cohen plea deal and the Manafort conviction, the security-clearance controversy, the Omarosa book, the anonymous op-ed, the Woodward book—is as consequential as it's portrayed in any given news cycle, but one damn thing after another adds up.

Trump has an amazing ability, through the force of his personality and his instinct for the mediagenic provocations, to blot out the sun. He wouldn't be president without this quality. It's just that, given the positive state of the country, less blotting and more sun are called for.

Some caveats: Presidential popularity means something different in the age of Trump. He won election in 2016 with an approval rating of 38 percent, so a return to that level may be less debilitating for him than prior presidents.

It's not as though he's creating controversies on his own in an otherwise placid political environment. He is confronted with an inflamed opposition, an extremely hostile press corps and a wide-ranging, aggressive special counsel investigation.

While the economy is a positive, the tax-cut package is in the rearview mirror and not a highly emotive issue, so it makes sense for Trump to inject other topics—immigration, anthem protests, etc.—into the campaign.

Finally, although it seems that Democratic voters will be highly motivated to vote against any Republican this year, it is still possible that garden-variety Republicans will manage to distinguish themselves from Trump.

All that said, we might be the peak of the business cycle, and yet the president who is presiding over the good times—and pushed for and signed the tax package that has boosted the recovery further—isn't enjoying their full political benefit.

An economic boom is a terrible thing to waste.

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Back

Rettig takes over IRS amid budget challenges, regulatory crunch Back

By Aaron Lorenzo | 09/12/2018 09:59 PM EDT

Veteran tax lawyer Chuck Rettig has an overflowing plate awaiting him as IRS commissioner after the Senate confirmed him Wednesday for the agency's top job.

While assessing budget needs and reviewing its information technology and security weaknesses, Rettig will also need to immediately make sure the IRS is ready for the upcoming filing season and continue the guidance assembly line that's producing rules and regulations for the new tax cuts law which took effect this year.

Rettig could also find himself in an uncomfortable position if Democrats take control of the House and try to force the release of President Donald Trump's tax returns to lawmakers, as some have threatened to do.

"People used to sometimes ask, 'How complicated is tax administration? People file or they don't file,'" said former IRS commissioner John Koskinen, Rettig's immediate predecessor. "I'd tell them to just sit in my office for a day, any day of the week, and look at the range of issues."

The Senate voted 64-33 to approve Rettig's nomination, which Trump announced in February, giving the IRS a full-time leader for the first time since November, when Koskinen exited the post at the end of his five-year term. David Kautter has been serving as acting IRS commissioner in addition to his duties as the Treasury Department's top tax policy official.

Preparing for next year's tax filing is likely to consume much of Rettig's early attention, according to Koskinen.

The upcoming filing season is particularly fraught considering the lower personal and business tax rates and myriad other changes under the Tax Cuts and Jobs Act, which Trump signed at the end of last year. No one wants a filing mess-up on their watch, especially with all the moving parts in play this season, said a former IRS official who spoke on condition of anonymity because of current job sensitivities.

The agency, along with Treasury and the OMB, is still in the midst of preparing many crucial regulations, notably for some complex international provisions of the new law. Some commissioners have been more hands on than others when it comes to rulemaking, and while it's not clear where Rettig may fall on that spectrum, he's at least expected to take stock of how the process is progressing and who's involved in the effort for the IRS as taxpayers seek clarity as soon as possible.

Improving data security and combating tax-related identity theft are also part of Rettig's portfolio, and he is certain to keep close tabs on those issues. As Kautter and others have noted, the IRS is subjected to more than 2 million attempted cyberattacks a day.

Outdated information technology systems at the IRS will also garner Rettig's attention. Part of the system crashed on the last day of this year's tax filing season. Though it was traced to a newer piece of equipment, parts of the overall setup at the IRS infamously date to the 1960s.

As an initiative is under way to install a more modern, agency-wide case management system for taxpayers, Koskinen said it's important that IT staffers continue coordinating with the agency's business staff to optimize the end product.

To support all of this, the IRS will need sufficient resources from Congress, which has starved the agency of funding, cutting it by some 20 percent since 2010. Increases this year and next year are tied to implementing the new tax law, and largely fail to address chronic underfunding for the agency.

Rettig, at his confirmation hearing in June, said he wouldn't be shy about pushing to boost spending for the IRS, which stands to get between $11.3 billion and $11.6 billion for the 2019 federal fiscal year.

Koskinen, who clashed frequently with Republicans in Congress, mostly over the aftermath of a political targeting controversy during the Obama administration, expects his successor to have an easier time securing better spending levels for the agency.

"A new commissioner with a clean slate will be able to have meaningful discussions with members of Congress, particularly the appropriators, about the challenge of underfunding the IRS," Koskinen said.

Rettig, a tax controversy specialist who's been with the same California law firm for more than 35 years, is the first tax lawyer to helm the IRS since the late 1990s, when a series of business management executives began leading the agency following a 1998 law that restructured IRS operations.

Congress is again contemplating a raft of changes to how the IRS operates, and Rettig has a chance to weigh in now that he's confirmed. Among provisions he signaled support for at his Finance Committee confirmation hearing is funding for employee training, language to regulate paid tax preparers, and authority for a more competitive and accelerated hiring process known as streamlined critical pay, which the agency has previously used to bring on new IT employees.

Rettig will also get the chance to surround himself with new deputies, should he choose to make changes, and select a handful of tax technicians from within and outside the IRS to help guide decisions, the former IRS official said. (Tax attorney Michael Desmond is still awaiting confirmation as IRS chief counsel, the only other political appointee at the agency.)

The new commissioner is also expected to take the measure of the agency's legislative and public affairs staff to ensure their effectiveness in advocating his vision for the agency, the former IRS official said.

While Rettig's confirmation wasn't in doubt, it was long coming, most recently due to some Senate Democratic opposition not connected to Rettig's professional credentials. Oregon Sen. Ron Wyden, the top Democrat on the Finance Committee, and some of his colleagues protested a recent Treasury decision to stop most donor disclosure requirements for nonprofit groups, as well as a legal limit on the federal deduction for state and local taxes imposed this year. Both policy changes were made without Rettig's involvement.

Wyden and 30 other Democrats, along with the chamber's two independents, voted against Rettig's confirmation. Another 15 Democrats voted for him, as did every Republican voting.

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Back

GOP teachers launch statehouse bids to demand more school funding Back

By Kimberly Hefling | 09/13/2018 05:00 AM EDT

This year's unrest among red-state teachers unhappy with cuts to school funding and low pay has produced a mini-wave of GOP legislative candidates on the November ballot who insist they're ready to stand up to their fellow Republicans on education issues.

About 40 Republicans have joined the mostly Democratic "educator spring" — the hundreds of current and retired teachers, professors and school administrators running for office, following walkouts and protests last spring that halted school in red states like Oklahoma, West Virginia, Kentucky and Arizona.

GOP candidates cite many of the same concerns as their Democratic peers: reduced state spending on education, dismal teacher salaries and unease about the future of America's schools. And they say they'll rebuke Republican governors and lawmakers to obtain the education support they want. Many of the contenders new to politics are even teachers union members, the traditional province of the Democratic Party.

One is Becki Maldonado, an English teacher and Oklahoma legislative candidate who proudly wears her American Federation of Teachers pin when she knocks on doors. She's gotten used to the surprised looks when she tells voters she's a Republican.

Don't "judge a book by its cover," says Maldonado. "As a Republican, I kind of think outside the box."

The National Education Association, the nation's largest teachers union, estimates that the roughly 40 Republicans are among the approximately 550 current or retired educators from both parties running for state legislative seats this fall.

Teachers unions are longtime donors and political power brokers within the Democratic Party, and the party often claims education as a defining issue. But these GOP candidates have gone so far as to take advantage of teachers union campaign training, which is open to members of both parties.

Maldonado said she decided to run for a state Senate seat on the first day of Oklahoma's teacher walkout, after she met with legislators and didn't think they could relate to what she described. She said she's taught in a

school where her classroom had 36 students — and not enough desks. A priority if elected, she said, would be to help the state come up with alternative sources of revenue beyond oil and gas taxes.

"I really realized that they were not aware of what the common people of Oklahoma were going through and their needs," Maldonado said of state legislators.

Similarly, Scott Lewis, the superintendent of schools in Ohio County, Kentucky, said his motivation to run as a Republican in a state House seat in his western Kentucky district was the passage of legislation signed by Gov. Matt Bevin, a Republican, that watered down retirement benefits for starting teachers. The move help stir teacher walkouts across the state, with educators chanting, "We'll remember in November" on the Capitol grounds in Frankfort.

With starting teaching salaries in his district around $36,000, Lewis said it's already tough to recruit quality applicants. He's also fed up that his district is getting nothing from the state for textbooks and professional development — not to mention his frustration with the negative rhetoric he says is too often directed at teachers.

Lewis said on education issues, he differs some from the mainstream views of the Republican Party. He also opposes charter schools, for example. But Lewis said he opposes abortion rights, and otherwise has views in line with much of the Republican Party.

"We need to treat teachers like professionals and not just like they're not important, which is what I think they feel like," Lewis said. "I think it's time we stood up for public education."

Chris Ackerley is a Republican math teacher and state legislative candidate in Arizona who previously served a term in the state legislature before losing his seat in 2016. He said the "RedforEd" movement in his home state brought about positive changes in school funding. But he's dismayed that the result seems to be partisan bickering.

Ackerley said a big challenge ahead is ensuring that the state keeps its promise to increase teacher salaries and fund career and technical education programs.

But Ackerley, a member of the Arizona Education Association teachers union, acknowledged that beyond education, he doesn't really agree with a lot of the union's positions.

"Once you start going off going into other areas we don't see eye to eye," he said. Tax policy is one, he said.

Vera Miller, a Republican music teacher running for a House seat in West Virginia, said her experience as a teacher makes her "absolutely different" than most Republicans, in part, because she considers herself a moderate with "middle-of-the-road" views that have been shaped by working with children.

"I don't live in a bubble. I see the real world around me. I see hungry children," Miller said. "Really, the only ticket a lot of our children have in West Virginia is a good education, so I'm a supporter of public education."

The Democrats seeking office have had a higher profile. That includes Jahana Hayes of Connecticut, a first-time candidate for Congress who was named National Teacher of the Year in 2016.

Rep. Tim Walz, a Democrat running for governor in Minnesota, also worked as a teacher, as did Tony Evers, the Wisconsin superintendent of public instruction taking on Wisconsin Gov. Scott Walker, a Republican. Sen. Elizabeth Warren, (D-Mass.) who is running for a second term, worked as an elementary school teacher and law professor.

Seizing on the trend, the Democratic Legislative Campaign Committee sent out an August memo showcasing its candidates, titled "Teachers and state Democrats are taking Republicans back to school."

But there are Republican teachers in office, too. State Rep. Steve Harshman, the Republican speaker of the House in Wyoming, is a teacher and coach — and NEA member. Rep. Virginia Foxx, (R-N.C.), the chairwoman of the House education committee, was a community college administrator and school board member.

Travis Brenda, a Republican math teacher in Kentucky, already succeeded in pulling off a big political upset this campaign season. In the state's May primary, he unseated Jonathan Shell, the state's GOP House majority leader.

Recognizing the momentum for educators in general, the NEA organized training sessions in four cities that were attended by current and potential teacher candidates from both parties.

Carrie Pugh, the NEA's political director, said Republican and Democratic candidates had similar questions during the training, which was open to all members, and it shouldn't be a surprise that Republicans attended. Many of the offices the educators seek are local and nonpartisan, she said.

"Our members reflect where they reside," Pugh said.

A big concern for the candidates is finding the time to manage a campaign in between school demands, she said. Another is whether they'll be able to manage or even keep their jobs, given the time demands if they are elected. The sessions help the teachers with public speaking, making campaign plans and setting policy priorities.

"How to structure your campaign works the same way, whether you are Republican, Democrat or Independent," said Alicia Priest, president of the Oklahoma Education Association.

Priest said the union's membership in Oklahoma is about half Republican and half Democratic and the union welcomes Republican educators — especially given that Republicans hold a supermajority in both state legislative chambers.

Chris Jankowski, a political consultant who is the former president of the Republican State Leadership Committee, which works to elect Republicans to state offices, said while there's no shortage of teachers who are Republican, typically those who run are liberal Democrats.

Jankowski said the GOP suffers from an image of not being quite as strong on education as Democrats, but Republican teachers carry credibility that can help them compete for support from Democratic and independent voters.

"It's a really positive trend and our party should be on the lookout for candidates," Jankowski said.

As Toni Hasenbeck, a Republican middle school teacher from rural Elgin, Okla., campaigns after school in the evenings, she says voters often tell her when it comes to education spending, they want more transparency and more assurances that legislators will be good stewards of the money.

"That's exactly how I feel. It's a big responsibility," Hasenbeck said. "I've always been for paying teachers more and spending more on education. I wish in Oklahoma, we would spend our money like those things were a priority."

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GREENWIRE — Wed., March 28, 2018

READ FULL EDITION

1. NATIONAL PARKS:

A 'national disgrace' gets a rehab, but donations spark worry

Arlington House, the former home of Confederate Gen. Robert E. Lee, closed last week for repairs of its broken windows, rotting wood and peeling paint. But the $12 million donation behind the fixes strikes critics as a troublesome trend.

TOP STORIES

2. FUEL ECONOMY:

Trump admin to toss Obama fines for CAFE violations

3. WATER POLLUTION:

Ruling arms greens for battle against coal ash

4. EPA:

Top GOP donor helped company get Pruitt meeting — records

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5. NATIONAL LABS:

Perry to scientists: 'You're awesome'

6. EPA:

Pruitt foes buy ad time during Trump's favorite TV shows

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Higher tides could harm freshwater turtles — study

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Joshua Tree fire burns historic palm tree oasis

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Here's a $200K idea: Keep out carp with stinging bubbles

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Mama bears stick with cubs longer to thwart hunters — study

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Lawsuit cites 180 more sick or dying workers after spill

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Famous beach from movie closes to revive sea life

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By Sarah Ferris and Jennifer Scholtes | 09/21/2018 04:47 PM EDT

AN EVEN-SWEETER DEAL: House Speaker Paul Ryan wants to remind conservatives of one more important reason to vote for next week's massive spending bill: disaster relief.

'The first step': Ryan's office noted in a statement today that the spending bill headed to the House floor would set aside an extra $8.8 billion for the national response to Hurricane Florence. (That money comes from the continuing resolution that's wrapped up with the Defense and Labor-HHS-Education bills, H.R. 6157 (115), which would replenish FEMA's disaster account.) "This is the first step in addressing Florence and any other storms that may be on their way," Ryan wrote.

#FlashbackFriday: GOP leaders used a similar tactic to help rally conservatives around this spring's unpopular budget deal, H.R. 1892 (115), which included nearly $90 billion in disaster aid for a half-dozen states.

GOOD FRIDAY AFTERNOON! Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

Doc of the day — The AARP released a statement slamming the prescription drug industry's efforts to reverse changes to the Medicare Part D doughnut hole, which were enacted in the last omnibus, H.R. 1625 (115). The changes require pharmaceutical companies to cover a higher share of the cost for medications not covered by Medicare.

#DailyBudgetFact — Government spending on refugees increased 11.4 percent in the current fiscal year, with the Refugee and Entrant Assistance Programs seeing an additional $190 million over fiscal 2017 levels. President Donald Trump's budget requested reducing that fund by 13 percent, according to the Congressional Research Service.

APPROPRIATIONS

HIS JOHN HANCOCK: "Donald J. Trump" is now scrawled at the bottom of a single sheet of paper that will turn the first minibus, H.R. 5895 (115), into law. For departments like Energy and VA, that's a big deal, guaranteeing them updated funding for a whole 12 months — a true luxury of certainty in today's unpredictable appropriations process. But the threat of shutdown casts a big shadow over this afternoon's bill signing, as we explain for Pros.

IT'S OFFICIAL: The House is moving ahead with the massive funding bill Trump blasted as "ridiculous" this week. The House Rules Committee will meet at 5 p.m. on Tuesday to tee up the conference report for the funding package that includes a continuing resolution through Dec. 7, as well as the full-year Labor-HHS-Education and Defense funding bills.

EDUCATION

UNEXPECTED OVERTIME: Appropriators this year gave the Education Department's Office for Civil Rights an extra $8.5 million to hire dozens more staffers to clear a backlog of discrimination claims. But months later, that office is opting to pay its existing staff overtime, rather than hire more staff as directed under the omnibus. Officials say they're in the process of hiring for all 65 new positions but declined to say how many open spots are left, Kimberly Hefling reports.

TAX

'EXTENDERS' ON STEROIDS: The House is set to vote next week on a slew of tax-related bills, including the one, H.R. 6760 (115), that would preeminently extend the GOP's recent cuts, H.R. 1 (115), our Aaron Lorenzo reports this afternoon. That legislation will likely wither in the Senate, however, since Democrats could stop it. As our tax team reported earlier this month, the Joint Committee on Taxation says the second round of cuts would cost $657 billion. Making individual breaks permanent would cost $522 billion, while a beefed-up child credit is pegged at $179 billion.

SPACE

'CONSERVATIVE?' COME ON: Air Force Secretary Heather Wilson calls the administration's cost estimate for a new Space Force "conservative." But a defense-minded budget expert says it's anything but. "This is the highest estimate I think you could possibly come up with," senior CSIS fellow Todd Harrison says about the $13 billion ballpark. "This is the broadest possible definition of how you could scope a space force that anyone could possibly conceive." Harrison is accusing the Air Force of "malicious compliance," noting that the service previously opposed congressional efforts to stand up a Space Corps, before the Trump administration got gung-ho about creating the new military branch, Connor O'Brien reports.

DISASTER AID

MAKING PUERTO RICO A MODEL: HUD Secretary Ben Carson toured Puerto Rico this week on the one-year anniversary of Hurricane Maria's landfall there, setting an intention to make the U.S. territory "a model — not only in the Caribbean, but really throughout the world" for disaster recovery, Katy O'Donnell reports. So far, HUD has awarded Puerto Rico $20 billion in Community Development Block Grant money, which Carson says will go far in helping the island's economy.

Driving down unemployment: About 45 percent of Puerto Rico's population lives under the federal poverty line, and unemployment there is about 9.1 percent, down from 11 percent in December. "It's going to go down a lot more than that with these building and restoration projects," Carson said.

TRANSPORTATION

LAST [PLANE] LEAVING: It's a tortured metaphor for budget watchers, but it's particularly fitting this year as the transportation-focused FAA bill stands to be the last major measure enacted before the midterms. The House plans to vote next week on both a short-term FAA extension and a longer-term bill, H.R. 4 (115), that's been negotiated with the Senate, Pro's Tanya Snyder reports.

DEFENSE

ZTE BAN GOES BYE-BYE: Everybody's so focused on what's in the final conference report for Defense and Labor-HHS-Education. But what's not in there is just as interesting. As Connor O'Brien notes today, negotiators stripped out language that would impose a government-wide ban on procuring equipment and services from Huawei and ZTE. A spokeswoman for House Appropriations says the ban was unnecessary in the spending legislation, H.R. 6157 (115) , because similar provisions were already enacted in the defense authorization bill, H.R. 5515 (115), Trump signed in August.

AGRICULTURE

A LITTLE CHERRY-PICKING: The USDA announced today that some specialty crops — almonds and cherries — will be eligible for trade aid that is largely directed at commodity crops like soybeans, corn and cotton. It was a curious announcement for ag watchers, though, because fresh sweet cherry season has already ended, as Pro's Helena Bottemiller Evich explains.

EARMARKS

— 'I support higher taxes': The billionaire behind the National Debt Clock has had it with Trump. Washington Post.

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— Trump demands a border wall but many Republican lawmakers aren't convinced. Washington Post.

— Editorial: No, tax cuts are not driving deficits — it's the spending, stupid. Investors Business Daily.

— Senators want to block Trump's hopes of privatizing the Postal Service. Federal News Radio.

— Following GOP criticism, CBO revamps insurance coverage estimates. Washington Examiner.

— Candidates spar over Medicare funding. POLITICO Pro.

WE'RE COUNTING: Federal funding runs out in 11 days (Sept. 30) and the National Flood Insurance Program expires in 72 days (Nov. 30).

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Stories from POLITICO Pro

Trump signs first spending package, but shutdown still looms Back

By Jennifer Scholtes | 09/21/2018 02:33 PM EDT

President Donald Trump signed a three-bill spending package Friday that represents the first step toward funding the government for the coming fiscal year, even as congressional leaders worry he could demand a shutdown come month's end.

The House and Senate return next week with major decisions on spending awaiting them and little time left before federal cash runs out on Sept. 30. Meanwhile, Trump has continued to insist he wants additional money for a border wall with Mexico, and it's unclear if he will shutter the government if he doesn't get his way.

During his Friday visit to a VA medical center in Las Vegas, the president took the final action to enact fiscal 2019 legislation, H.R. 5895 (115), that would fund the departments of Veterans Affairs and Energy, as well as military construction, water projects and the Legislative Branch at updated levels starting Oct. 1.

The minibus provides $147.5 billion in discretionary funding, including $98.1 billion for the VA and military construction, $44.6 billion for the Energy Department and water projects, and $4.8 billion for House and Senate operations.

But the bill makes up just one-tenth of all spending to be put in place by the end of the fiscal year and Congress is still working to send Trump these other spending bundles:

Defense and Labor-HHS-Education

The Senate approved the behemoth package, H.R. 6157 (115), Tuesday that would fund more than 70 percent of the federal government for fiscal 2019. It sets spending levels for the departments of Defense, Labor, Education, and HHS.

The House is expected to take up that measure when lawmakers return from recess, to the chagrin of the GOP's most conservative members in that chamber, who have been pleading for the package to be broken up to retain negotiating leverage over Democrats.

If enacted, the bill would fund those four departments for the entirety of fiscal 2019. But it also includes fail-safe language that would extend spending at current levels until Dec. 7 for all federal departments that aren't funded before the fiscal year ends this month.

Because vetoing the package would mean shutting down most of the government, congressional spending leaders assume Trump will find it too politically costly to snub.

The president has taken a fresh stance against the measure, though, raising concerns that he could veto or let it languish in an effort to secure more funding for his border wall. "I want to know, where is the money for Border Security and the WALL in this ridiculous Spending Bill, and where will it come from after the Midterms?" Trump tweeted Thursday.

Agriculture-FDA, Interior-Environment, Transportation-HUD and Financial Services

Negotiators have yet to resolve policy disputes in the four-bill spending bundle, H.R. 6147 (115), that would fund the departments of Agriculture, Interior, Transportation, and HUD, as well as agencies like the EPA and IRS. While fights over the inclusion of "poison-pill" language are likely to prevent enactment before the Sept. 30 deadline, spending leaders are holding out hope for clearing the package. One of the biggest sticking points is related to pay for civilian federal workers, according to a House GOP aide. The Senate has proposed a 1.9 percent increase, while the House has sided with Trump in calling for a pay freeze.

If that bill is not signed into law by month's end, funding for those programs would be extended at fiscal 2018 levels through Dec. 7, as long as the package for Labor-HHS-Education and Defense crosses the finish line.

Homeland Security, Commerce-Justice-Science, State-Foreign Operations

Congressional leaders gave up months ago on trying to clear fiscal 2019 funding on time for the departments of Homeland Security, State, Justice and Commerce, as well as science programs and foreign operations.

Spending for those is likely to be extended at current levels until Dec. 7 if the president lends his blessing to the broader package that includes Defense and Labor-HHS-Education. If not, funding could lapse until Congress can rally support for another stopgap option.

The Homeland Security bill contains funding for the border wall and immigration enforcement.

Sarah Ferris contributed to this report.

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Education Department civil rights staff OK'd to work overtime Back

By Kimberly Hefling | 09/20/2018 03:49 PM EDT

The Education Department's Office for Civil Rights is allowing 471 of its employees to work overtime until the end of the fiscal year as it attempts to process a backlog in claims.

The office, which is charged with investigating discrimination in the nation's schools, has seen a doubling of its caseload in the last decade. Even though the Trump administration sought to shrink the office, Congress gave the department an $8.5 million financial boost in an appropriations omnibus, H.R. 1625 (115), to use in fiscal 2018, which ends Sept. 30. Appropriators instructed the office to use the new money to hire new employees.

A department spokesman said the office won't have completed the hiring of the 65 positions it plans to fill by the end of the fiscal year because of the "timing" of the appropriations and the "time necessitated by the hiring process." He didn't have an immediate answer as to how many of the 65 have been hired already.

He said that because they haven't hired all the staff planned, that led to the decision to pay overtime to current OCR attorneys and investigators, from Sept. 5 through Sept. 30, the end of fiscal 2018.

"Clearing the case backlog is priority one. Justice delayed must not become justice denied," said Nathan Bailey, the spokesman, in an email. "We are working as quickly as the process allows to hire based on Congressional intent."

The department said in a budget document earlier this year that as of spring 2017, 3,696 OCR cases were pending more than 180 days. But under Education Secretary Betsy DeVos, the department has taken several steps to streamline the claims process, including narrowing the scope of civil rights probes and tossing out bulk complaints from so-called mass filers.

Individuals filing complaints have long criticized the lengthy processing time, but with these changes, civil rights advocates have objected to what they see as diminishing civil rights enforcement.

For some employees, the amount of overtime could be significant. One regional manager told employees in his office that the amount approved equated to 136 hours of overtime per employee, according to a copy of an email obtained by POLITICO.

In response to the department's move, the American Federation of Government Employees said it filed an unfair labor practice charge with the Federal Labor Relations Authority. It says the department did not notify the union of the proposed changes to employees' conditions of employment or offer the union the opportunity to negotiate over them. Bailey said the department is unaware of the complaint.

Benjamin Wermund contributed to this report.

To view online click here.

Back

House plans to vote on tax package next week Back

By Aaron Lorenzo | 09/21/2018 02:33 PM EDT

The House next week will vote on legislation to permanently extend personal and pass-through business tax cuts, H.R. 6760 (115), according to a floor schedule update today.

Also scheduled for House floor votes next week are bills that offer tax breaks to help offset some startup business costs, H.R. 6756 (115), and promote more retirement savings, H.R. 6757 (115).

The House Ways and Means Committee recently cleared all three, which Republicans have dubbed Tax Reform 2.0. Making the personal and pass-through tax cuts permanent is the heart of the package. The reduced rates are set to largely expire at the end of 2025 as part of last year's sweeping tax overhaul bill, H.R. 1 (115), which permanently slashed the corporate tax rate to 21 percent from 35 percent.

Budget rules prevented Republicans from making all the tax cuts permanent last year, so House GOP leaders have pitched this follow-on legislation ahead of November's midterm elections.

Senate Republicans aren't planning to bring the measure to a vote, though, since Democrats could stop it, though a few of them who are considered vulnerable could safely vote for it, potentially bolstering their reelection chances.

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Back

GOP's second round of tax cuts would cost $657B, official estimates show Back

By Brian Faler | 09/11/2018 12:06 PM EDT

House Republicans' plans for a second round of tax cuts would cost $657 billion, new estimates show.

The projections by the Joint Committee on Taxation are sure to fuel complaints over the proposal's cost, which would come on the heels of last year's $1.5 trillion tax cut, and in the face of warnings the government's budget deficit will soon top $1 trillion.

The costliest provisions would extend temporary breaks for individuals due to expire at the end of 2025, with plans to make permanent lower rates running $522 billion and a beefed up child credit costing $179 billion.

Those costs would be partially offset by plans to extend various restrictions on itemized deductions, most notably a controversial new $10,000 cap on state and local tax write-offs. That would save $318 billion, the estimates show.

The JCT projections actually understate the plan's long-term price tag because most of the cost would fall outside of the agency's budget window.

The nonpartisan office estimates costs over the next 10 years. But the legislation would not even begin to extend temporary provisions until 2026, so only three years' worth of costs show up in the official 2019-2028 window.

House Republicans unveiled plans yesterday for their so-called Tax Cuts 2.0, a trio of measures designed to highlight for voters ahead of the November elections the GOP's commitment to lower taxes.

The bills are H.R. 6760, H.R. 6757 and H.R. 6756.

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Back

Space Force projection 'is not a conservative estimate,' budget expert says Back

By Connor O'Brien | 09/20/2018 05:53 PM EDT

The $13 billion Air Force estimate of the cost of standing up a new Space Force over five years is far broader than likely needed, budget expert Todd Harrison said today, contrary to Air Force Secretary Heather Wilson's claim the projection is "conservative."

"This is not a conservative estimate," Harrison, a senior fellow with the Center for Strategic and International Studies, told reporters. "This is the highest estimate I think you could possibly come up with."

A memo from Wilson predicted a Space Force would include more than 13,000 personnel and cost just under $13 billion over five years. But Harrison questioned the service's methodology, including the large estimated number of personnel and the costs of a new headquarters.

On Tuesday, Wilson called it a "conservative" projection.

The memo also includes moving some space programs at DARPA, national security programs at NASA and the space traffic management portion of the Commerce Department into the new service, ordered up by President Donald Trump.

"This is the broadest possible definition of how you could scope a space force that anyone could possibly conceive," Harrison said.

"I would say this is an example of malicious compliance," Harrison added, noting the Air Force's previous opposition to congressional efforts to stand up a Space Corps.

Harrison made the comments during a press briefing on a report analyzing the fiscal 2019 defense budget and trends in defense spending.

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Back

Carson says U.S. aims to make Puerto Rico a 'model' for the world Back

By Katy O'Donnell | 09/20/2018 04:01 PM EDT

Puerto Rico's recovery from Hurricane Maria has been "quite significant" and provides an opportunity to revitalize the territory, HUD Secretary Ben Carson said Thursday.

"My real goal here is not just restoration, but really to put Puerto Rico on a track to become a model — not only in the Caribbean, but really throughout the world," he said in a phone interview with POLITICO from the U.S. commonwealth.

Carson is touring Puerto Rico with other HUD officials on the one-year anniversary of the landfall of the storm, which pounded the island so severely that electric power was only fully restored last month.

He was scheduled to speak at a memorial ceremony Thursday for those who died as a result of the storm. The Puerto Rican government in August raised the official death toll to 2,975 from the earlier figure of 64, based on the findings of George Washington University researchers.

President Donald Trump has disputed the revised figure, tweeting that the toll rose "like magic" and that "this was done by the Democrats in order to make me look as bad as possible."

Carson declined to say whether he agreed with Trump's contention that the number of fatalities was inflated.

"I'm not sure that's really the main issue, because obviously you can get to different numbers depending on how you calculate, but any death I think is a tragedy," he said. "One death is too many."

HUD in April awarded Puerto Rico $18.5 billion in Community Development Block Grant Disaster Recovery funds, on top of an earlier $1.5 billion grant.

"We're signing the agreement to deliver the first tranche of recovery funding, of $1.5 billion, and also having an opportunity to witness the progress that's being made, which is really quite significant," Carson said of his visit.

The money would help the island's economy, he said. About 45 percent of Puerto Rico's population lives under the U.S. federal poverty line. The territory has a 9.1 percent unemployment rate, down from 11 percent in December 2017.

"It's going to go down a lot more than that with these building and restoration projects," Carson said.

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Back

Source: House will vote next week on FAA extension as well as long-term bill Back

By Tanya Snyder | 09/20/2018 02:04 PM EDT

The House next week plans to vote on both a short-term FAA extension and a longer-term bill preconferenced with the Senate — minus a controversial trucking provision, a aide involved in negotiations said today.

Controversial language that would have preempted state standards on meal and rest breaks for truckers has been dropped from the bill, he said.

A short-term extension, possibly just a few weeks long, will still be necessary to give the Senate time to vote. Since the House bill will come to the Senate as a "message," amendments cannot be attached to it, clearing the way for quick passage in the upper chamber.

Some aviation-related issues are still unresolved, but with the trucking issue out of the way, the bill is expected to move forward quickly. Committee members are targeting Friday to complete drafting the preconferenced measure.

As the FAA bill is expected to be one of the last major pieces of legislation to be enacted before the midterms, some in Congress are eyeing it as a vehicle for unrelated items.

The staffer said members are still discussing the duration of the long-term bill. The House-passed bill, H.R. 4 (115), would run for five years, compared to four for the Senate bill, S. 1405 (115). The aide said discussions now are centering around a possible three-year bill, which would allow certain provisions to be revisited sooner.

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Back

Defense spending compromise drops Huawei, ZTE ban Back

By Connor O'Brien | 09/21/2018 08:29 AM EDT

Final fiscal 2019 defense appropriations legislation doesn't include a ban on doing business with Chinese telecommunications companies Huawei and ZTE, with appropriators instead falling back on a broader provision included in the recently enacted defense policy legislation.

Citing cybersecurity risks posed by equipment from the two companies, a ban was included as a floor amendment to the House-passed defense spending measure. But the provision ultimately was dropped in negotiations with the Senate.

A House Appropriations spokeswoman noted a ban was unnecessary in the spending legislation, H.R. 6157 (115), because defense policy legislation signed by President Donald Trump in August included a broader ban.

The fiscal 2019 National Defense Authorization Act, H.R. 5515 (115), includes a government-wide ban on procuring equipment and services from Huawei and ZTE as well as several other telecommunications firms with ties to the Chinese government.

The defense spending bill, which is paired with annual Labor-HHS-Education funding legislation in a so-called minibus, passed the Senate on Tuesday. The House is expected to consider it next week, ahead of the start of the new fiscal year on Oct. 1.

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Back

USDA trade aid payments headed to almond, sweet cherry producers Back

By Helena Bottemiller Evich | 09/21/2018 10:37 AM EDT

Shelled almond and sweet cherry producers will be eligible for payments under the Trump administration's trade aid program set up to help farmers hurt by retaliatory tariffs, according to a Federal Register notice today.

The move makes almonds and cherries the only specialty crops eligible for payments under the USDA's Market Facilitation Program. Much of the cash payments under the program is going to growers of commodity crops like soybeans, corn and cotton but some is also set aside for dairy and pork producers.

The USDA did not say how much of the $4.7 billion in cash payments has been set aside for cherry and almond producers. But almond growers will get paid 3 cents per pound and sweet cherry growers will receive 16 cents per pound. As with other commodities, the initial payment rate will apply to 50 percent of total production.

When USDA announced the details of its trade aid efforts last month, sweet cherries and almonds were listed under commodity purchases — though USDA said at the time the details were yet to be determined.

The USDA initially said it planned to purchase around $63 million of almonds and $111 million of sweet cherries.

The listing was considered peculiar because the fresh sweet cherry season was already over, making it impossible for USDA to purchase any crops from the 2018 production.

A spokesman for USDA had previously declined to comment on whether growers of almonds and cherries were to receive payments under the plan.

The USDA today also announced it will be tweaking how it calculates payments for pork producers. Initially, the department said it would look at the total number of live hogs owned by a producer on Aug. 1. Under the change, producers can select any day from July 15 through Aug. 15 to report ownership.

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Back

Campaign Pro ad roundup: Candidates spar over Medicare funding Back

By Zach Montellaro and James Arkin | 09/21/2018 03:00 PM EDT

Republican and Democratic campaigns exchanged volleys over who's really trying to protect Medicare funding in the latest round of TV ads released Friday.

SENATE

Arizona: The NRSC and GOP Rep. Martha McSally released a television ad attacking Democratic Rep. Kyrsten Sinema for "protest[ing] our military."

Michigan: Democratic Sen. Debbie Stabenow released a new TV ad focusing on her work on agriculture.

Missouri: Republican Josh Hawley released an ad calling Democratic Sen. Claire McCaskill a "hypocrite" over insurance companies' donations.

Montana: The NRSC released an ad attacking Democratic Sen. Jon Tester for taking donations from lobbyists.

Nevada: Majority Forward released a new ad attacking Republican Sen. Dean Heller on health care and dark money.

More Nevada: Heller released an ad linking Democratic Rep. Jacky Rosen to Hillary Clinton.

Ohio: Democratic Sen. Sherrod Brown released a new ad attacking Republican Rep. Jim Renacci over elder care.

Pennsylvania: Republican Rep. Lou Barletta released a new ad attacking Sen. Bob Casey for "sleeping on the job."

Tennessee: Majority Forward released an ad hitting Republican Rep. Marsha Blackburn as "bought and paid for by the opioid industry."

West Virginia: Majority Forward released an ad hitting Republican Patrick Morrisey for lobbying for drug companies.

HOUSE

AZ-02: Former Democratic Rep. Ann Kirkpatrick released an ad saying she'll protect Social Security and Medicare.

CA-10: GOP Rep. Jeff Denham and the California Republican Party released an ad attacking Democrat Josh Harder on health care.

CA-22: Democrat Andrew Janz released an ad attacking GOP Rep. Devin Nunes as a "career politician" for using "private planes, limos, gambling trips, even $15,000 in basketball tickets on our dime."

CO-06: The Congressional Leadership Fund released an ad with a testimonial from a Korean War veteran saying he won't support Democrat Jason Crow.

KS-03: Democrat Sharice Davids released an ad hitting GOP Rep. Kevin Yoder for receiving "$4 million bucks from corporate special interests."

IA-01: The Democratic super PAC Change Now released an ad hitting GOP Rep. Rod Blum over tax cuts and health insurance.

IA-03: GOP Rep. David Young released an ad saying he'll protect people with pre-existing conditions and criticizing Democrat Cindy Axne.

IL-06: The DCCC released an ad hitting Republican Rep. Peter Roskam over health care.

IL-13: Democrat Betsy Dirksen Londrigan released an ad saying GOP Rep. Rodney Davis' vote on health care pushed her to run.

MI-08: Republican Rep. Mike Bishop releases an ad criticizing Democrat Elissa Slotkin over Medicare.

MN-02: The gun-control group Giffords PAC released an ad attacking GOP Rep. Jason Lewis and promoting Angie Craig over gun control.

NC-09: Democrat Dan McCready released an ad promoting his military service and saying he'll work in a bipartisan fashion in D.C.

NC-13: Democrat Kathy Manning released an ad hitting GOP Red. Ted Budd over health care.

NH-02: Democratic Rep. Ann McLane Kuster released an ad talking about health care.

NY-21: GOP Rep. Elise Stefanik released an ad calling Democrat Tedra Cobb a "Cuomo clone."

NY-22: Democrat Anthony Brindisi released an ad pushing back against attack ads and said GOP Rep. Claudia Tenney "put Medicare on the chopping block."

OH-07: Democrat Ken Harbaugh released an ad criticizing GOP Rep. Bob Gibbs over health care.

PA-10: Democrat George Scott and the DCCC released an ad focused on health care and pre-existing conditions.

VA-02: The DCCC attacked GOP Rep. Scott Taylor in an ad for the investigation into his campaign, after a judge found "forgery and fraud in signatures collected by his campaign."

GOVERNOR

Connecticut: Change PAC, which is tied to the RGA, released an ad saying Democrat Ned Lamont would raise taxes.

Georgia: The state GOP and Republican nominee Brian Kemp released an ad calling Democrat Stacey Abrams an "extremist."

Iowa: Democrat Fred Hubbell released an ad attacking Gov. Kim Reynolds over Medicaid privatization.

Maine: A Better Maine, which is tied to the DGA, released an ad saying Republican Shawn Moody would be a "disaster for Maine schools."

Massachusetts: GOP Gov. Charlie Baker released an ad highlighting his work to fight the opioid crisis.

Maryland: Democratic super PAC Maryland Together We Rise PAC released an ad attacking GOP Gov. Larry Hogan over education, trying to tie him to President Donald Trump and Secretary of Education Betsy DeVos.

Michigan: The RGA released a television ad saying the state would go "in reverse" if Democrat Gretchen Whitmer wins.

New York: Democratic Gov. Andrew Cuomo released an ad calling Marc Molinaro "the worst of pay-to-play politicians."

Rhode Island: Democratic Gov. Gina Raimondo released an ad promoting her economic agenda and attacking Republican Allan Fung.

Wisconsin: A Stronger Wisconsin, which is backed by the DGA, released a television ad attacking GOP Gov. Scott Walker for rejecting federal aid for health care.

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ENVIRONMENTAL

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Tuesday, May 8, 2018

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TOP NEWS

NC Swine Stench Sufferers' $50M Punitive Damages Slashed

A North Carolina federal judge Monday overturned a jury's decision to award $5 million in punitive damages to each of the 10 neighbors who sued a hog farm owner for its failure to properly dispose of the animals' urine and feces, saying that state law caps the amount of punitive damages at $250,000 apiece. Read more »

Pipeline Protesters Leave Tree Stands After Contempt Ruling

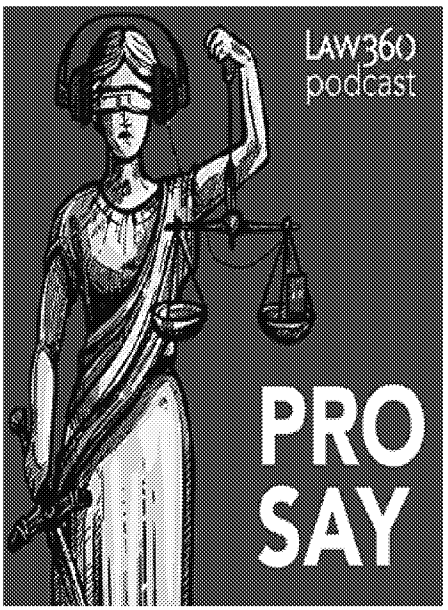
A mother and daughter on Saturday came down from tree stands they had occupied for more than a month to fight Mountain Valley Pipeline LLC's $3.5 billion natural gas pipeline, hours after a Virginia federal judge held them in civil contempt for interfering with the developer's work on the project. Read more »

FERC Won't Stop Work On 2 Disputed Gas Pipelines

The Federal Energy Regulatory Commission on Friday rejected bids from landowners and environmentalists to reconsider its green lights for the start of construction on the $5 billion Atlantic Coast and the $3.5 billion Mountain Valley gas pipelines, although one commissioner stuck to her earlier opposition to both projects. Read more »

Oil Cos., NYC Clash Over Viability Of Climate Change Suit

ExxonMobil, Chevron and ConocoPhillips exchanged legal fire with New York City on Friday over the Big Apple's lawsuit seeking to hold them and two other oil giants liable for climate change-related infrastructure damage, with the companies arguing the city is wrongly attempting to use courts to regulate fossil fuels. Read more »



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Union Carbide Urges 2nd Circ. To Nix PCB Remediation Claims

Union Carbide Corp., the former owner of a West Virginia site contaminated with polychlorinated biphenyl, asked the Second Circuit on Friday to uphold a lower court's decision that the new owner's attempt to recover remedial costs was too late, and said saddling UCC with future liability was improper. Read more »

POLICY & REGULATION

Ill. AG To Sue EPA Over Wis. Ozone Call That Helps Foxconn

Illinois' attorney general said Friday she will sue the U.S. Environmental Protection Agency over its recent decision not to impose stricter ozone pollution standards on the Wisconsin area designated for a proposed Foxconn Technology Group manufacturing plant. Read more »

AGs Press EPA To Yank Scientific Review Process Overhaul

A coalition of eight Democratic attorneys general on Monday urged the U.S. Environmental Protection Agency to withdraw its recent proposal to require the publication of data underlying scientific studies that are considered in the regulatory process, saying that it is vague and rushed. Read more »

ENFORCEMENT

Analysis

Pa. Pipeline Row Shows Enviro Rights Amendment Still Murky

A recently advanced effort to hold a Sunoco Inc. unit liable for violations of the Pennsylvania Constitution over a controversial pipeline project highlights what attorneys say is continued uncertainty around the so-called environmental rights amendment, which was reinvigorated by the state's Supreme Court last year. Read more »

LITIGATION

Pa. Panel Pulls Landfill Zoning Challenge From Trash Heap

A Pennsylvania appellate court revived objections to a proposed landfill expansion near Scranton, ruling Monday that even though the homeowners fighting the plan do not live directly next to the landfill, they still have standing to try to halt the project by arguing it violates height ordinances. Read more »

Enviros Can't Halt Idaho Logging Plan Over Trout Impact

An Idaho federal judge Friday shot down a bid by environmental groups to block two salvage logging projects in the Boise National Forest, affirming the federal government's assessment that the tree clearing would not have an impact on the threatened bull trout. Read more »

Wash. Seeks To Reverse Tribe's Win In Landslide Liability Row

The state of Washington further urged the Ninth Circuit to reverse a lower court's finding that the state cannot seek indemnity from the Stillaguamish Tribe over liability for a deadly landslide, saying that even if the district

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court had subject matter jurisdiction, the tribe still waived its sovereign immunity. Read more »

Feds Say Tribe Can't Revive Forest Mismanagement Claims

The federal government on Friday pushed back at an Arizona tribe's bid to revive claims that the government mismanaged reservation forests, telling the Court of Federal Claims that the tribe hasn't pointed to any express promise made by the government to remedy any forest management defect. Read more »

EXPERT ANALYSIS

Capturing Carbon Tax Credits: A Climate Of Opportunity

A new law revising the current Internal Revenue Code Section 45Q carbon dioxide tax credit could deliver tens of millions of dollars per project in tax cuts for developers and investors in carbon removal, say attorneys from Morrison & Foerster LLP. Read more »

What ABA's Position On Harassment Means For Employers

In the #MeToo era, the American Bar Association's recently passed Resolution 302 is a reminder of harassment policy best practices to all employers, and it should be of particular interest to employers in the legal industry, say attorneys with Hunton Andrews Kurth LLP. Read more »

Series

Judging A Book: Berzon Reviews 'We The Corporations'

My advice to prospective clerks will now include the suggestion that they read Adam Winkler's new book, "We the Corporations: How American Businesses Won Their Civil Rights," for the same reason I recommend taking a corporations course — appreciating the critical role of business corporations in American life and law, says Ninth Circuit Judge Marsha Berzon. Read more »

LEGAL INDUSTRY

NY AG Schneiderman Resigns After Report He Abused Women

New York Attorney General Eric Schneiderman announced his resignation late Monday night after The New Yorker reported that he'd subjected four previous romantic interests to "nonconsensual physical violence" including choking, hitting and threats to kill them if they broke up with him. Read more »

Titan Of The Plaintiffs Bar: Bernstein Litowitz's Mark Lebovitch

Bernstein Litowitz Berger & Grossmann LLP's Mark Lebovitch helped reach a settlement in shareholder litigation over sexual harassment claims at 21st Century Fox that created the first corporate watchdog council — all while negotiating a $290 million deal over Pershing Square's insider trading scandal, earning him a place among Law360's 2018 Titans of the Plaintiffs Bar. Read more »

Bryan Cave Partner Accused Of Hiding Lab Hack From FTC

A cancer-screening lab embroiled in a long-running data dispute with the Federal Trade Commission has claimed in New York federal court that a Bryan Cave Leighton Paisner LLP partner directed a whistleblower to hide

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from the agency that he had hacked the lab's files with surveillance tools the partner had given to him before she joined the firm. Read more »

Law360 Names Attys Who Moved Up The Firm Ranks In Q1

A promotion to partner or election to practice group chair means lots of well-deserved recognition within a firm and in the larger legal community. Law360 reveals the list of attorneys whose commitment to excellence earned them highly coveted spots in the law firm leadership ranks. Find out if your old legal friends — or rivals — moved up in the first quarter of the year. Read more »

CFTC Pick Reports Earning Almost $1.2M At WilmerHale

The co-chair of WilmerHale's futures and derivatives practice who was tapped for a spot in the U.S. Commodity Futures Trading Commission has filed a report with the U.S. Office of Government Ethics revealing he earned nearly $1.2 million at the law firm in 2017 and the first few months of this year. Read more »

Senate Advances Trump's 5th Circ. Nominee

The Senate took a step toward confirming President Donald Trump's fourth judge on the Fifth Circuit on Monday, sending U.S. District Judge Kurt D. Engelhardt through a procedural vote as part of a raft of judicial nominees this week. Read more »

Interview

15 Minutes With Mattress Firm's General Counsel

Kindel Elam is living her dream, both physically and metaphorically, as executive vice president and general counsel of Mattress Firm. After eight years at Fulbright & Jaworski LLP, Elam decided she wanted to go in-house at the retail company. Mattress Firm, which had been her client since 2007, went public in 2011 and was looking to hire a general counsel. Here, she shared what keeps her up at night — besides her dog — and her advice to lawyers hoping to make a similar in-house transition. Read more »

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Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 1/8/2018 10:44:13 AM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Morning Energy: Crucial day for water fights at Supreme Court — Grid withstands frigid winter blast — Steyer to announce political plans today

By Anthony Adragna and Kelsey Tamborrino | 01/08/2018 05:41 AM EDT

With help from Annie Snider, Darius Dixon and Alex Guillén

HIGH NOON FOR WATER WARS: The Supreme Court hears arguments this morning in a pair of long-running water disputes between states that will test what role the federal government should play in such conflicts. First up is *Texas v. New Mexico and Colorado* , a case where the federal government intervened on the side of Texas, which argues that New Mexico is allowing its residents to take water that belongs to the Lone Star state under a 1939 compact. A court-appointed special master faulted the federal government's move, writing in an interim report last year that the U.S. overstepped its bounds since it has no claim itself to the water, and should only be allowed to bring claims under reclamation law. The high court today will consider only what the federal government's role should be, not the merits of the water fight itself.

The second case in the double-header is *Florida v. Georgia* , where the federal government took the opposite tack. Even though the Army Corps of Engineers operates a series of dams and reservoirs along the contested Apalachicola-Chattahoochee-Flint River river system, it did not join the litigation when Florida sued Georgia in 2014 to cap its offtake after Florida's prized Apalachicola Bay oyster fishery collapsed. The court-appointed special master in this case ruled last February that Florida showed "real harm" and at least "likely misuse of resources by Georgia," but said that without the federal government's involvement, there was no way to guarantee that a cap on the Peach State's consumption would result in more water for Florida. Justices today decide whether to accept the special master's ruling for Georgia.

More than parochial: It won't just be the parties tangled in these particular water fights who will be watching closely. Water rights have traditionally been the purview of the states, and they have fought hard to keep it that way. As growing populations and fluctuations in supplies stress water basins across the country, states will be watching the justices closely to see how much power the federal government should have in settling these type of fights in the future.

WELCOME TO MONDAY! We're your co-hosts Anthony Adragna and Kelsey Tamborrino, and EPA's Aaron Ringel was first to identify Robert Todd Lincoln as being in the area for three presidential assassinations. For today: Which current congressman served almost ten years on their state's public service commission? Send your tips, energy gossip and comments to aadragna@politico.com and ktamborrino@politico.com, or follow us on Twitter @AnthonyAdragna, @KelseyTam, @Morning_Energy and @POLITICOPro.

ROOM FOR IMPROVEMENT: EPA staffers offered up suggestions to improve the agency in an internal anonymous survey last year ranging from increasing agency budgets to making it easier for staffers to work from home. The survey obtained by POLITICO showed the majority of the more than 1,400 responses stayed true to traditional bureaucratic grievances, Pro's Alex Guillén reports , but dozens of employees also used the survey to vent frustrations about Administrator Scott Pruitt and the Trump administration. "The only way to increase efficiency at EPA is to increase the budget and allow room for innovative ideas. There is no time or money to focus on innovation because staff are spread too thin," wrote one employee. Others offered some positive comments, but some employees argued that budget cuts would undermine Pruitt's goal of establishing better coordination with the states. And almost 100 workers pressed for greater telework opportunities.

Behind the cloak of anonymity others used the survey as an opportunity to bash the administration's political leadership — two called for Trump to be impeached — with multiple comments expressing dismay at watching Pruitt or Trump bash EPA and praise coal miners. "It would be nice if the administration showed some empathy for us," one employee wrote. The survey, conducted in May 2017, comes as part of EPA's effort to be "more efficient, effective and accountable," according to an all-staff email from Pruitt's chief of staff. EPA spokeswoman Liz Bowman said the agency was taking the survey responses seriously.

PASSED THE TEST: The frigid blast that sent temperatures plunging across the East will start to ease today, but the past few days may have sapped the urgency to act on Energy Secretary Rick Perry's controversial grid resiliency pricing proposal, which argued that the electric system was threatened by extreme cold periods. Still, the cold snap brought a bit of good news for several fuels: coal got to shine in PJM (as natural gas prices soared enough to make it competitive); oil helped save the day as New England showed its wintertime dependence on the niche power fuel; nuclear reactors provided large chunks of power across the Northeast even though a power line outage shut the Pilgrim plant in Massachusetts; and, in PJM, wind power routinely contributed 4,000 megawatts or more.

Perry's plan calls for giving financial support to power plants that keep 90 days' worth of fuel on-site, effectively limiting it to coal and nuclear generation - and to PJM in particular. To press his point, Perry's rule specifically urged FERC to "take action before the winter heating season begins so as to prevent the potential failure of the grid from the loss of fuel-secure generation — as almost happened during the 2014 Polar Vortex." Yet, our recent cold snap, which shot demand in PJM up to around 136,400 MW over the weekend (just 4,100 MW short of the 2014 event) showed that for most of the East, the issue is more about high prices rather than low fuel stocks.

And then there's New England. The region continues to struggle with the impacts of its longstanding infrastructure limits in the winter: power prices are high, natural gas demand for heating required generators to turn to oil-fired electricity production, and last week's storm hindered some resupply of oil. There are four nuclear reactors in New England, and having an onsite fuel requirement wouldn't have kept Pilgrim from tripping offline Thursday.

ISO-New England spokesperson Marcia Blomberg said the region's power system continued "to operate reliably" throughout the weekend but aired a considerable amount of caution. "While the ISO is continually assessing the reliability of the system, other conditions continue to make grid operations difficult," she wrote in an email to reporters Sunday. "Pilgrim Nuclear Power Station remains out of service, some oil-fired generation is nearing emissions limitations, and other power plants are awaiting fuel deliveries that were postponed because of Thursday's storm. But these deliveries will not begin before [today] at the earliest."

HEADS UP! FERC has until Wednesday to take some sort of action on Perry proposed rule to support coal-fired and nuclear power plants. His "grid resiliency proposal" calls for guaranteeing payments to power plants that maintain 90 days of fuel on site. Few observers expect FERC to fully embrace the former Texas governor's proposal, and it's got a wide range of options to consider, from issuing an interim rule to holding a technical conferences or issuing a request for information.

FOR YOUR RADAR: President Donald Trump is due to deliver remarks today at the American Farm Bureau Federation's annual convention in Nashville, and officials expect the administration's effort to eliminate Obama-era regulations, including its intended rewrite of the Obama-era waters of the U.S. rule, to pop up during the speech. "This is an audience that has warmly welcomed the deregulatory agenda pushed by the President, and I would expect acknowledgment of that on both sides," the National Economic Council's Ray Starling said.

WHAT'S THE FUTURE HOLD? Billionaire environmentalist Tom Steyer makes a big announcement about "his political future and plans for 2018" today at 10:45 a.m. today in Washington (which seems to make a California gubernatorial or Senate bid seem a lot less likely). That comes as he unveiled a number of senior

hires at his NextGen America: Heather Hargreaves as executive director and Aleigha Cavalier as communications director, among others.

IZEMBEK ON DECK: The Interior Department has approved a land swap deal that Senate Energy Chairman Lisa Murkowski has been pushing for years, both The Washington Post and New York Times reported this weekend. Interior will allow a remote Alaskan village to construct a 12-mile road through the Izembek National Wildlife Refuge, overruling decades-old wilderness protections, and linking King Cove to an isolated all-weather airport.

In response, the Sierra Club slammed the plan as "disastrous" and urged the administration to reconsider. "Trump and Zinke should instead review the options previously proposed by the Army Corps of Engineers, and develop a solution that meets the needs of local residents while protecting Izembek National Wildlife Refuge," Athan Manuel, the group's land protection program director, said in a statement.

WHITE HOUSE PREPARING SOLAR TRADE DECISION: The White House is readying to unveil an aggressive trade crackdown targeting China and other competitors' alleged unfair practices, POLITICO's Andrew Restuccia and Doug Palmer report, including a decision on whether or not to put a tariff on solar imports. Trump is scheduled to meet with Cabinet secretaries and senior advisers as soon as this week, an administration source said, to begin finalizing trade decisions like the one on solar imports. "Senior aides are also laying plans to use Trump's State of the Union address at the end of the month to flesh out the president's trade vision and potentially preview a more aggressive posture toward China," Andrew and Doug write. Upcoming meetings will shed light on just how aggressive the president plans to be, with aides saying the solar decision isn't expected this week but could come the week after. Read more.

PANEL: OROVILLE DAM DISASTER 'A WAKEUP CALL' FOR DAM SAFETY: Independent investigators probing the cause of last year's dangerous spillway failure at the highest dam in the country that forced the evacuation of nearly 200,000 residents downstream have cited a "long-term systemic failure" by both the state of California and federal regulators. In a 584 page report released Friday, the forensic team pointed to errors dating back to the 1960s when an inexperienced engineer was put in charge of designing the dam's two spillways. The panel said the state put "insufficient priority" on dam safety and too much emphasis on delivering water to the State Water Project, which feeds major agricultural users and big southern California metropolitan areas.

"The fact that this incident happened to the owner of the tallest dam in the United States, under regulation of a federal agency, with repeated evaluation by reputable outside consultants, in a state with a leading dam safety regulatory program, is a wake-up call for everyone involved in dam safety," the panel wrote.

DON'T YOU KNOW EACH CLOUD CONTAINS PEBBLES FROM HEAVEN: The Army Corps of Engineers says it has received a complete application from the developers of the proposed Pebble Mine in Alaska, triggering what will be a years-long process to produce an environmental impact study for the controversial project. Aside from the open-pit mine, the company seeks to build a 230-megawatt natural gas power plant on site, a 188-mile gas pipeline to feed it, an 83-mile transportation corridor to move metal to Cook Inlet, and a permanent export facility. "We believe that as people become more familiar with our proposed project design and the environmental safeguards it incorporates, there will be an increasing degree of support for the project," said Pebble Partnership CEO Tom Collier.

Opponents of the rule will point to EPA's previous work under the Obama administration that concluded mining of any scale was too risky for the world's biggest wild salmon fishery. A court deal between the developers and EPA last year allowed the application with the Army Corps to move forward, but Alaska's governor, independent Bill Walker, has long opposed the mine, saying last October that developers had not proven the project would not risk the fish.

WISCONSIN VIP PLANT CLEARS KEY HURDLE: Foxconn's much-anticipated Wisconsin liquid-crystal display screens plant won a major victory after a pond and roughly 26 acres of wetlands just miles from Lake Michigan were too isolated from larger downstream waters to merit federal Clean Water Act protections, Pro's Annie Snider reports. The project has been touted by Trump, who took credit for the company's investment at a July White House event with the company's chairman. And it's been a major priority for Gov. Scott Walker and House Speaker Paul Ryan, in whose district the facility would be built.

MAIL CALL — JERSEY NO FAN OF DRILLING: Three Democratic New Jersey lawmakers told Interior Secretary Ryan Zinke the draft offshore drilling plan should be "immediately rejected" in a Friday letter. The proposal "shows a complete disregard for New Jersey's economy, environment, and quality of life, and should be immediately rejected," Sens. Bob Menendez and Cory Booker and House Energy and Commerce ranking member Frank Pallone , write, citing the need for an "unspoiled coastline" as the state continues to rebuild post-Hurricane Sandy. Read it here.

PALLONE-LED LETTER PUTS FOCUS ON AXED CONTRACT: A group of Democratic lawmakers aired their "outstanding questions" on EPA's now-canceled contract with the Republican-affiliated Definers Public Affairs on Friday. "Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution," the lawmakers, led by Pallone, wrote to Pruitt. The letter gives Pruitt until Jan. 19 to respond to a series of questions related to Definers role at the agency. Read it here.

BISHOP'S STANDING INVITE: House Natural Resources Chairman Rob Bishop offered up a standing invitation to Patagonia founder Yvon Chouinard, after he declined an invitation to testify. "Despite your apparent refusal to engage with those who see the world differently than you, I remain committed to hearing all voices and perspectives," Bishop wrote in a Friday letter.

THE SAUDI ARABIA OF SOLAR: A new report from the Institute for Energy Economics & Financial Analysis zeros in on the Southwest's potential for solar development, particularly in northeast Arizona. The Navajo Nation, the report finds, "is at the center of a region that stands to become a major source of solar-powered generation as part of a trend in which solar is capturing a growing piece of U.S. power-generation markets."

MOVER, SHAKER: Zachary Kahan is joining the House Energy & Commerce Committee staff as the Democratic outreach and member services coordinator. He was previously the advocacy and PAC manager for the American Academy of Child and Adolescent Psychiatry (h/t POLITICO Influence).

— **Kateri Callahan is leaving the** Alliance to Save Energy after 14 years as its president for a yet-to-be-announced efficiency job in the private sector. ASE announced Friday it begins a national search for her replacement.

QUICK HITS

— Iranian oil tanker collides with freighter off China; 32 crew members missing. Globe and Mail.

— Nearly 200 nations promise to stop ocean plastic waste, Reuters.

— Pennsylvania Coal Mine To Close. NPR.

— Sununu opposes Trump administration's offshore drilling plan. AP.

— Trump plan to expand oil and gas leasing in West draws, for the most part, a big yawn from industry. Los Angeles Times.

HAPPENING THIS WEEK

MONDAY

10:45 a.m. — Tom Steyer makes major announcement in Washington regarding 2018 plans, 101 Constitution Ave NW

TUESDAY

10:00 a.m. — "DOE Modernization: Advancing DOE's Mission for National, Economic, and Energy Security of the United States," House Energy and Commerce Committee, RHOB 2123

10:00 a.m. — The House Natural Resources Federal Lands Subcommittee holds a hearing on H.R.4532, the "Shash Jaa National Monument and Indian Creek National Monument Act," 1324 Longworth

10:00 a.m. — "Taiwan's Energy Challenge: Meeting the Needs to Power Growth," Wilson Center, 1300 Pennsylvania Ave. NW

12:30 p.m. — The American Petroleum Institute holds its annual State of Energy address, Ronald Reagan Building and International Trade Center Atrium Ballroom, 1300 Pennsylvania Ave. NW

6:00 p.m. — "Lessons Learned from Political Appointees," Women's Council on Energy and the Environment, Dentons, 1900 K Street NW

WEDNESDAY

9:00 a.m. — "Stories to Watch 2018," World Resources Institute, 10 G Street NE Suite 800

10:00 a.m. — "America's Water Infrastructure Needs and Challenges," Senate Environment and Public Works Committee, 406 Dirksen

THURSDAY

1:30 p.m. — The Source Water Collaborative hosts a webinar on source water protection efforts using USDA resources and funding.

4:00 p.m. — "A Discussion with Dr. Ernest J. Moniz," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

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To view online:
https://www.politicopro.com/newsletters/morning-energy/2018/01/crucial-day-for-water-fights-at-supreme-court-067184

Stories from POLITICO Pro

EPA staffers suggest room for improvement in anonymous internal survey Back

By Alex Guillén | 01/08/2018 05:02 AM EDT

EPA employees offered hundreds of suggestions to improve the agency, ranging from increasing budgets to making it easier for staff to work from home, which proponents argued would save both money and the environment, according to the results of an internal EPA survey last year obtained by POLITICO.

The vast majority of more than 1,400 anonymous responses hewed to traditional bureaucratic complaints or suggestions to improve EPA's programs, but dozens of employees also took the opportunity to vent their frustrations about Administrator Scott Pruitt and the Trump administration's plans to shift EPA's priorities and cut its budget, which many career staffers felt was already too low.

"The only way to increase efficiency at EPA is to increase the budget and allow room for innovative ideas. There is no time or money to focus on innovation because staff are spread too thin," one employee wrote.

The survey was conducted anonymously in May 2017, about three months after Pruitt arrived, as part of the Trump administration's effort to make EPA "more efficient, effective and accountable," according to an all-staff email from Pruitt's chief of staff. It predates the departure of more than 700 EPA employees, many of whom left following an early buyout and retirement push last year.

A few employees even responded with nothing but positive comments.

"I have no complaints," one staffer wrote. "I think the EPA is doing fantastic work as is."

EPA spokeswoman Liz Bowman said the agency took the survey responses "seriously."

"For example, we are using employee feedback to develop a more productive relationship with the states and improve our procurement procedures so they are more fair and equitable," she said in an email.

Hundreds of workers raised issues with the agency's budget, ranging from how much money EPA gets from Congress to how that money is allocated, according to a POLITICO analysis of the survey results, which were released in response to a Freedom of Information Act request.

Some employees argued that budget cuts would undermine one of Pruitt's top goals: better coordination with the states.

"Dramatically decreasing the budget will only hurt our ability to achieve better environmental results by hampering our ability to travel out into the community or visit the state to foster that relationship and build trust," one wrote. "Phone calls and emails are not a good substitutes [sic] for face-to-face interaction, and a skeleton budget will make travel and that crucial interaction impossible."

More than 100 EPA workers weighed in on the Superfund program, which Pruitt has also identified as a key priority.

One person suggested making the recommendations of two key Superfund advisory groups mandatory, saying it would save time and resources. Other suggestions focused on consolidation, reorganization or delegation to the states to handle most Superfund work.

And almost 100 workers pressed for greater telework opportunities, which they said would save time, money and the environment by cutting down on commuting and would allow the agency to lease less office space.

Some employees took advantage of the survey's anonymity to bash the administration's political leadership — two even called for President Donald Trump to be impeached — with multiple comments expressing dismay at watching Pruitt or Trump bash the agency and praise coal miners.

"It would be nice if the administration showed some empathy for us," one employee wrote.

Another worker called for an end to "this rhetoric of Pruitt coming in and rescuing the states from EPA's grasps. EPA has been partnering with states for decades; maybe the Administration could learn about those partnerships by actually talking to EPA employees." Someone else questioned what respecting states' rights really means. "Does giving more power to states mean agreeing with them on everything[?] Does it mean agreeing with California or New York governors on all positions, or some?"

Not all EPA employees agreed with that point; one wrote that "states view us as their enemies instead of their partners."

Meanwhile, some employees used the opportunity to raise pet peeves.

One person complained that their agency-issued cellphone is a flip phone that has not been upgraded in six years. Smartphones equipped with cameras and other tools would make certain work much more efficient, they said.

Another said that EPA needs to better prioritize its workflow so that employees don't have to put aside "important work" in order to write a response "to a second grade class that wrote a letter to the administrator."

One worker in their 50s complained that too many EPA employees in their 70s are staying at the agency too long. "They have friends, coffee pots, and muddle through their day," the worker wrote. "A healthy person should plan for retirement and move into the next place in their life, not plan to die at the office."

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Back

Alaska's long road war Back

By Andrew Restuccia | 04/04/2014 05:00 PM EDT

In the fall of 1998, Frank Murkowski took to the Senate floor to make an impassioned plea for the authority to build a one-lane gravel road from the isolated southwestern Alaska village of King Cove to a neighboring community with an all-weather airport.

"This is a road to life for the residents of King Cove," he said.

More than 15 years later, his daughter, Republican Sen. Lisa Murkowski — along with the rest of the Alaska congressional delegation — is still fighting for the road, insisting it's the only viable way to ensure that King Cove's 965 largely native Alaskan residents have access to emergency medical care.

(Also on POLITICO: Full transportation and infrastructure policy coverage)

What seems like a simple request is anything but. The proposed road would cut through federally protected wilderness land in the Izembek National Wildlife Refuge, a 315,000-acre sanctuary near the tip of the Alaska Peninsula. And the Interior Department says the road would threaten vulnerable plants and animals that rely on the area's unique ecology.

The oftentimes ugly fight has pitted Alaska politicians against the federal government for decades, sowing mistrust and frustration. It has also reinforced the view of many in Alaska that policymakers in the Lower 48 are out of touch with their needs.

At the same time, the battle has laid bare tensions between Alaskan leaders and conservation groups, which argue that approving the road could set a dangerous national precedent in other protected wilderness areas.

Lisa Murkowski and Alaska Democratic Sen. Mark Begich, who faces a tight reelection fight, are vowing to do everything in their power to win approval for the road, even though the Interior Department rejected the proposal late last year after a four-year analysis.

(PHOTOS: 10 tough Senate races for Democrats)

Murkowski is using her position as the top Republican on the Senate Energy and Natural Resources Committee to elevate the issue, expressing her outrage at hearings and in floor speeches and holding a series of news conferences with King Cove residents. She has also lambasted Interior Secretary Sally Jewell, who announced the most recent rejection of the road just two days before Christmas.

"I am not willing to let a day go by without raising this as an issue," Murkowski said in an interview.

The road would give King Cove residents access to the larger airport in the nearby community of Cold Bay when extreme weather grounds flights at the smaller King Cove airport. King Cove has a medical clinic, but residents often have to travel to Anchorage for major procedures and emergencies.

The road, proponents argue, is the best solution to the transportation problems that have long plagued isolated King Cove.

Besides its small airport, the town has access by boat across the Izembek Lagoon, but foul weather can make air and boat travel difficult, residents say. Supporters of the road say at least 19 deaths over the years have resulted from plane crashes or an inability to obtain adequate medical care.

(Sign up for POLITICO's Morning Transportation tip sheet)

Della Trumble, a King Cove resident and longtime advocate for the road, said its approval is a matter of life and death.

"I just feel strongly that the human factor far outweighs the wildlife," she said. "We will protect the wildlife. It's who we are."

Trumble and other residents have made dozens of trips to Washington to make their case, telling stories of family and friends who have been hurt or killed trying to get out of the community during storms. Trumble said she watched as her niece was flown out for a medical emergency amid winds of 70 to 80 mph. She said another niece was born on the galley table of a crab boat during an evacuation attempt.

Just this week, an injured fisherman was flown out of King Cove by the Coast Guard, marking the fifth medical evacuation of the year, according to King Cove officials.

But opponents say the road would wreak havoc on the refuge and its wildlife. The refuge hosts more than 200 species, including caribou, grizzly bear and, in the fall, about 98 percent of the world's Pacific black brant. It also has one of the largest eelgrass beds on the planet and was one of the first areas in the U.S. to be designated as a wetland of international importance.

"You can't punch a road through there without doing serious damage," said Don Barry, who served as Interior's assistant secretary for fish, wildlife and parks during the Clinton administration.

In addition, the proposed road faces major legal hurdles. In 1980, Congress designated most of the refuge as wilderness, the highest level of public land protection.

Barry, now a senior official at the conservation group Defenders of Wildlife, said it would be unprecedented to allow a road through a wilderness area. Though the refuge has some old military roads, they were built before the conservation laws were enacted.

Several opponents raised concerns that approving the road would lead to a push for development in other protected areas.

"Once you carve a road of this kind right through the middle of a national wildlife refuge, where does it stop?" former Clinton administration Interior Secretary Bruce Babbitt asked.

Babbitt and other opponents have also suggested that the road could be used for commercial purposes, noting that Peter Pan Seafoods has a cannery in King Cove. "But despite pledges and promises to the contrary, the real purpose for building the road is the same as it ever was: moving fish and workers to and from King Cove's canneries," Babbitt wrote in the Los Angeles Times last month.

Peter Pan has rejected those accusations, and Murkowski notes that her legislation calling for approval of the road specifically bars using it for commercial purposes.

The fight over the road burst into public view in the late 1990s, when then-Sen. Frank Murkowski pushed legislation that would allow for approval of the road as part of a land exchange. The bill passed the Senate in 1998 but never passed the House. President Bill Clinton threatened a veto amid concerns about the road's effect on wildlife.

Soon after, then-Sen. Ted Stevens launched into a tense series of negotiations with the Interior Department. The resulting compromise was a $37.5 million appropriation approved by Congress to improve the King Cove medical clinic and airport and make accommodations for a hovercraft to transport residents to Cold Bay. The hovercraft was used until 2011, but it is being sold because, operators said, it was too expensive to operate.

"Finally it was settled — and now it turns out it isn't," said Babbitt, who worked with Stevens to negotiate the deal and strongly opposed the road.

Within several years, the issue was back on the table. Lisa Murkowski included a provision in a 2009 bill calling on the Interior Department to analyze the road and proposing another land exchange. In exchange for setting aside land in the refuge for the road, the federal government would receive more than 43,000 acres of Alaska state land and more than 13,000 acres of land owned by the King Cove Native Corp.

The provision set off a four-year analysis by Interior that culminated in December with the department's rejection of the road.

"While the proposed land exchange would bring many more acres of land into the Refuge System, the analysis indicates that the increased acreage could not compensate for the unique values of existing refuge lands, nor the anticipated effects that the proposed road would have on wildlife, habitat, subsistence resources and wilderness values of the Refuge," the department said in a statement at the time.

The decision infuriated the Alaska delegation and has strained Murkowski's relationship with Jewell.

After hearing about the decision, Murkowski said she told Jewell, "I cannot forgive the fact that you have delivered this, that you have dashed all hope for the people of King Cove, and the fact that you did this the week of Christmas is absolutely callous and cold-hearted."

Other Alaska lawmakers have similarly taken Jewell to task. "If someone dies out of King Cove, I want you to really think about it and be ashamed of yourself," Rep. Don Young told Jewell at a hearing Thursday.

The road's opponents say viable alternatives exist — a notion that Murkowski and others reject. Opponents also argue that the road, which would snake through isolated land often battered by extreme weather, would pose its own dangers.

At a recent Senate hearing, Jewell said she is committed to working with King Cove residents to find alternatives. During a recent meeting with Begich, she said she will again listen to the community's concerns.

"Jewell committed to reviewing the information that the community plans to provide on the issue and to provide a response to the senators, State of Alaska and the community on their request to reconsider the final decision," Interior spokeswoman Jessica Kershaw said in an email.

Alaska lawmakers face major hurdles toward changing Interior's mind but say they're not giving up.

Begich said in a recent interview that he hopes to attach his bill approving the road to upcoming Interior appropriations legislation. Murkowski vowed to continue hammering away as well.

"This secretary has made a decision, and I think she thought the people of King Cove were tucked far enough away that nobody would be making a big deal about this," Murkowski said. "But I'm not forgetting them, and it's not just an idle threat."

CORRECTION: A previous version of this story offered an incorrect name for the city where King Cove residents sometimes have to travel for major medical procedures.

To view online click here.

Back

White House preparing for trade crackdown Back

By Andrew Restuccia and Doug Palmer | 01/07/2018 04:02 PM EDT

President Donald Trump's administration is preparing to unveil an aggressive trade crackdown in the coming weeks that is likely to include new tariffs aimed at countering China's and other economic competitors' alleged unfair trade practices, according to three administration officials.

Trump is tentatively scheduled to meet with Cabinet secretaries and senior advisers as soon as this week to begin finalizing decisions on a slew of pending trade fights involving everything from imports of steel and solar panels to Chinese policies regarding intellectual property, according to one of the administration officials.

Senior aides are also laying plans to use Trump's State of the Union address at the end of the month to flesh out the president's trade vision and potentially preview a more aggressive posture toward China, according to the official.

Aides stressed that the specifics are still in flux, but multiple officials told POLITICO that internal conversations have moved beyond the basic question of whether Trump should take tough trade steps and are now focused on what precise measures the president should impose.

By turning to trade, Trump is returning to a key campaign pledge that many advisers worry he did not deliver on in his first year in office. And with limited prospects for passing legislation, trade is one of a handful of major policy areas on which the president can act without having to rely on Congress.

Aides said the upcoming closed-door trade meetings with the president will help shed more light on his thinking. Trump's senior advisers have been fighting behind the scenes for months over the direction of his trade agenda, but officials on both sides of the debate said it remained unclear exactly how aggressive the president was prepared to be.

One official said the president is "undecided and could come out any number of ways." Still, it is "very likely" that the president will greenlight tariffs of some kind in the coming weeks, the official added, a move that could prompt severe blowback from targeted countries.

Trump has repeatedly expressed frustration to his aides that his administration hasn't taken more aggressive trade steps, and he has encouraged his advisers to present him with options that include harsh tariffs on Chinese imports, according to officials.

The president outlined his thinking on trade during meetings with Republican congressional leaders at Camp David this weekend. Some Republican lawmakers cautioned against going too far on trade, raising concerns about pulling out of the North American Free Trade Agreement, according to people familiar with the Camp David meetings. GOP senators have made similar arguments during recent meetings with the president at the White House.

A White House spokeswoman did not respond to a request for comment.

Amid widespread concern that the president's impulsive decision-making could spark a trade war, Trump's advisers have been organizing weekly meetings since last spring to weigh their options — including where to set any tariffs and import quotas and how much to single out China — in the various outstanding trade cases in the hopes of presenting the president with well-researched policy proposals.

With an overhaul of the tax code complete, the Tuesday meetings, led by White House staff secretary Rob Porter, have been heating up in recent weeks, with key staffers being tasked with drafting memos and conducting economic analyses of key policy options, according to people who participate in the huddles.

The meetings regularly include key Cabinet secretaries and senior administration officials, including Commerce Secretary Wilbur Ross, Agriculture Secretary Sonny Perdue, Labor Secretary Alexander Acosta, Treasury Secretary Steven Mnuchin, U.S. Trade Representative Robert Lighthizer, trade adviser Peter Navarro, Council of Economic Advisers chairman Kevin Hassett and National Economic Council director Gary Cohn.

Cohn, according to two administration officials, wants to stay in the White House at least long enough to help shepherd the trade decisions to the finish line.

Trump's advisers are deeply divided on trade, with Cohn and others calling for a more moderate, targeted approach, and others, like Navarro, advocating for sweeping actions. In the past, the meetings have sometimes turned into shouting matches, but aides said they have been less tense over the past couple of months.

Trump spent much of the presidential campaign promising to take a tough stance on trade, but some of the president's hard-line allies have privately worried that he hasn't done enough, even though he pulled the U.S.

out of the Trans-Pacific Partnership and is renegotiating both the North American Free Trade Agreement and a free trade agreement with South Korea. The president's former chief strategist and now nemesis Steve Bannon and other China hawks have called on him to impose stiff tariffs on the Asian superpower.

After a year of bluster on trade, a series of deadlines will force Trump to decide just how aggressively he is willing to use U.S. trade remedy laws, given the likelihood of retaliation from China, the European Union and other trade partners.

The pending trade actions are controversial, with the potential to cause serious friction with U.S. trading partners and raise questions about Trump's commitment to the rules-based multilateral trading system. But the options are also legal under U.S. trade law, and the amount of any blowback will depend on how restrictive any measure imposed by Trump is and how many countries are hit.

The first major trade action of 2018 is expected very soon, according to aides. Trump faces statutory deadlines to act by late January and early February in two cases involving solar products and washing machines under Section 201 of the 1974 Trade Expansion Act. The solar decision isn't expected this week but could come the week after, aides said.

In the solar and washing machine cases, the U.S. International Trade Commission has already determined that increased imports are "a substantial cause of serious injury to the domestic industry." That gives Trump the legal basis to impose temporary import restrictions to help the affected companies recover.

All four ITC commissioners recommended four years of relief — which could include tariffs or import quotas — in the solar case brought by Suniva and SolarWorld, but they disagreed on how restrictive it should be.

The commissioners unanimously recommended three years of relief in the washing machine case brought by Whirlpool and later joined by General Electric. All four commissioners also recommended setting a 50 percent tariff on imports of more than 1.2 million units. Two commissioners proposed additional lower tariffs on imports within the 1.2-million-unit quota, while two others said they were not needed.

Trump does not have to follow those recommendations and could set tariffs or quotas wherever he wants, within legal limits. He also could decide to exclude some countries from whatever restrictions he imposes if he wants to specifically target China for punishment.

Trump is also facing upcoming decisions in two cases regarding whether current volumes of steel and aluminum imports harm national security by threatening the future of both domestic industries. Ross, the commerce secretary, must formally transmit his recommendations to Trump by Jan. 15 in the steel case and Jan. 22 in the aluminum case.

Once Trump receives the reports, he has 90 days to decide what, if any, action to take. If the Commerce Department finds a national security threat, Trump has a great deal of discretion over what kind of restrictions to impose.

He could slap a duty or quota restrictions on all steel and aluminum imports from all sources, or he could fashion a more tailored set of remedies to help domestic producers while minimizing the pain felt by other sectors of the economy and trading partners.

Broad restrictions would almost certainly be met with retaliation and potentially challenged at the World Trade Organization. It could also trigger copycat actions, with other countries closing their markets to American goods in the name of national security.

In a separate case, Trump has until August to make up his mind in an investigation examining Chinese policies regarding intellectual property, but he is expected to make a decision early this year.

Lighthizer, the U.S. trade representative, is widely expected to find that Chinese practices have forced American companies to turn over valuable technology and reduced the value of their intellectual property. However, there is some uncertainty about how soon he will propose specific actions against China.

The extent of any action taken by Trump could be determined by the amount of "damages" Lighthizer uncovers in his investigation. The higher the damages, the greater the amount of retaliation Trump could impose in terms of tariff hikes on Chinese goods or restricting Chinese companies from doing business in certain sectors of the U.S. economy.

Lighthizer has also not ruled out bringing action against China at the World Trade Organization if his investigation uncovers what the United States believes to be violations of WTO rules.

Rachael Bade contributed to this report.

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Back

Army Corps clears wetlands permit for Wisconsin plant touted by Trump Back

By Annie Snider | 01/05/2018 04:34 PM EDT

The Army Corps of Engineers removed a major regulatory hurdle for a new manufacturing plant hailed by President Donald Trump, declaring that a pond and roughly 26 acres of wetlands on the Wisconsin property just a handful of miles from Lake Michigan aren't subject to Clean Water Act jurisdiction.

Bringing the Foxconn Technology Group plant, which will make liquid-crystal display screens and related products, has been a top priority for Trump and Republican Gov. Scott Walker. During a July White House event with the company's chairman, Trump took credit for the company's planned investment, saying, "If I didn't get elected, he definitely would not be spending $10 billion." Also on hand at the event was House Speaker Paul Ryan, whose district the plant will be in, as well as Walker.

Walker and his administration heavily pursued Foxconn, and he convinced the state Legislature to pass a $3 billion incentive package in September that included exemptions from key state environmental laws. But the project still needed to navigate federal environmental permitting requirements.

Wetlands permitting stood to be one of the biggest hurdles for the project, as it is for many developments with a large footprint. Clean Water Act permits allowing streams and wetlands to be filled are often the most cumbersome and expensive aspects of the process — a factor that has fueled the long fight over the Obama administration's controversial Waters of the U.S. rule that sought to clarify which streams and wetlands get automatic protection under the law following two muddled Supreme Court opinions.

The property selected by Foxconn for the plant includes several water features that could have triggered permit requirements to shrink or move the project and fund mitigation efforts if the waters had been deemed to be subject to federal jurisdiction.

Consultants working for Foxconn formally applied to the Corps for jurisdictional determinations relating to one section of the property on Dec. 7, although the agency said the two parties had been in communication about the site for several months. The next day, Dec. 8, the Corps issued a final determination that the pond and 42 wetlands on that portion of the site were too isolated from larger downstream waters to merit federal protection.

A pair of determinations for another portion of the site containing a stream that flows year round that is subject to federal permitting requirements is still pending, according to Todd Vesperman, Southeast Section Chief in the St. Paul District's Regulatory Branch. He said the swath of the site with the stream would include water features subject to federal protection, while other wetlands there would be outside of federal reach.

Environmental groups have raised concerns about the Corps decision shielding Foxconn from federal permitting requirements. Tressie Kamp, an attorney with Midwest Environmental Advocates, said the group had not yet decided whether it would sue the Corps, but she argued that it was dangerous to rush into such a sweeping project with so little environmental review.

Steph Tai, a professor at the University of Wisconsin Law School who works with the green group, said he was skeptical about the determination that none of the wetlands were connected to downstream waters, although he didn't have direct knowledge of the site's hydrology. "As a general matter, it would seem like the presence of an actual jurisdictional water on the site, like a tributary, would increase the likelihood of hydrologically connected wetlands elsewhere on the site," he said by email.

Wisconsin once had 10 million acres of wetlands, but today has only half that number. It is one of the handful of states that has stronger state-level protections than those provided by federal law. Following a 2001 Supreme Court ruling that threw into question federal protections for ponds and wetlands that aren't obviously connected to larger downstream waters, Wisconsin put in place its own law protecting such resources at the state level.

But the state Legislature in September passed a special exemption from the state's wetland permitting program, as well as the requirement for an environmental impact statement, a move Walker's administration said would eliminate "duplicative processes." Cathy Stepp, Walker's then-secretary of the Department of Natural Resources, told the Natural Resources board that she wanted to "make sure the regulatory processes and bureaucracy are not in the way of job creation in Wisconsin," according to the Milwaukee Journal-Sentinel.

Stepp was named EPA Regional Administrator for the Great Lakes Region by Trump last month after serving a stint as deputy regional administrator of its Kansas City office.

EPA and Army Corps headquarters in Washington have weighed in on the jurisdictional determinations, as is standard when isolated wetlands are at issue, Vesperman said.

The Wisconsin state Legislature is now considering legislation to roll back its stricter protections over isolated wetlands, effectively making the exemption created for Foxconn permanent. Tracy Hames, executive director of the Wisconsin Wetlands Association, said that would remove protections for 1 million of the state's 5 million remaining wetlands.

"The Foxconn site, you could look at it and say it's just a small little property, it doesn't really matter," Hames said. "But what's left now is being removed without any regulatory oversight. And what that gets us is going the wrong way. We should be really working to get wetlands back on our landscape to help handle the [flood] water that we're having to deal with, not removing them."

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Back

GOP firm ends controversial media monitoring contract with EPA Back

By Emily Holden | 12/19/2017 02:32 PM EDT

The Republican media monitoring firm Definers Public Affairs canceled its $120,000 contract with the Environmental Protection Agency after a media backlash because of the company's links to GOP opposition research firm America Rising.

Earlier this year, America Rising filed several Freedom of Information Act requests for communications from EPA career staffers who had been critical of Administrator Scott Pruitt or President Donald Trump. That included email sent by John O'Grady, a top union official at the EPA, that "mentions or refers to President Trump."

News reports about the two efforts to monitor news coverage about the agency and dig up information about dissenting staffers stirred new accusations that Pruitt is fostering an atmosphere of paranoia and distrust at EPA.

Definers described the decision to end the contract as mutual, although EPA spokesman Jahan Wilcox would not say whether the agency or company initiated the cancellation.

Definers President Joe Pounder said in a written statement that previous administrations paid more for slower services, but "it's become clear this will become a distraction. As a result, Definers and the EPA have decided to forgo the contract." He added that the firm will not offer its services to any other federal agencies.

Mother Jones first reported on the contract, and The New York Times documented the ties between Definers and America Rising, which was also started by Pounder.

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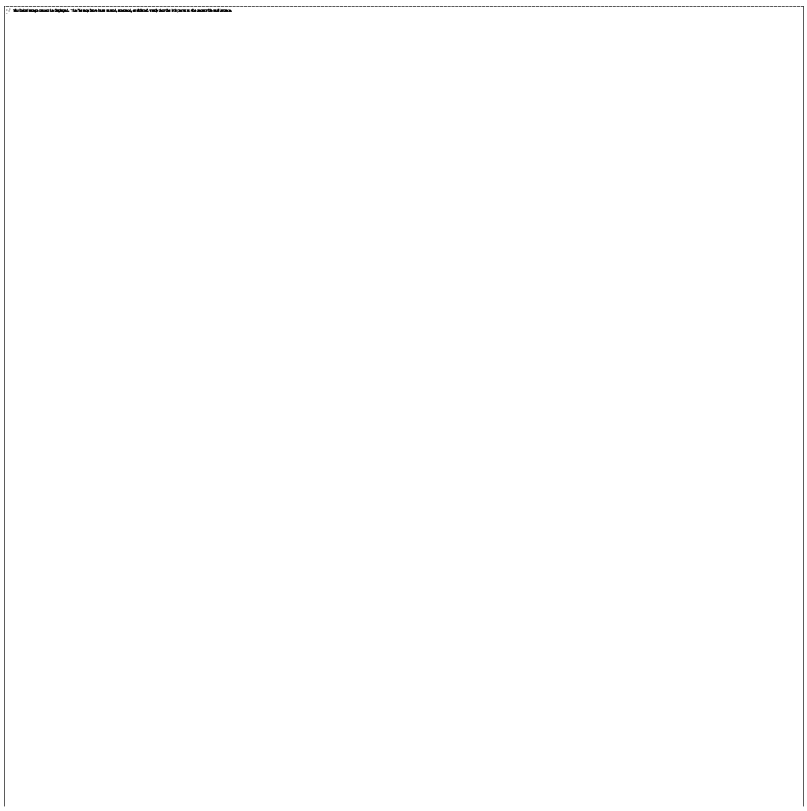


By Jacqueline Toth

Top Stories

- Worries about a resumption of U.S. sanctions on Iran pushed up the price of Brent crude oil to $75.89 a barrel, its highest level since November 2014. The surge in oil prices followed a warning from Iranian President Hassan Rouhani that it would be a "historic" mistake for the United States to withdraw from the 2015 nuclear deal with Iran. (Financial Times)

- ConocoPhillips Co. is trying to take the Caribbean facilities on Curacao, Bonaire and St. Eustatius owned by Venezuela's Petróleos de Venezuela, S.A. to enforce the $2 billion arbitration award it recently won in a lawsuit against PDVSA for the nationalization of oil projects more than 10 years ago in Venezuela, according to three sources. The facilities on the three islands are important to PDVSA's oil processing, storing and blending operations and accounted for around a quarter of Venezuela's oil exports in 2017. (Reuters)

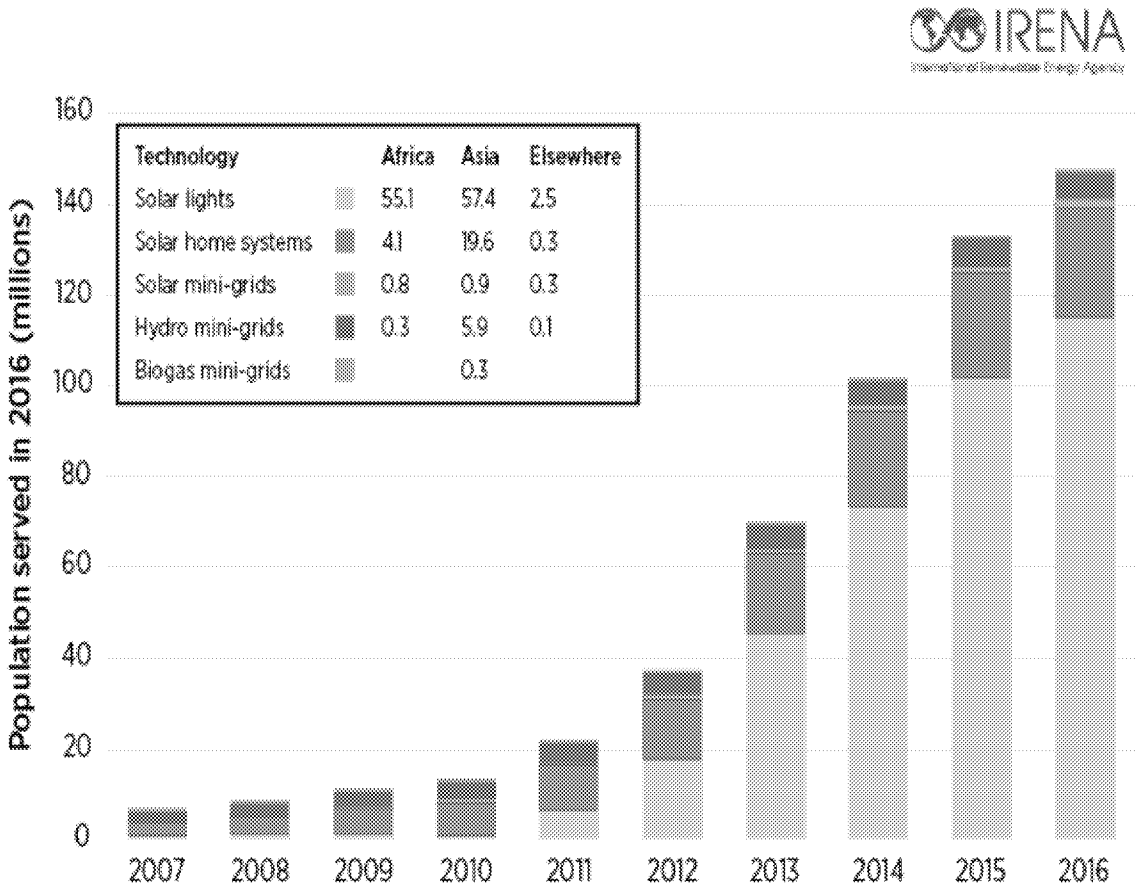
- ISO-New England, the grid operator for New England, asked the Federal Energy Regulatory Commission for permission to work toward a reliability must-run agreement to prevent the retirement of two units of an Exelon generating station in Middlesex, Mass., according to a filing. Exelon has said it intends to retire the two units once their capacity supply obligations expire May 31, 2022, but losing the two units, ISO-NE said, would result in violations of mandatory reliability standards. (Platts)

- New Volkswagen AG Chief Executive Herbert Diess has received a safe-passage assurance from the Justice Department that allows him to travel freely around the world without fear of being arrested in relation to VW's emissions cheating scandal, according to two sources. Diess, who was appointed as head of the automaker last month, also has a spoken assurance that he will be told in advance if prosecutors will charge him as part of their ongoing investigation into the scandal. (Bloomberg)

- According to newly released internal emails, political appointees of Environmental Protection Agency Administrator Scott Pruitt reviewed records collected in response to Freedom of Information Act requests for documents related to Pruitt's activities, which slowed the speed of information released under the act. The emails show that political staff also chastised career EPA staff for releasing files without first letting them screen the documents. (Politico)

Chart Review

New Estimates Show Rapid Growth in Off-Grid Renewables
International Renewable Energy Agency



Worldwide, the number of off-grid renewable energy users is growing.

Events Calendar (All Times Local)

MONDAY

American Wind Energy Association Windpower conference	8 a.m.
Energy and Water Development Appropriations Subcommittee markup of FY2019 spending bill	5:30 p.m.

TUESDAY

American Wind Energy Association Windpower conference	7 a.m.

Combined Heat and Power Association 2018 Policy Forum	8:30 a.m.
The Wall Street Journal's The Future of Everything Festival	8:30 a.m.
Atlantic Council event on the future of global energy	9 a.m.
U.S. Energy Association event on the economic benefits of U.S. LNG exports	10 a.m.
Wilson Center event on energy efficiency and carbon emissions in China and U.S. buildings	10 a.m.
International Energy Agency webinar on biofuels in the marine sector	10 a.m.
Senate Energy and Natural Resources hearing on Puerto Rico's electric grid	10 a.m.
American Wind Action 'True American Power' reception	5 p.m.

WEDNESDAY

American Wind Energy Association Windpower conference	7 a.m.
Oil Price Information Service event on West Coast fuel supply and transportation opportunities	8 a.m.
The Wall Street Journal's The Future of Everything Festival	8:30 a.m.
Combined Heat and Power Association 2018 Policy Forum	9 a.m.
Center for Climate and Energy Solutions conversation on U.S. nuclear power plants	9:30 a.m.
Senate Public Lands, Forests and Mining Subcommittee hearing on Bureau of Land Management and U.S. Forest Service law enforcement	10 a.m.
Senate Environment and Public Works hearing on water infrastructure legislation	10 a.m.

House Foreign Affairs markup of energy legislation	10 a.m.
Senate Indian Affairs hearing on Tara Sweeney's nomination to be an assistant secretary at the Interior Department	2:30 p.m.

THURSDAY

Oil Price Information Service event on West Coast fuel supply and transportation opportunities	6 a.m.
American Wind Energy Association Windpower conference	7 a.m.
The Wall Street Journal's The Future of Everything Festival	8:30 a.m.
Federal Renewable Energy and Energy Efficiency Advisory Committee meeting on U.S. renewable energy products and services	8:30 a.m.
Environmental Law Institute event on change in infrastructure reviews and permitting	9 a.m.
The Washington Post Energy 202 Live event	9 a.m.
Energy Subcommittee hearing on electric transmission infrastructure	10 a.m.
U.S. Energy Association event on coal utilization	1 p.m.
Center for Climate and Energy Solutions and U.S. Conference of Mayors webinar on city-utility partnerships in clean energy	2 p.m.
New York City Bar Association panel discussion on the role of natural gas in a low-carbon economy	6 p.m.

FRIDAY

No events scheduled

These are the Most Loved Brands in America

The brands that define American culture and commerce, ranked using over 250,000 survey interviews with U.S. adults.

General

EPA clamps down on document requests linked to Pruitt
Alex Guillén, Politico

Top aides to Scott Pruitt at the Environmental Protection Agency are screening public records requests related to the embattled administrator, slowing the flow of information released under the Freedom of Information Act - at times beyond what the law allows.

Pruitt's problematic security had a playbook
Sara Ganim et al., CNN

Make protection feel like a perk. Cultivate a healthy paranoia. Eliminate the usual annoyances of travel.

Senate Banking Chair Mike Crapo Set Up Campaign Shop in Scott Pruitt's Lobbyist Pad
Lachlan Markay et al., The Daily Beast

The townhouse that served as a cut-rate rental pad for EPA administrator Scott Pruitt doubled as a veritable campaign headquarters for one of the most powerful chairman in the U.S. Senate.

Couple who rented condo to Pruitt pays fine to D.C.
Anthony Adragna, Politico

The lobbyist couple whose condo EPA Administrator Scott Pruitt leased for $50 a night paid a $2,034 fine Friday for wrongly renting out the property, a spokesman for the D.C. Department of Consumer and Regulatory Affairs said.

New Interior guidance prohibits telling developers Endangered Species Act permits are mandatory
Miranda Green, The Hill

Fish and Wildlife Service (FWS) staff can no longer advise builders they need to obtain a permit mandated by law to maintain endangered species habitat, according to new Interior Department guidance.

The man who could replace Scott Pruitt
Eric Wolff, Politico

The man poised to take the reins at the Environmental Protection Agency if Scott Pruitt falls to scandal is a longtime Washington insider and coal lobbyist who would pursue the same anti-regulation agenda - only without all of Pruitt's baggage.

Iran nuclear worries pushes crude oil to 4-year high
Stephen Smith, Financial Times

Brent crude on Monday touched its highest level since 2014 as oil prices increased on rising tension between the US and Iran.

Oil and Natural Gas

Conoco moves to take over Venezuelan PDVSA's Caribbean assets - sources
Marianna Parraga et al., Reuters

U.S. oil firm ConocoPhillips has moved to take Caribbean assets of Venezuela's state-run PDVSA to enforce a $2 billion arbitration award over a decade-oil nationalization of its projects in the South American country, according to three sources familiar with its actions.

Oil MLPs Are Beckoning Again, but Know the Risks
Jeff Brown, The Wall Street Journal

Oil producers are pumping fiercely, and crude prices are up since last summer but still below previous peaks. Car buyers are grabbing gas-guzzling pickups and SUVs. World demand for oil is growing.

Utilities and Infrastructure

ISO-NE seeks US FERC permission to keep Exelon units online for fuel security
Marcy Crane, Platts

In an apparent first, the New England grid operator has asked federal regulators for permission to pursue a reliability must-run agreement to keep two retiring units of Exelon's Mystic Generating Station in Middlesex, Massachusetts, online to address reliability risks related to "fuel security."

How Storms, Missteps and an Ailing Grid Left Puerto Rico in the Dark
James Glanz et al., The New York Times

It took months to restore electricity in Puerto Rico after hurricanes dealt a one-two punch. Many homes are still without power, and the system's future is far from certain.

Illinois to sue EPA for exempting Foxconn plant from pollution controls
Valerie Volcovici, Reuters

Illinois' Attorney General said on Friday she plans to sue the U.S. Environmental Protection Agency for allowing a proposed Foxconn

Technology Co Ltd plant in neighboring Wisconsin to operate without stringent pollution controls.

Renewables

Western coal-burning giant embraces wind
Benjamin Storrow, E&E News

A Western utility giant has so much wind that it has begun to turn its back on fossil fuels.

Coal

Trump admin cites Paris targets to expand Mont. coal mine
Dylan Brown, E&E News

Even while President Trump is pulling the United States out of the Paris Agreement, his administration is citing other nations' climate goals to justify expanding a Montana coal mine.

Nuclear

Top-level turmoil at EPA raises local concern about West Lake Landfill progress
Bryce Gray, St. Louis Post-Dispatch

As Environmental Protection Agency Administrator Scott Pruitt faces a mounting list of ethics and spending complaints, many locally wonder how the controversy will affect the West Lake Landfill Superfund site.

Climate

VW CEO Given Rare U.S. Safe-Passage Deal
Tom Schoenberg et al., The Wall Street Journal

Not long after U.S. authorities filed sealed charges against Volkswagen AG's old chief executive officer, they granted the new CEO a rare safe-passage deal.

EPA's climate change website went down a year ago for 'updating.' It's still not back.
Chris Mooney, The Washington Post

The news came on a Friday evening in late April last year: The U.S. Environmental Protection Agency had removed an informational website about climate change, taking down a page that had been up, in some form, for nearly two decades and under three presidents.

IG will probe alleged censoring of draft NPS climate study
Michael Doyle et al., E&E News

The Interior Department's Office of Inspector General will scrutinize alleged alterations to a pending National Park Service report related to climate change and rising sea levels.

Opinions, Editorials and Perspectives

The future is in supercomputers
Energy Secretary Rick Perry, CNN
Technology is easy to take for granted, but it has an incredible impact. Computers, for instance, are commonplace, but they give us extraordinary capabilities. And we may only be seeing the beginnings of their potential.

The EPA's new 'secret science' rule makes sense from a risk-assessment perspective
Michael Dourson, Washington Examiner

Environmental Protection Agency Administrator Scott Pruitt's recent announcement that EPA will not use "secret science" - that is science for which the underlying data is not available - is challenging. Whereas EPA is routinely in receipt of unpublished toxicity studies for chemicals designed for commerce, not all important scientific findings are publishable.

Clean water is essential to health care around the globe
William Reilly, The Hill

When four British hospitals shut down for all but emergency care due to a major waterline burst, bedpans, bottled water and hand gel were handed out and patients were asked to not flush toilets.

Scott Pruitt's breathtaking corruption is part of Paul Ryan's legacy
Jennifer Rubin, The Washington Post

Using your government job to check off travel destinations on your bucket list is just about the swampiest gambit in a long list of Pruitt's abuses.

Don't prop up coal if the economy can't
The Editorial Board, Washington Examiner

Don't prop up coal if the economy can't. One of the reasons President Trump was elected is that President Barack Obama's launched a mean-spirited and heavy-handed campaign to kill coal as a source of electricity.

A power primer for the Trump era
Amy Harder, Axios

Electricity, the thing we all use but don't really notice, has unexpectedly become a hot topic under President Trump.

Research Reports

Climate-driven shifts in sediment chemistry enhance methane production in northern lakes
E. J. S. Emilson, Nature Communications

Freshwater ecosystems are a major source of methane (CH_4), contributing 0.65???Pg (in CO_2 equivalents) yr???1 towards global carbon emissions and offsetting ~25% of the terrestrial carbon sink. Most freshwater CH_4 emissions come from littoral sediments, where large quantities of plant material are decomposed.

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1. INTERIOR:

Relentless media 'storm' batters Zinke's tiny hometown

WHITEFISH, Mont. — Since the beginning of the Trump administration, this tourism-dependent town of 7,600 hasn't strayed far from the headlines, helping to create widespread political tension and animosity toward Interior Secretary Ryan Zinke and others. That could soon change.

TOP STORIES

2. CLEAN WATER ACT:

How does Trump compare to Obama on WOTUS?

3. CLIMATE:

Murkowski to scientists: 'You've got an advocate in me'

4. FEDERAL WORKFORCE:

As EPA morale plunges, survey points at senior leadership

POLITICS

5. PUBLIC LANDS:

Bundy: 'It is due time' for new management proposal

NATURAL RESOURCES

6. WIND ENERGY:

Turbines vs. eagles debate continues amid new science

7. CHESAPEAKE BAY:

EPA picks Pa. regulator to oversee restoration program

8. FISHERIES:

Catch limits increase for key West Coast groundfish species

9. GREAT LAKES:
Mich. governor wants Ill. to help with Asian carp plan

10. HURRICANE MICHAEL:
Fla. officials accused of misusing public resources resign

11. ENDANGERED SPECIES:
Cold-stunned turtles flown to Fla. Keys to warm up

LAW

12. NUCLEAR WASTE:
Wash. will fight feds over Hanford worker compensation

13. MONTANA:
High court overrules AG on conservation easements

14. ELECTRIC VEHICLES:
Court: Tesla illegally sold cars at Conn. gallery

15. WILDLIFE:
Alaskan gets $100K fine, jail time for poaching 3 moose

ENERGY

16. EARTHQUAKES:
Nuclear plant appears unaffected by Tenn. temblor

AIR AND WATER

17. LAKE MICHIGAN:
Wis. agency sued over water records for Foxconn diversion

18. HAZARDOUS WASTE:
Scuba gear company fined $197K over dumped lead, arsenic

STATES

19. MICHIGAN:
Legislature OKs bill to limit tougher regulations

20. HAWAII:
Ige backs $35M biocontrol facility to fight invasive species

21. WASHINGTON:
State combats collisions with new wildlife bridge

INTERNATIONAL

22. TANZANIA:
Nation greenlights $3B hydro dam in wildlife park

23. BOLIVIA:
Farmers use water from sewage rivers to grow vegetables

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Daily update - March 13, 2018

NEWS

Court: Trump's **EPA** Broke Law, Failed to Curb Widespread **Ozone** Pollution

Center for Biological Diversity (press release)

WASHINGTON— A federal judge today ruled that the Environmental Protection Agency broke the law when it failed to enact nationwide standards to curb deadly **ozone** pollution. The decision affects cities and rural areas across the country where **ozone** pollution levels are too high, including New York, ...

Judge faults **EPA** for delaying **ozone** designations - E&E News

Court: **EPA** broke law with smog rule delay - The Hill

Oakland judge orders **EPA** to release **ozone** data - SFBay

Full Coverage

Flag as irrelevant

Wisconsin wants break from Trump administration on **ozone** rules in advance of Foxconn ...

Milwaukee Journal Sentinel

If the **EPA** declares all or parts of nine Wisconsin counties as violating the stricter **ozone** standard, factories could face higher costs, especially new or expanding plants that would be required to purchase top-of-the-line pollution controls regardless of cost and make other changes to their operations.

Flag as irrelevant

Federal court orders **EPA** to implement smog rules

Reuters

EPA spokeswoman Liz Bowman said in an email:"We look forward to working with co-regulators to continue the designations process for the 2015 standards for ground-level **ozone**; we are evaluating the information provided by governors in February 2018 as part of that process." Pruitt last June initially ...

Flag as irrelevant

Court Orders **EPA** to Move Forward with Implementation of Life-Saving Protections to Reduce Smog

Environmental Defense Fund

Today's order ensures that **EPA** will implement the health-based 2015 **Ozone** Standards. Ground-level **ozone** is a key component in smog. It is a dangerous air pollutant that irritates the lungs, exacerbates lung conditions like asthma, and is linked to a wide-array of serious heart and lung diseases.

Flag as irrelevant

EPA Must List Areas Not Meeting Smog Standards By April

Law360

EPA Must List Areas Not Meeting Smog Standards By April ... A California federal judge on Monday told the U.S. Environmental Protection Agency it has until the end of April to publish a complete list of areas in the country that either do or don't meet national ambient air quality standards for **ozone**.

Flag as irrelevant

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Message

From: E&E News [ealerts@eenews.net]
Sent: 6/20/2018 5:46:19 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: June 20 -- Greenwire is ready

Greenwire -- The Leader in Energy and Environment News

Read today's Greenwire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Wed., June 20, 2018

READ FULL EDITION

1. EPA:

Inhofe defends Pruitt, despite 'questionable judgment'

Following a lengthy meeting with EPA Administrator Scott Pruitt yesterday evening, Sen. Jim Inhofe (R-Okla.) is dismissing the host of ethics questions surrounding his onetime political protégé as "misrepresentations."

TOP STORIES

2. EPA:

Sean Hannity declined jet ride with Pruitt

3. CHEMICALS:

Federal study sounds alarm on non-stick materials

4. WIND:

Die like an eagle? New data suggest more to the story

CONGRESS

5. EPA:

Carper, Inhofe spar over Pruitt at confirmation hearing

6. NATURAL RESOURCES:

Panel approves bill to streamline oil and gas NEPA reviews

POLITICS

7. AUTOS:

Defying Trump, 9 states roll out plan to boost EVs

8. EPA:

Career staff warned cuts would cripple research office

9. EPA:
Union chief heads for the exit

10. LAW:
DOJ jabs at firm over Clean Water Act lawsuits

11. PEOPLE:
Longtime climate advocate takes lead role at WRI

NATURAL RESOURCES

12. PUBLIC LANDS:
Copper mine to start soon on former monument site

13. PUBLIC LANDS:
Maps show BLM leasing parcels in sage grouse habitat

14. GRAND CANYON:
Zinke has 'no intention' of lifting uranium ban

15. WILDLIFE:
Operation Thunderstorm nets 1,400 suspects worldwide

16. BLM:
Agency asks for help finding stolen 100-pound mammoth tusk

17. ENDANGERED SPECIES:
Parasite found in cats killed 3 monk seals

18. OLYMPIC NATIONAL PARK:
Park Service to remove nearly 700 mountain goats

LAW

19. COAL:
Appeals court reverses order on W.Va. cleanup plans

20. AIR POLLUTION:
Lawsuit challenges permit guidance

21. AIR POLLUTION:
Court schedules oral arguments on SO2 suits

22. METHANE:
Green groups threaten suit over landfill rule delay

23. WILDLIFE:
Family sues USDA over cyanide trap that sprayed son

24. OIL AND GAS:
SEC suit claims Dallas firm defrauded 80 investors

AIR AND WATER

25. AIR POLLUTION:
EPA stalls on plan to leave SO2 standard unchanged

26. WISCONSIN:

Foxconn plans $30M system to slash plant's water use

27. WATER POLLUTION:

Cocaine in rivers could harm endangered eels — study

TRANSPORTATION

28. POLITICS:

Koch-funded activists kill public transit projects

STATES

29. ALABAMA:

Environment agency rescinds civil rights complaint policy

30. COLORADO:

Hailstorm kills hundreds of fish

31. HAWAII:

Police crack down on selfies near Kilauea lava

32. FLORIDA:

Thick seaweed piles up on coasts

INTERNATIONAL

33. ISRAEL:

Burning kites sent from Gaza hurt nature reserves, farms

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Message

From: E&E News [ealerts@eenews.net]
Sent: 8/3/2018 12:00:06 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: August 3 -- Energywire is ready

Energywire -- The Transformation of the Energy Sector

Read today's Energywire on the web

ENERGYWIRE

AN E&E NEWS PUBLICATION

ENERGYWIRE — Fri., August 3, 2018

READ FULL EDITION

1. ELECTRIC VEHICLES:
How weakened fuel rules could lead to EV haves, have-nots

The weakened fuel-efficiency standards that the Trump administration unveiled yesterday arrive at a pivotal time for electric cars and the infrastructure to charge them. Is momentum strong enough to keep them growing as Washington applies the brakes?

TOP STORIES

2. SECURITY:
DOE to vet grid's ability to reboot after a cyberattack

3. NEVADA:
An electric utility model heads to the ballot

OIL AND GAS

4. PEOPLE:
IPAA spokesman heads to hometown-based utility

ELECTRICITY

5. UTILITIES:
Judge won't dismiss lawsuit over S.C. rate cut

6. CLIMATE:
Vt. must look beyond power sector to cut carbon, panel says

7. UTILITIES:
Duke's grid modernization plan hits a snag

8. PUERTO RICO:
New estimate puts Maria's death toll at 1,139 — not 64

9. OFFSHORE WIND:

Mass. project would save consumers $1.4B — developers

10. SOLAR:

Foxconn plans Wis.'s biggest rooftop array for new factory

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Energywire is written and produced by the staff of E&E News. Energywire is designed to bring readers deep, broad and insightful coverage of the transformation of the energy sector. Energywire focuses on the business, environmental and political issues surrounding the rapidly expanding unconventional energy industry and the numerous factors -- from expanding natural gas use to renewables and more -- that are altering the traditional electric utility industry. Energywire publishes daily at 9:00 a.m.

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Message

From: Bloomberg Environment Environment & Energy Report [bloomberg@bna.com]
Sent: 5/30/2018 8:11:07 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Environment & Energy Report Highlights

Bloomberg Environment

Environment & Energy Report

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Highlights

LEADING THE NEWS

McDonald's, Starbucks Among Those Readying for EU Plastics Ban

By Stephen Gardner (Bloomberg Environment)

Single-use plastic products that commonly litter European Union beaches must be consigned to the dustbin of history, but many companies say they have their brooms ready.

Philadelphia Air Quality Soon Back On Track, City Says

By Leslie A. Pappas

Hundreds of old oil-heated row homes, ships in need of fresh paint, diesel-fueled cargo handlers, and a whole mess of cars, trucks, and buses barreling down Interstate 95 are among the many air pollution reduction targets in the City of Brotherly Love.

Transportation Officials Put the Brakes on Obama Climate Rule

By Abby Smith

State transportation planners don't have to account for greenhouse gas emissions after the Trump administration's Transportation Department killed an Obama-era provision requiring emissions targets for national highways.

Bayer Gets Canadian Antitrust Approval for Monsanto Purchase

By Joshua Fineman and Aoyon Ashraf

Bayer's bid to purchase Monsanto has won antitrust approval from Canada's Competition Bureau, according to a consent agreement.

TODAY'S NEWS

Solar Installers Say Connecticut Energy Law Will Cloud Demand

By Adrianne Appel

Connecticut will boost renewables in the state but the solar industry fears that changes to the state's rooftop solar program could take a bite out of their business.

Fracking Services Firm's Alleged Emissions Cheating Spurs Charges

By David Schultz

Federal prosecutors filed charges in an alleged emissions cheating scheme involving employees of a Pennsylvania fracking services company whom prosecutors say installed illegal devices on their trucks.

Conservation Groups Aim to Squish Dow, FMC Insecticide in Lawsuit

By Ayanna Alexander

Three California-based conservation advocates sued the EPA for endangering wildlife and public health as a result of exposure to a carcinogenic insecticide.

Attorneys General Sue Over Delay of Farm Worker Pesticide Rule

By Gerald B. Silverman

The attorneys general of California, Maryland, and New York are suing the Environmental Protection Agency for suspending Obama-era requirements for greater training of farm workers who handle pesticides.

Exxon Hopes for New York Top Cop With Different View on Climate

By Kevin Crowley

Exxon Mobil Corp. is hoping the downfall of Eric Schneiderman will be an opportunity for the next New York attorney general to come to a "different conclusion" on the oil giant's role in climate change.

U.S. Solar Manufacturing Poised to Boom in Wake of Trump Tariffs

By Brian Eckhouse and Christopher Martin

President Donald Trump wanted more U.S. solar manufacturing—and now he's getting it.

Sabine Oil's Rejection of Midstream Contract Affirmed

By Daniel Gill

Bankrupt Sabine Oil & Gas Corp. could reject a contract with a "midstream service provider" because the agreement didn't create a property right, the U.S. Court of Appeals for the Second Circuit affirmed.

Coal Ash Toxics in Illinois River Land Dynegy in Hot Water

By Amena H. Saiyid

Toxic pollutants from a retired Dynegy Inc. coal-fired power plant near Oakwood, Ill., are leaking from coal ash ponds, discoloring and contaminating a nearby scenic river, environmentalists alleged in a lawsuit filed May 30.

Musk Says Challenging India Regulations Preventing Tesla's Entry

By Debjit Chakraborty

India has been wooing Tesla Inc. to set up a factory on its soil, but billionaire Elon Musk isn't falling for it. At least not yet.

Electric Vehicles on the Road Set to Triple in Two Years: IEA

By Anna Hirtenstein

Teslas and Nissan Leafs are likely to become a much more common sight on the world's roads in the next two years, the International Energy Agency says.

Canada's Pipeline Takeover is Bittersweet Win for Oil Sands

By Robert Tuttle and Kevin Orland

Canada's purchase of Kinder Morgan Inc.'s embattled pipeline is good news for the oil patch, so long as it doesn't become the norm.

Latin American Land Owners Are Fighting to Keep Power Lines Out

By Vanessa Dezem

Gilson Denardin always hated the towering transmission lines crisscrossing his farm in northeastern Brazil. So when he caught wind of plans to put up two more sets of wires, he decided to put up a fight. More and more, land owners from the countryside of Brazil to resort towns in Mexico are protesting further development of energy infrastructure.

Vattenfall Expands in U.K. with Universal Electric Car Charging

By Rachel Morison

Vattenfall AB will install "any driver can use" charging points in Britain as part of its plan to operate one of northern Europe's largest networks allowing electric vehicles to charge their batteries.

Orix Ready to Spend Almost $1 Billion on European Clean Energy

By Chisaki Watanabe and Takako Taniguchi

Japan's Orix Corp. is ready to splash out 100 billion yen ($920 million) on at least one European renewable generation deal as it looks overseas to accelerate a push into clean energy while domestic growth stalls.

Norway Wealth Fund Could Face Tighter Coal Ban Amid Review (1)

By Mikael Holter and Sveinung Sleire

Norway's $1 trillion wealth fund could face stricter limits on investing in companies involved with coal.

Industry Shakers: Dentons Attorney Talks Pruitt; Noble Energy Hires

By Fatima Hussein

Global law firm Dentons has named Michael E. Sandgren a partner in its litigation and dispute resolution practice in Oakland, Calif.

Stanley Black & Decker Quells Prenatal Claim as Untimely

By Peter Hayes

Stanley Black & Decker quashed decades–old allegations that a woman's prenatal exposure to toxic substances caused her birth defects.

TUESDAY NIGHT WRAPUP

National Grid to Pay $100 Million for Gowanus Canal Cleanup

By Gerald B. Silverman

National Grid will pay $100 million to clean up the Gowanus Canal Superfund site in Brooklyn as part of an agreement with the EPA.

Lowe's Is First Retailer to Pull Methylene Chloride Paint Stripper

By Adam Allington

Lowe's will stop selling methylene chloride, and N-methylpyrrolidone (NMP)-based paint strippers by the end of 2018, the company announced May 29.

Foxconn's Bid to Draw Lake Michigan Water Faces Shutoff Challenge

By Stephen Joyce

Environmental groups are seeking to halt permission for pulling Lake Michigan water toward Foxconn Technology Group's envisioned $10 billion flat-screen manufacturing facility in southern Wisconsin.

Shale's Surge Crashes into Bottlenecks from Pipelines to Ports

By Alex Nussbaum

The U.S. shale surge is crashing headlong into a barrage of bottlenecks.

Canada's Bailout of Kinder Pipe Creates 'Blueprint' for Future

By Ryan Collins

Canada's decision to purchase Kinder Morgan Canada Ltd.'s controversial Trans Mountain pipeline system could be a blueprint for other federal governments that want to finish off needed energy projects.

FirstEnergy's Secret Weapon in U.S. Bailout Is Ex-Perry Adviser

By Ari Natter

Before FirstEnergy Corp. sought a federal bailout for its money-losing power plants earlier this year, the company hired a powerful ally: a lobbyist who is a former aide to Energy Secretary Rick Perry.

Petrobras CEO Bashed in Brazil for Leading Free Market Shift

By Sabrina Valle

Petrobras' chief executive officer has become Brazil's newest political whipping boy.

Trade Could Drive Environmental Commitments, New Zealand Says

By Murray Griffin

New Zealand wants its upcoming trade negotiations with the European Union to set a new global benchmark for using such deals to lock in environmental commitments.

Bloomberg Environment

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Message

From: Atkinson, Emily [Atkinson.Emily@epa.gov]
Sent: 4/16/2018 2:18:42 PM
To: Woods, Clint [woods.clint@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
Subject: FW: Confirmed 4/16 at 4:30pm Meeting Request: Kohler Company

FYI for today's 4:30pm

From: Swanson, Kevin O (59578) [mailto:koswanson@michaelbeststrategies.com]
Sent: Monday, April 16, 2018 9:59 AM
To: Atkinson, Emily <Atkinson.Emily@epa.gov>
Cc: Schreibel, Thomas B (57936) <tbschreibel@michaelbeststrategies.com>
Subject: RE: Confirmed 4/16 at 4:30pm Meeting Request: Kohler Company

Thanks, Emily. Tom Schreibel from our office will still be attending in person. Buddy Robinson Sr. Vice President, General Counsel, Corporate Secretary & Business Development, and Natalie Maciolek Lead Attorney will be joining from Kohler on the phone.

Kevin O. Swanson
Senior Associate
T 202.747.9578 | michaelbeststrategies.com
Michael Best Strategies

From: Atkinson, Emily [mailto:Atkinson.Emily@epa.gov]
Sent: Monday, April 16, 2018 9:58 AM
To: Swanson, Kevin O (59578)
Cc: Schreibel, Thomas B (57936)
Subject: RE: Confirmed 4/16 at 4:30pm Meeting Request: Kohler Company

Hi Kevin,

Yes, we are happy to turn this into a conference call - see below for dial in information.

Ex. 6 Personal Privacy (PP)

Participant Code: Ex. 6 Personal Privacy (PP)

Let me know if you need anything else.

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Swanson, Kevin O (59578) [mailto:koswanson@michaelbeststrategies.com]
Sent: Monday, April 16, 2018 9:37 AM
To: Atkinson, Emily <Atkinson.Emily@epa.gov>

Cc: Schreibel, Thomas B (57936) <tbschreibel@michaelbeststrategies.com>
Subject: RE: Confirmed 4/16 at 4:30pm Meeting Request: Kohler Company

Hello Emily,

We apologize for the late notice. The storms in the Midwest prevented Kohler's representatives from making it to Washington, D.C. this morning. Would it be possible to convert the meeting today at 4:30pm EST into a conference call?

We would be happy to supply a conference line.

Thank you,

Kevin O. Swanson
Senior Associate
T 202.747.9578 | michaelbeststrategies.com
Michael Best Strategies

From: Swanson, Kevin O (59578)
Sent: Monday, April 09, 2018 6:21 PM
To: 'Atkinson, Emily'
Cc: Schreibel, Thomas B (57936)
Subject: RE: Confirmed 4/16 at 4:30pm Meeting Request: Kohler Company

Emily,

Great, thanks so much. We'll back to you with a final list of attendees asap.

Best,

Kevin O. Swanson
Senior Associate
T 202.747.9578 | michaelbeststrategies.com
Michael Best Strategies

From: Atkinson, Emily [mailto:Atkinson.Emily@epa.gov]
Sent: Monday, April 09, 2018 10:52 AM
To: Swanson, Kevin O (59578)
Cc: Schreibel, Thomas B (57936)
Subject: Confirmed 4/16 at 4:30pm Meeting Request: Kohler Company

Hi Kevin,
You are confirmed for a 45 minute meeting on Monday, April 16 at 4:30pm with Clint Woods and Justin Schwab.
Directions and procedures to 1200 Pennsylvania Avenue NW:

> Metro: If you come by Metro get off at the Federal Triangle metro stop. Exit the metro station and go up two sets of escalators to the surface level and turn right. You will see a short staircase and wheelchair ramp leading to a set of glass doors with the EPA logo - that is the William Jefferson Clinton Federal Building, North Entrance.
>
> Taxi: Direct the taxi to drop you off on 12th Street NW, between Constitution and Pennsylvania Avenues, at the elevator for the Federal Triangle metro stop - this is almost exactly half way between the two avenues on 12th Street NW. Facing the building with the EPA logo and American flags, walk

toward the building and take the glass door on your right hand side with the escalators going down to the metro on your left – that is the North Lobby of the William Jefferson Clinton building.

Security Procedures: A government issued photo id is required to enter the building and it is suggested you arrive 15 minutes early in order to be cleared and arrive at the meeting room on time. Upon entering the lobby, the meeting attendees will be asked to pass through security and provide a photo ID for entrance. If you are a foreign national entering on a non-US passport, please let us know in advance, as there is a separate clearance process.

Upon arrival, let the guards know that you were instructed to call 202-564-7404 for a security escort. Please send me a list of participants in advance of the meeting and feel free to contact me should you need any additional information.

Emily

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Swanson, Kevin O (59578) [mailto:koswanson@michaelbeststrategies.com]
Sent: Monday, April 09, 2018 10:50 AM
To: Atkinson, Emily <Atkinson.Emily@epa.gov>
Cc: Schreibel, Thomas B (57936) <tbschreibel@michaelbeststrategies.com>
Subject: RE: Meeting Request: Kohler Company

Emily,

That would work well for us. We'll go ahead and confirm that date and time.

Thank you for your help. Please let us know any logistical info we may need to attend the meeting.

Best,

Kevin O. Swanson
Senior Associate
T 202.747.9578 | michaelbeststrategies.com
Michael Best Strategies

From: Atkinson, Emily [mailto:Atkinson.Emily@epa.gov]
Sent: Monday, April 09, 2018 10:44 AM
To: Swanson, Kevin O (59578)
Subject: RE: Meeting Request: Kohler Company

Hi Kevin,

It looks like Clint Woods and Justin Schwab could be available for 45 minutes on Monday, April 16 at 4:30pm.

Let me know if this could work on your end.

Emily

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Swanson, Kevin O (59578) [mailto:koswanson@michaelbeststrategies.com]
Sent: Monday, April 09, 2018 10:39 AM
To: Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: Meeting Request: Kohler Company

Hi Emily,

Unfortunately, tomorrow will not work. I was hoping to see if next Monday the 16th would be feasible to convene a meeting with Clint and Justin?

If that doesn't work, I will get some more dates.

Thanks,

Kevin O. Swanson
Senior Associate
T 202.747.9578 | michaelbeststrategies.com
Michael Best Strategies

From: Swanson, Kevin O (59578)
Sent: Thursday, April 05, 2018 11:28 AM
To: 'Atkinson, Emily'
Cc: Schreibel, Thomas B (57936)
Subject: RE: Meeting Request: Kohler Company

Hi Emily,

Thanks so much for the prompt response. We are confirming with Kohler's representatives and will get back to you ASAP. We originally submitted these dates on 3/15 so if they are unable to make it next week, we will send you a few more dates in April.

We greatly appreciate your assistance.

Best,

Kevin O. Swanson
Senior Associate

T 202.747.9578 | michaelbeststrategies.com
Michael Best Strategies

From: Atkinson, Emily [mailto:Atkinson.Emily@epa.gov]
Sent: Thursday, April 05, 2018 9:48 AM
To: Swanson, Kevin O (59578)
Cc: Schreibel, Thomas B (57936)
Subject: RE: Meeting Request: Kohler Company

Hi Kevin,

It looks like Clint Woods and Justin Schwab could be available for a 45 minute meeting on Tuesday, April 10 at 3:45pm.

Please advise if this could work on your end.

Emily

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Atkinson, Emily
Sent: Wednesday, April 04, 2018 4:20 PM
To: Swanson, Kevin O (59578) <koswanson@michaelbeststrategies.com>
Cc: Schreibel, Thomas B (57936) <tbschreibel@michaelbeststrategies.com>
Subject: RE: Meeting Request: Kohler Company

Thanks for sending this over Kevin. I will take a look at schedules and get back to you shortly.

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Swanson, Kevin O (59578) [mailto:koswanson@michaelbeststrategies.com]
Sent: Wednesday, April 04, 2018 4:18 PM
To: Atkinson, Emily <Atkinson.Emily@epa.gov>
Cc: Schreibel, Thomas B (57936) <tbschreibel@michaelbeststrategies.com>
Subject: Meeting Request: Kohler Company

Hi Emily,

Thank you for your help on the phone just now.

We are reaching out to you on behalf of the Kohler Company with a request to meet with Assistant Administrator Wehrum regarding EPA's upcoming ozone attainment designation for Wisconsin. The essential details of the issue are below and we thank you for any advice or insight you could provide on the best way to convene a conversation. The best dates of availability for Kohler are April 10th, 16th and 19th.

Topic: Equitable and Accurate Ozone Attainment Designation

Background:
The EPA is due to issue its final ozone attainment designations by April 30, which could impact Kohler Company, located in Sheboygan County Wisconsin. The EPA issued a draft on December 20, 2017 that outlined the proposed lines for Sheboygan County.

The area extends approximately 3 to 5 miles inland from the lakeshore. Specifically, the portion of Sheboygan County inclusive and east of the following roadways with the boundary starting from north to south: Union Road which turns into County Road Y which turns into Highland Drive, to Lower Road which turns into Monroe Street, to Broadway/Main Street to Highway 32 which turns into Giddings Avenue to County Road W to County Road KW.

Governor Scott Walker and the Wisconsin Department of Natural Resources submitted their plan to the EPA on February 28, 2018 where Governor Walker calls for the entire state of Wisconsin to be placed in attainment. However the Governor and WDNR also recognize that if this cannot be done, the best solution based on sound science is to create a line 2.3 miles in from the shores of Lake Michigan in Sheboygan County.

Kohler supports the WDNR's position of drawing a 2.3 miles line.

Attendees:
Buddy Robinson Sr. Vice President, General Counsel, Corporate Secretary & Business Development, Kohler
Natalie Maciolek Lead Attorney - Kohler
Mike Cassidy - Manager- EHS Technical Resources - Kohler
Tom Schreibel Michael Best Strategies

About Kohler:
Kohler Company is one of the largest privately operated firms in the United States. Kohler has always been owned and run by a circle of family members who descended from the founder. One of Wisconsin's largest employers, Kohler is best known for its line of baths, sinks, toilets, and other bathroom fixtures. The company is also a leading producer of electric generators and small engines, owns two distinguished furniture manufacturers, and operates successful hospitality and real estate businesses in Kohler, Wisconsin, where it has its corporate headquarters and largest manufacturing facilities.

Thank you for your consideration of this request.

Best regards,

Kevin O. Swanson
Senior Associate
E koswanson@michaelbeststrategies.com
T 202.747.9578 | **M** 415.497.4689 | **F** 414.277.0656

Michael Best Strategies

my bio | our firm | vCard

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Message

From: Clint Woods [clintwoods@gmail.com]
Sent: 1/17/2018 3:57:34 AM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Initial Foxconn air emission permits wouldn't trigger EPA review - The Business Journals

https://www.bizjournals.com/bizjournals/news/2018/01/15/initial-foxconn-airemission-permits-wouldnt.html

Message

From: Bloomberg Environment - Environment & Energy Report [bloomberg@bna.com]
Sent: 8/2/2018 8:08:51 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Environment & Energy Report Highlights

Bloomberg Environment

ENVIRONMENT & ENERGY REPORT

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Highlights

LEADING THE NEWS

U.S. Proposes Easing Auto Mileage Rules, California's Authority (1)

By Ryan Beene, John Lippert, and Jennifer A. Dlouhy

The Trump administration, taking aim at one of former President Barack Obama's signature environmental achievements, is proposing to freeze vehicle fuel economy requirements at the 2020 level and unwind California's authority to limit tailpipe emissions in the state.

EPA Fuel Economy Rollback Aims to 'Strip Away' Automaker Compromise (1)

By Bobby Magill and Abby Smith

The Trump administration's long-awaited plans to soften Obama-era fuel economy standards aim to "strip away" an option nearly all parties agree on: requirements that increase each year but offer more compliance credits to automakers.

With Wildfires Blazing, California Shuns Trump's Clean-Air Plan

By John Lippert

With his proposal to roll back fuel economy and emissions standards for cars and trucks Aug. 2, President Donald Trump drew a line in the California sand.

Carmakers Speed Toward Electric Future Despite Trump Rollback

By Abby Smith

The Trump administration wants to try to limit California's special ability to require increasing purchase of electric vehicles in the state—but major automakers say they have no intention of reversing course on their electric vehicle plans.

TODAY'S NEWS

Bee-Killing Pesticides Get Renewed Scrutiny in California (2)

By Tiffany Stecker

A new analysis of bee-harming pesticides could signal new restrictions in California, according to the state's pesticide regulator.

EPA Prepares for Next Ozone Battle While Keeping Obama Standards (2)

By Amena H. Saiyid

The EPA staked out the next battleground over federal ozone pollution requirements despite its decision not to change the standards set in 2015 at this time.

Manufacturers' Core Questions Remain on EPA's New Chemical Controls

By Pat Rizzuto

The EPA's latest batch of controls governing new chemicals doesn't answer a core industry question: Can the agency address risks those compounds may pose without imposing regulations that hinder sales?

Unintended Impacts Feared in Changes to Species Protections

By Alan Kovski

Proposed revisions to the way threatened species are protected could backfire unpredictably, resulting either in less protection or needlessly tougher protection for plants and animals.

Canada's Carbon Pricing Plan Hits New Provincial Headwinds

By James Munson

Canada's carbon pricing plans hit new snags as two provinces doubled down on their efforts to thwart a federal carbon pricing law in the courts.

Puerto Rico Groundwater Contamination to Get $5.3 Million Cleanup

By Sylvia Carignan

A Superfund site in Puerto Rico that may have been contaminated by local, now-defunct dry cleaners will get a $5.3 million cleanup, the EPA announced Aug. 2.

Foxconn Explores Adding Solar Panels to Wisconsin Plant

By Stephen Joyce

A huge Foxconn flat-screen manufacturing plant scheduled to be built in Wisconsin could also double as a solar farm.

Environmental Riders Hobbling Efforts to Finish First Minibus

By Nancy Ognanovich

Disputes over environment-related policy riders in a House Energy and Water spending bill may lead to that measure being dropped from the first package of spending bills that GOP leaders are determined to complete in September, lawmakers and aides said.

Tanker Owners Scrap Most Ships in Decades as IMO 2020 Looms

By Firat Kayakiran

Oil tanker owners are giving up.

Husky Energy Refinery Explosion Echoes Exxon's Torrance Blast

By Sam Pearson

An explosion at a Husky Energy Inc. refinery in Superior, Wis., that injured 11 of the company's workers and contractors came during a planned maintenance shutdown of the fluid catalytic cracking unit, the U.S. Chemical Safety and Hazard Investigation Board said Aug. 2.

Regulators Say Energy Transfer Can Resume Mariner East 2 Work

By Rachel Adams-Heard and Ryan Collins

Energy Transfer Partners LP can restart work on its Mariner East 2 natural gas liquids pipeline that is facing delays after state regulators ordered construction to shut down.

Scana Payments for Failed Nuclear Plant Almost Erase Its Profit

By Christopher Martin

Scana Corp. is fighting with South Carolina over how to cover costs for a failed nuclear plant—and the utility paid for it in its second-quarter earnings.

Umicore Readies Funds for Next Electric-Car Battery Battleground

By Andrew Noël

Umicore SA is preparing to invest heavily in the chemistry needed for components that will extend the distance electric cars can travel before a recharge.

Lone Star State Bucks Superfund Claims Under State Immunity

By Peter Hayes

Several Texas state agencies and universities won dismissal of Superfund contribution claims stemming from contamination at a waste disposal site in Pasadena, Texas.

Global Green Energy Capacity Surpasses a Trillion Watts

By Jeremy Hodges

Global wind and solar developers took 40 years to install their first trillion watts of power generation capacity while the next trillion could be finished within the next five years.

Transcanada Sells Wind Project Stake as It Focuses on Pipelines

By Kevin Orland

TransCanada Corp., the developer of the proposed Keystone XL oil project, agreed to divest its stake in a Quebec wind project for C$630 million ($484 million) as it works on expanding its pipeline network.

Amazon to Shell Out $1.5 Million in California for Plastics Claims (1)

By Sam McQuillan

Amazon will pay $1.5 million for falsely advertising that some of its plastic products sold in California are biodegradable.

Indonesian Biodiesel Push to Consume 10 Percent of Top Grower Output

By Eko Listiyorini, Anuradha Raghu, and Yoga Rusmana

Indonesian biodiesel producers could use about 10 percent of the country's palm oil output this year as the government expands its blending mandate to trim surging stockpiles.

North American Electric Vehicle Charging Market to Grow to $18.6B

By Rachel Morison

Falling prices and government mandates are set to boost sales of electric vehicles globally, making owning and operating charging infrastructure an attractive area for investment.

DowDupont, 3M, Chemours Prep for Wave of Chemical Lawsuits

By Sylvia Carignan

DowDupont Inc., 3M Co., and Chemours Cos. are preparing for more lawsuits over a pervasive family of chemicals turning up in drinking water supplies nationwide.

Milwaukee Seeks Approval for Renewed Efforts to Get the Lead Out

By Stephen Joyce

Fixes to a much-criticized program safeguarding Milwaukee children from lead poisoning await approval from state and federal officials.

Budweiser Maker Seeks Sustainability While Serving Up Cold Ones

By Christopher Martin

Making “the king of beers” with all renewable power in the U.S. was the easy part.

WEDNESDAY NIGHT WRAPUP

Proposed Virginia Pipeline Project Won't Foul Water, Court Rules

By Andrew Childers

A natural gas pipeline proposed to span from West Virginia to southern Virginia won't foul the Old Dominion's water, said the same court that has handed the project other legal setbacks.

Uranium Energy Corp. Says It’s Poised to Help Meet Domestic Quota

By Stephen Lee

Uranium Energy Corp., the nation's second-biggest uranium miner, says it's sitting on one-third of the new uranium that the industry would be required to deliver, should the Trump administration follow through with a quota on domestic uranium.

Wind Sales Not Seen as Strong in Brazil's Second Energy Auction

By Michael Kepp

Sales of future wind power are not expected to be strong at Brazil's second energy auction this year, set for Aug. 31, industry observers predict.

Ozone Rule Affecting Foxconn Site Prompts Environmental Challenge

By Stephen Joyce

The future of Foxconn's proposed flat-screen manufacturing site in Wisconsin is hazy.

EPA Says It Will Keep, Defend Obama-Era Ozone Standards

By Amena H. Saiyid

The Environmental Protection Agency will retain the national ozone standards that the Obama administration tightened in 2015, a move praised by environmental groups that favor stricter standards to protect public health.

Senate OKs Mine Cleanup Funding, Securing Program's Future

By Stephen Lee

An Obama-era program that couples the cleanup of old coal mines with job creation passed the Senate Aug. 1, virtually assuring that it will continue.

Monitoring Not Modeling Needed for Ozone Pollution: States to EPA

By Amena H. Saiyid

East Coast states on the receiving end of power plant pollution from upwind states want the EPA to rely on actual air quality data rather than modeling projections to show improvements in ozone concentrations.

Senate Committee Sides With Salmon Over Sea Lions in Bill Vote

By Sam McQuillan

The Senate Commerce Committee approved legislation Aug. 1 that would protect salmon populations in the West by making it easier to obtain permits to kill sea lions, which eat them

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Message

From: POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]
Sent: 12/6/2018 9:46:59 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Ex-EPA chief Pruitt got big legal fund donation from Wisconsin billionaire

By Zack Colman

12/06/2018 04:45 PM EDT

Former EPA Administrator Scott Pruitt, who left the agency in July under a cloud of scandals, received $50,000 from a wealthy conservative businesswoman for his legal defense fund, according to his final financial disclosure report released Thursday.

The donor, self-made billionaire Diane Hendricks of Beloit, Wis., was also a major donor to President Donald Trump's campaign, which named her one of its economic advisers, and she contributed heavily to Republican Wisconsin Gov. Scott Walker's campaigns.

EPA ethics official Justina Fugh wrote in the filing that Pruitt did not seek advice from the agency before accepting Hendricks' contribution, which was "believed to be in cash."

Pruitt faced a number of allegations before he resigned in July, and he started a legal defense fund to raise money in the months before his departure. The filing showed that he owed between $115,000 and $300,000 in legal bills, although that was the same amount from 2017 and it is unclear how much carried over to the most recent filing.

The filing also showed Pruitt sold off between $49,000 and $210,000 in holdings in the first few months of 2018. Pruitt had expressed financial concerns about maintaining a home in Oklahoma while also renting a residence in the Eastern Market neighborhood of Washington, D.C.

Pruitt's wife, Marlyn, reported income of $54,166 through consulting via an LLC she runs. The former EPA boss had faced criticism for what was perceived to be using his office to obtain a Chick-fil-A franchise for his wife.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2018/12/ex-epa-chief-pruitt-got-big-legal-fund-donation-from-wisconsin-billionaire-2321056

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From: Morning Consult [reply@e.morningconsult.com]
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Subject: Morning Consult Energy: Fuel Efficiency Proposal Said to Forecast Reduction in Car Costs and Traffic Fatalities

Morning Consult Energy: Fuel Efficiency Proposal Said to Forecast Reduction in Car Costs and Traffic Fatalities

ENERGY

By Sei Chong

Top Stories

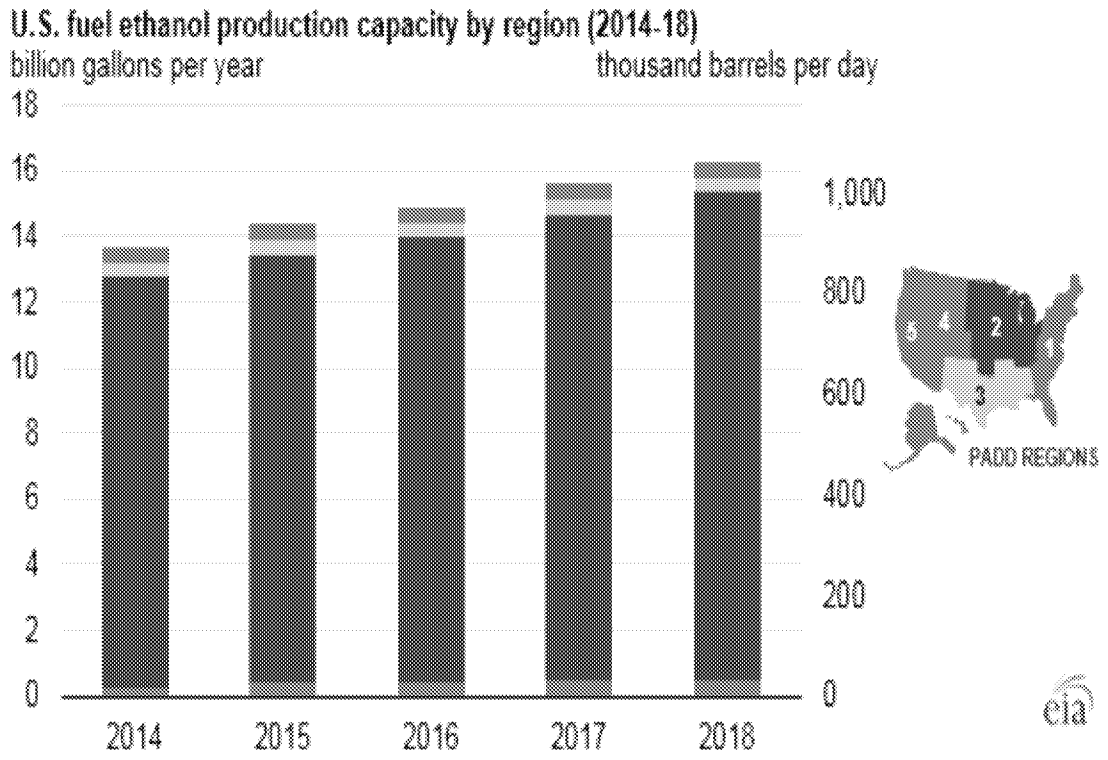
- The proposal by the National Highway Traffic Safety Administration and the Environmental Protection Agency to overhaul fuel efficiency standards, which is expected to be released today, would freeze those standards for six years, according to two sources briefed on the matter. The Trump administration forecasts the proposal will save U.S. consumers about $2,000 every time they buy a new vehicle and prevent 1,000 deaths a year during the period, the sources said. (The Washington Post)

- Tesla Inc. reported a $717.5 million loss in its second quarter, from a $709 million loss in the first quarter and a $336.4 million loss in the year-earlier period, but it burned through cash at a slower rate. During the earnings conference call, Chief Executive Elon Musk assured analysts that the company has addressed production problems with the Model 3 and apologized to three analysts for dismissing their questions in the first-quarter conference call in May. (Los Angeles Times)

- Justice Department attorneys representing the EPA said in federal court that the agency has decided not to revise a 2015 rule that set a new standard for ground-level ozone. Under former Administrator Scott Pruitt, the EPA had tried to delay implementing the ozone rule. (The Hill)

Chart Review

U.S. fuel ethanol production capacity continues to increase
Energy Information Administration



Source: U.S. Energy Information Administration, *U.S. Fuel Ethanol Plant Production Capacity*

Events Calendar (All Times Local)

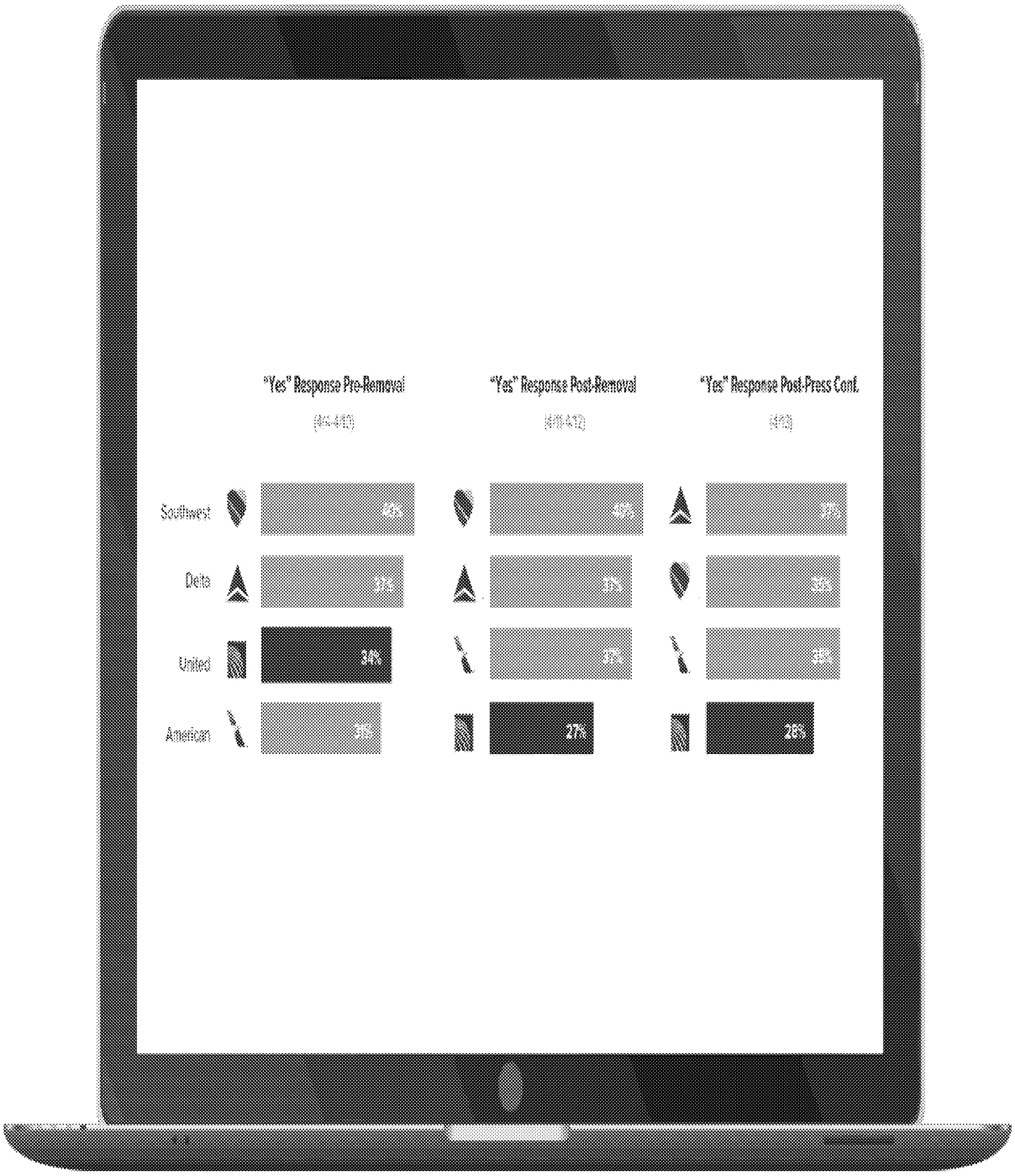
THURSDAY

Duke Energy earnings call	7 a.m.
West Texas Legislative Summit	7:45 a.m.
Northeast Clean Energy Council annual legislative roundup of state clean energy legislation	8:30 a.m.
TransCanada earnings call	9 a.m.

Women's Council on Energy and the Environment luncheon on science at the Capitol 12 p.m.

FRIDAY

Enbridge earnings call 7 a.m.



The PR Nightmare

Learn how to use data to navigate the fallout from a brand crisis.

General

EPA chief: Obama car rule rollback would save consumers $500B
Timothy Cama, The Hill

Environmental Protection Agency (EPA) acting head Andrew Wheeler said his forthcoming proposal to roll back fuel efficiency and emissions standards for cars will save consumers $500 billion.

Interior IG to scrutinize Zinke's beer-making plans
Ben Lefebvre, Politico

A development backed by Halliburton's chairman includes a microbrewery similar to one the Interior secretary has long sought.

Oil falls for a third day, dented by rising tide of supply
Amanda Cooper, Reuters

Oil prices fell for a third day on Thursday, following a surprise increase in U.S. crude inventories that added to existing concern about the rapid rise in global crude supply.

Oil and Natural Gas

Big Oil switches focus from profits to production
Anjli Raval and David Sheppard, Financial Times

A rebound in crude prices helped the world's energy supermajors generate higher profits in the second quarter but ultimately it was how much oil and gas they produced that differentiated their fortunes.

Natural gas pipeline explosion in Texas critically injures five
Swati Verma et al., Reuters

A series of natural gas pipeline explosions in Midland County, Texas sent five people to hospital with critical burn injuries, and interrupted energy pipeline operations in the area, officials said.

Oil Tanker Owners Are Scrapping the Most Ships in Decades
Firat Kayakiran, Bloomberg

Oil tanker owners are giving up. A 19-month curtailment of OPEC cargoes, and environmental regulations that are proving uneconomical to comply with, have got owners purging the supertanker fleet at the fastest pace since the 1980s, according to Global Marketing Systems Inc., one of the world's top buyers of obsolete ships for scrap.

Utilities and Infrastructure

U.S. utilities balk at expanded carbon-capture subsidy
Timothy Gardner, Reuters

Few U.S. energy policies can bring together coal miners, oil drillers, environmentalists, Republicans and Democrats. But tax credits for capturing and storing carbon dioxide emissions have appeased all these camps, and Congress this year tripled the subsidy's value with broad bipartisan support.

Hackers breached U.S. electric utilities: analysts
Morgan Chalfant, The Hill

Security analysts have discovered a new hacking group that has been successful in breaching networks of electric utilities in the United States. The new research from cybersecurity firm Dragos is yet more evidence that hacking groups are looking for ways to penetrate networks of critical infrastructure - potentially with the intention to stage disruptive or destructive attacks.

PG&E Slumps on Prospect of Wildfire-Induced Debt Restructure
Brian Eckhouse and Mark Chediak, Bloomberg

PG&E Corp., the San Francisco-based utility facing as much as $17.3 billion in wildfire-related liabilities, fell following a report that it hired Weil Gotshal & Manges LLP to explore debt restructuring options.

Duke Energy's profit misses estimates on higher expenses
Anirban Paul, Reuters

Duke Energy Corp reported a lower-than-expected quarterly profit as the U.S. utility failed to keep a lid on its operating expenses.

Renewables

U.S. Electric Vehicle Charging Market to Grow to $18.6 Billion
Rachel Morison, Bloomberg

Falling prices and government mandates are set to boost sales of electric vehicles globally, making owning and operating charging infrastructure an attractive area for investment. Charging infrastructure in North America will draw $18.6 billion by 2030, according to a report by Wood Mackenzie Ltd. published Thursday.

Foxconn and WEC Energy are discussing a huge potential solar array for Mount Pleasant complex
Rick Romell, Milwaukee Journal Sentinel

Foxconn Technology Group and Wisconsin's largest utility are discussing the potential for what could be a huge array of solar panels atop Foxconn's massive factory complex in Racine County.

Coal

Trump's Making U.S. Coal Exports the Greatest They've Ever Been
Mathew Carr, Bloomberg

U.S. exports of coal used by power stations are set to hit a record this year on increased global demand for the nation's high-energy-content fuel. Steam-coal shipments will probably jump 58 percent to 58 million metric tons this year, according to Guillaume Perret, founder of Perret Associates Ltd., a London-based research company.

99 coal miners laid off at Wyoming County mine
Max Garland, Charleston Gazette-Mail

Ninety-nine employees at a Wyoming County coal mine were laid off Friday, according to United Mine Workers of America spokesman Phil Smith.

Britain's Lloyds bank to stop financing new coal plants, thermal coal mines
Emma Rumney, Reuters

Lloyds Banking Group said on Thursday it will not fund new coal-fired power stations or thermal coal mines, or bank new clients that derive most of their revenue from either of these operations.

Nuclear

Pilgrim nuclear plant to be sold after shutdown
Christine Legere, Cape Cod Times

The owner of Pilgrim Nuclear Power Station announced Wednesday a plan to sell the Plymouth plant to a subsidiary of Holtec International for accelerated decommissioning after the reactor is permanently shut down in June.

Failed SC nuclear project to cost typical Santee Cooper ratepayer $6,200
Thad Moore, The Post and Courier

The typical Santee Cooper electric ratepayer will pay more than $6,000 to pay off the utility's share of the failed nuclear project, a bill they'll pay in monthly $13 installments for the next four decades.

Climate

How Climate Change Contributed to This Summer's Wildfires
Carolyn Kormann, The New Yorker

The image of the day from NASA's Earth Observatory shows gusting plumes of smoke veiling the western United States. Two hundred thousand acres are on fire in California, fuelled by strong winds and unrelenting hot, dry conditions.

Trump Finally Picks a Science Adviser. And Scientists? They Seem Relieved.
Carl Zimmer, The New York Times

Kelvin Droegemeier, a well-regarded meteorologist, has a long research record. But his views on climate change are not well known.

2017 was third-warmest year on record, NOAA-led international study finds
Daniel Chaitin, Washington Examiner

An international study released Wednesday found that 2017 was the third-warmest year on record. Only 2016 and 2015 were warmer, according to the 28th annual State of the Climate Report, dubbed the annual "checkup for the planet" by the National Oceanic and Atmospheric Administration.

Canada Loosens Carbon Limit for Big Emitters Facing Competition
Greg Quinn, Bloomberg

Large industrial companies in Canada will face an easier carbon limit when Justin Trudeau's government starts putting a price on emissions next year.

Opinions, Editorials and Perspectives

Make Cars Great Again
Elaine L. Chao and Andrew Wheeler, The Wall Street Journal

During a visit to Detroit last year, President Trump announced his administration would assess and correct the current vehicle fuel-economy standards, which impose significant costs on American consumers and eliminate jobs. The administration is continuing to deliver on that promise.

Here's How America Can Counter Russia's Nord Stream-2 Gas Pipeline
Gabriel Collins and Anna Mikulska, The National Interest

Washington can help make Europe's gas market more competitive, undermining the domination of any one supplier-including Moscow.

Don't Get Complacent About Natural Gas
Spencer Jakab, The Wall Street Journal

With storage well below year-ago levels, the U.S. natural-gas market could be left exposed to a frigid winter like 2013-2014 when prices surged by 75% over the span of several weeks

Research Reports

Actions Needed to Improve National Nuclear Security Administration Contract Document Management
U.S. Government Accountability Office

The National Nuclear Security Administration spent over $11 billion in 2016 on management and operating contracts at the federal sites that maintain the U.S. nuclear weapons arsenal, among other things. We found that NNSA was unable to promptly locate key contract documents, which NNSA officials need to effectively oversee these contracts, and justify awarding millions of federal dollars.

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To: Woods, Clint [woods.clint@epa.gov]
Subject: Morning Energy, presented by ExxonMobil: As wildfires rage, Democrats quiet on climate change — Trouble's a brewing? — EPA sticks with ozone standard

By Kelsey Tamborrino | 08/02/2018 05:45 AM EDT

With help from Anthony Adragna, Eric Wolff and Alex Guillén

DEMOCRATS KEEPING QUIET ON CLIMATE: With wildfires raging in California and rising temperatures shattering records across the globe, Democratic lawmakers have remained markedly silent on the link between extreme weather and climate change — and it hasn't gone unnoticed. "The mainstream Democratic party and those candidates aren't talking about this as much as they should be, and they aren't talking about it in a compelling way," Jamie Henn, strategy and communications director at the climate advocacy group 350.org, told POLITICO.

But Democrats on the Hill say they don't need to connect the dots for the public — allowing them to sidestep any partisan bickering on the topic that could push voters into entrenched positions, Pro's Anthony Adragna and Emily Holden report this morning. "It's more effective if we allow people to draw their own conclusions," said Hawaii Sen. Brian Schatz. "What we've found is independents and Republicans are moving in our direction. The moment we turn it into a partisan question, people put their uniforms back on and take their positions," Schatz added.

And, as her state battles 17 wildfires and a devastating heat wave, California Sen. Kamala Harris says she'd rather focus on disaster response ahead of messaging around climate change. "The first thing I want to see is that we extinguish those fires and get all those firefighters and those families out in a way that they're all going to be safe," she said. "... [But] we always can do more to highlight the importance of paying attention to climate change." Still, Harris, who's seen as a potential 2020 presidential candidate, tweeted about wildfires and climate change on Tuesday, after POLITICO reached out. "Since 2012, there hasn't been a month in California without a wildfire burning. It didn't use to be this way," she wrote. "Now is the time to act on climate change." Read more.

WELCOME TO THURSDAY! I'm your host, Kelsey Tamborrino, back in the saddle after a few days on the beach. Andeavor's Kip Knudson was the first to correctly guess the last time an incumbent governor and senator from the same state but opposite parties lost reelection on the same day. It was Republican Sean Parnell who lost the Alaska governor's race to the "unity ticket" of Independent Bill Walker and Democrat Byron Mallott on the same day that Democratic Sen. Mark Begich lost his seat to Republican Dan Sullivan in 2014. For today: Before 2018, what year marked the last time the Senate drastically shortened its August recess during an election year? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

FOR YOUR RADAR: The Trump administration's proposal on fuel economy and emissions rules is expected to be released as early as this morning. Leaked drafts of the emissions rule suggest EPA will propose revoking California's waiver allowing it to enforce higher standards because the National Highway Traffic Safety Administration plans to weaken fuel economy standards. Acting EPA Administrator Andrew Wheeler told a Senate EPW hearing on Wednesday that he would be interested in striking a deal on the emissions rules with California and the auto industry, but reiterated that federal concerns over traffic safety must be addressed.

TROUBLE'S A BREWING? Interior Secretary Ryan Zinke's dream of opening a microbrewery in his hometown of Whitefish, Mont., and whether he colluded to have the chairman of Halliburton help him build it will be the subject of an investigation by his department's inspector general. But in Whitefish, brewers and city officials alike have long known of Zinke's desire to run a microbrewery of his own, they told POLITICO's Ben Lefebvre. Over the course of six years, Zinke submitted plans to the city council, discussed the his idea with other business leaders and personally tried to change local zoning laws to make them more hospitable to such a business, Ben reports, all with an eye toward opening a Whitefish microbrewery, which he planned to name "Double Tap," a nod to the SEAL term for two gunshots. Read the story.

EPA STICKS WITH OZONE STANDARD: After studying the Obama-era ozone standard for more than a year, EPA told a federal court Wednesday it will not revise or repeal the rule — undercutting a campaign-trail promise made by then-candidate Donald Trump. EPA will instead defend the 2015 rule in court as it moves forward with the next scheduled review of the ozone rule, which is due in 2020, Pro's Alex Guillén reports.

The move marks a big win for greens, who are defending the rule in court against challenges from both industry groups and Republican attorneys general as well as pursuing their own lawsuits arguing the 2015 standard is too weak. But it places EPA in an awkward position: The agency will now defend the Obama administration's rule in a lawsuit originally brought by former EPA chief Scott Pruitt while he was Oklahoma's attorney general and Murray Energy, the coal company that Wheeler lobbied for before joining EPA. (Wheeler and his former firm were not involved with Murray's lawsuit, and Wheeler did not report lobbying EPA on the issue for Murray.)

Also in ozone news: The environmental group Clean Wisconsin has sued EPA over its ozone designations in the state, including Racine County, home of the future $10 billion Foxconn flat-screen manufacturing plant. EPA had previously proposed designating Racine as not meeting the 2015 standard. But after lobbying from Gov. Scott Walker, the agency in May reversed course and said Racine's air quality is adequate, avoiding potentially costly pollution controls or other expenses for Foxconn. The suit was filed in the U.S. Court of Appeals for the Federal Circuit in Washington.

ERNST, GRASSLEY, WHEELER TO HAVE BREAKFAST TODAY: Iowa Sens. Chuck Grassley and Joni Ernst will have breakfast with Wheeler today, according to a Senate Republican source. Hopefully Wheeler isn't tired of talking about the Renewable Fuel Standard, because it's going to be all ethanol, all the way. (He may never look at a corn muffin the same way again.)

** **Presented by ExxonMobil:** Natural gas has become more important than ever. That's because it's fueling an American manufacturing revival and creating jobs while lowering emissions. And ExxonMobil is one of the world's largest providers. EnergyFactor.com **

RFA: EPA IS WORKING ON AN E15 RULE: Bob Dinneen, the outgoing CEO of the Renewable Fuels Association, told reporters Wednesday that he thinks EPA staff is working on a rule to allow year-round sales of 15 percent ethanol fuel, despite what Wheeler told Senate EPW earlier in the day. "We can certainly start that process," Wheeler said, indicating the agency hadn't begun work on an E15 regulation. "What [Wheeler] said today is inconsistent with what I've been hearing from both career and political staff," Dinneen said. "They're not just getting started on it. They've done a lot of work on it. ... I know staff at the agency have been working on the legal support for the waiver."

Who's afraid of 2022? RFA has generally been unwilling to make concessions in legislative negotiations led by Rep. John Shimkus (R-Ill.) and Sen. John Cornyn (R-Texas), largely because it believes the RFS is working well the way it is, and under incoming CEO Geoff Cooper, that won't change. "We're not terribly concerned that EPA or others are going to see the reset process as an opportunity to muck things up," Dinneen said, adding that the biofuel industry and its congressional advocates only want a Clean Air Act waiver for higher Reid Vapor Pressure, which would allow year-round sales of E15. "The biggest stumbling block today is the fact that RVP

is still being held hostage," he said. "We're like, enough. They have to get that one done. ... The analogy I've used is, even Kim Jong Un understood that if you want to have a meeting with the president, you have to give up a few hostages. We're saying, give up your hostages."

SETTING THE TONE: Senior Senate appropriators view the overwhelming 92-6 vote in favor of the four-title minibus Wednesday as strengthening their case in conference for a final bill free of policy riders sure to derail their hopes of having the bills reach the president's desk. "It's a very clear statement from the Senate about the focus on straight appropriations and trying to avoid the controversial pitfalls that held us back before," Sen. Lisa Murkowski , who chairs the subcommittee responsible for the Interior and Environment title, told reporters. "The fact we had such a strong vote on these four measures, I think is pretty telling." Senate Appropriations Chairman Richard Shelby echoed that idea: "The cleaner the bill, the better," he said.

NO DEAL: Senators left Washington on Wednesday without a clear path forward for reauthorizing the Land and Water Conservation Fund. Remember Sen. Richard Burr has vowed to hold up all types of legislation until he secures a vote. "I think we convinced everybody they're going to have an opportunity to vote on it multiple times," he told reporters.

— **In a bipartisan letter to Senate leadership**, 14 senators, led by Burr, called for mandatory full funding in any package to reauthorize LWCF permanently.

PHMSA WEIGHS CUT TO SAFETY RULE: The Pipeline and Hazardous Materials Safety Administration is considering a rollback of the decades-old regulation known as the "class location system" that requires energy companies to replace old pipelines in newly populated areas, Ben reports. The move is backed by pipeline operators, and PHMSA says it falls in line with Trump's executive order to cut regulatory costs and eliminate two rules for every new one created.

But even PHMSA regulators have expressed reservations about the possible change due to the risks of ruptures, Ben reports. "Over the past decade, PHMSA observed problems with pipe and fitting manufacturing quality, including low-strength material; construction practices; welding; field coating practices; [integrity management] assessments and reassessment practices; and record documentation practices," the agency says in the Federal Register notice.

WILDLIFE GROUPS SUE OVER INTERIOR COUNCIL: Conservation groups, including the the Natural Resources Defense Council and the Center for Biological Diversity, sued Wednesday over Interior's International Wildlife Conservation Council, which they say was illegally formed under the Trump administration. The lawsuit, filed with the U.S. District Court for the Southern District of New York, claims the advisory panel that has come under fire for the big-game trophy hunters among its ranks violates the Federal Advisory Committee Act. Read the lawsuit.

COURT UPHOLDS VIRGINIA REVIEW OF PIPELINE: The U.S. Court of Appeals for the 4th Circuit rejected environmentalists' argument Wednesday that Virginia unlawfully granted a water permit for the $3.5 billion Mountain Valley pipeline. The three-judge panel rejected arguments from greens, including Sierra Club and Appalachian Voices, and said there was "no purpose we would serve by stepping in and second-guessing the analytical methods Virginia deemed appropriate to provide it with reasonable assurance that its water quality would be protected."

WELCOME WAGON: Trump's pick to be director of the Office of Science and Technology Policy said he was "deeply honored" by the nomination on Wednesday. "I look forward to the Senate confirmation process! Your expressions of support mean a great deal to me — thank you very much!" tweeted Kelvin Droegemeier — who, it should be noted, has one of the best names for a science nominee your ME host has seen.

REPORT: EVs TO GROW BY 2030: Interest in electric vehicles is growing, but utilities and manufacturers could do more to accelerate construction and bolster ongoing management of charging, according to a new report from GTM Research. Today's report is the first in a series from GTM on EV infrastructure. It found EVs are expected to make up approximately 11 percent of new vehicle sales by 2030, when there will be an estimated 12 million residential charging points and 1.2 million public charging points installed in North America.

TAKE A LOOK! Advanced Energy Economy and Citizens for Responsible Energy Solutions Forum released a new white paper today with five recommendations on how to modernize the electric grid to make it "more clean, secure, and affordable."

VISUALIZE IT: Pro's DataPoint team takes a look at political appointees to Trump's EPA and how they stopped progress on a formaldehyde report developed by the agency's Integrated Risk Information System. Check out the DataPoint graphic here. Want to add DataPoint to your Pro account? Learn more.

QUICK HITS

— "Snyder dismissed from Flint contaminated water class-action lawsuit," The Detroit News.

— "Federal agency pauses tree-removal plan to help sage grouse," The Associated Press.

— "Trump mileage proposal claims to cut car costs and road deaths," The Washington Post.

— "Mexico's Pemex to focus on developing projects in regions with infrastructure, says CEO," S&P Global Platts.

— "Here's another climate change concern: Superheated bugs in the soil, belching carbon," McClatchy.

— "Science pick diverges from Trump team on climate, energy," E&E News.

HAPPENING TODAY

9:15 a.m. — The National Academy of Sciences workshop on "Sustainable Diets, Food, and Nutrition," 2101 Constitution Avenue NW.

12 p.m. — Women's Council on Energy and the Environment discussion on "Science in the Capitol: Turning Science into Policy," 101 Constitution Avenue NW.

4 p.m. — The National Academy of Sciences' Ocean Studies Board webinar on "Environmental Interventions to Promote Coral Reef Persistence."

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Stories from POLITICO Pro

Democrats quiet on climate change as wildfires rage Back

By Anthony Adragna and Emily Holden | 08/02/2018 05:00 AM EDT

More than a dozen wildfires are raging in California, record rainfall has deluged parts of the East Coast and heat waves have spread around the globe — but Democratic lawmakers are wary of trumpeting the extreme weather as the latest sign of climate change.

Instead, the party's most vocal advocates for climate change action say they're confident that after years of dire warnings and increasingly devastating weather events the public will connect the dots — without them wading in and starting a partisan bickering match that pushes voters into entrenched positions.

"Scientists are in real time warning families about this danger and we think the more this continues, the more this is going to be injected into the campaign as a huge issue," Sen. Ed Markey (D-Mass.) said. "I just think when it's the lead story every night on national television, the American public is getting it."

The Trump administration has worked aggressively to erase former President Barack Obama's climate change initiatives like the international Paris Agreement and carbon regulations for power plants, even scrubbing references to climate change from government websites.

But in California, Gov. Jerry Brown told a news conference Wednesday that the rising temperatures and devastating fires that had been predicted to hit the state in the coming decades were "now occurring in real time," and the state should expected costs to climb into the billions of dollars over the next several years.

The state is battling 17 wildfires as a heat wave there has lifted temperatures there into the triple digits. Scientists say high temperatures and dry conditions mean wildfires are bigger and harder to fight, and the season will soon last year-round.

But congressional Democrats — who were similarly quiet on record-setting hurricanes in the fall — say they believe people will assess the evidence on their own and see the link between human-caused climate change and extreme weather.

"It's more effective if we allow people to draw their own conclusions." Sen. Brian Schatz (D-Hawaii) told POLITICO.

"What we've found is Independents and Republicans are moving in our direction. The moment we turn it into a partisan question, people put their uniforms back on and take their positions," he said. "There's a broad recognition across the country that the weather is getting weirder and more severe, but if you put it in a conversation about [liberal activist] Tom Steyer and Al Gore, people who would otherwise be allies freak out."

Schatz said Democrats will methodically make the case "that climate change is impacting the American way of life and the economy," but will let people make their own judgments about individual severe weather events.

California Democratic Sen. Kamala Harris said in a brief interview that she was more focused on disaster response to the wildfires ahead of messaging around climate change.

"The first thing I want to see is that we extinguish those fires and get all those firefighters and those families out in a way that they're all going to be safe," she said. "So that's my first priority. [But] we always can do more to highlight the importance of paying attention to climate change."

Harris, who's seen as a potential 2020 presidential candidate, tweeted about wildfires and climate change on Tuesday, after POLITICO reached out to her office about this story.

"Since 2012, there hasn't been a month in California without a wildfire burning. It didn't use to be this way," she wrote. "Now is the time to act on climate change."

Environmental advocates say Democrats are missing their chance to engage on climate change when people are captivated by dramatic weather events.

"The mainstream Democrat party and those candidates aren't talking about this as much as they should be, and they aren't talking about it in a compelling way," said Jamie Henn, strategy and communications director at the climate advocacy group 350.org.

Henn said politicians "need to do a better job of clarifying what a climate progressive really is," to "fire people up."

"We're getting lost in this morass of old-school 2008 talking points, and it doesn't get us anywhere," Henn said.

Geeta Persad, a California-based climate scientist with the Union of Concerned Scientists, said Californians understand the link between climate change and more dangerous wildfires, and the Sacramento Bee editorial board last week called the fires "climate change, for real and in real time."

Despite that, California hasn't necessarily started to incorporate what it knows about worsening wildfires into management planning, Persad said.

Andrew Lakoff, an associate professor of sociology who focuses on the politics of disaster response at the University of Southern California, said wildfires are handled mainly by the emergency management sector, which "tend[s] not to think about long-term, slow transformations."

"People whose job it is to focus on wildfires, they don't have any tools to deal with climate change," Lakoff said. "Even if somebody who was a wildfire official was to say it's obvious these have gotten worse over the years, it must be linked to climate change, they just don't have any way to address that directly."

That problem will persist as long as the federal government ignores climate change, advocates say, a situation that Democrats have had little success in overcoming.

"We have tried to make that case," Sen. Ben Cardin (D-Md.) said. "But we're doing it in a way to deal with a climate change agenda where we know it's unlikely we can advance the leadership in the White House the way we would like to see it, or in Congress the way we'd like to see it."

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Wheeler open to 50-state car standard, but emphasizes safety concerns Back

By Alex Guillén | 08/01/2018 11:18 AM EDT

Acting EPA Administrator Andrew Wheeler said today he would be interested in striking a deal on fuel economy and emissions rules with California and the auto industry, but that federal concerns about traffic safety must be addressed.

"My goal in this administration is to come up with a 50-state solution. We want to have a 50-state solution that does not necessitate preempting California," Wheeler told the Senate Environment and Public Works Committee after Sen. Tom Carper (D-Del.) asked if he would avoid revoking California's regulatory waiver if a deal could be struck.

Leaked drafts of the rule indicate EPA will revoke California's waiver enabling it to enforce higher standards because the National Highway Traffic Safety Administration plans to issue lower fuel economy standards.

But, Wheeler said today, "there's a number of goals in the proposal and there's important goals on highway safety. So we'd have to make sure that those are met. The proposal will save 1,000 lives per year, which I think it's very important that we maintain that in any final regulation that goes forward."

The draft proposal argues that companies design smaller, lighter cars to meet tighter standards, and that such cars are more dangerous to passengers than larger, less fuel efficient vehicles.

WHAT'S NEXT: The joint EPA-NHTSA proposal is expected to be released later this week, potentially as early as Thursday morning.

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Interior watchdog opens probe of land deal linking Zinke, Halliburton chairman Back

By Ben Lefebvre | 07/18/2018 05:30 PM EDT

The Interior Department's internal watchdog has launched a full investigation into a real estate deal involving a foundation established by Ryan Zinke and developers including Halliburton Chairman David Lesar, which was first reported by POLITICO last month, according to a letter the office sent to House Democrats on Wednesday.

The inspector general's probe will focus on whether Zinke violated conflict of interest laws, the latest official inquiry of Zinke's activities in his 16 months helming the department.

"You expressed special concern about the reported funding by a top executive at Halliburton and assuring decisions that affect the nation's welfare are not compromised by individual self enrichment," Deputy Inspector General Mary Kendall wrote to Rep. Raúl Grijalva (D-Ariz.), ranking member of the House Natural Resources Committee, and other Democrats. "My office opened an investigation into this matter on July 16."

Zinke's role at Interior places him as one of the chief regulators overseeing oil and gas drilling activities, including those performed by Halliburton, one of the world's largest fracking and offshore drilling services companies. Zinke late last month defended his involvement with Lesar, while confirming he met him and other developers at Interior Department headquarters in August. Zinke said he had resigned from the Great Northern

Veterans Peace Park Foundation, which he established a decade ago to build a park in his hometown of Whitefish, Mont., but briefed the developers on the foundation's background and the land it controls.

In September, the secretary's wife, Lola Zinke, signed an agreement allowing developers, including Lesar, to build a parking lot there to benefit a major redevelopment project that could raise the land value of Zinke's nearby properties. Project developers also suggested Zinke could wind up running a microbrewery on the redevelopment site, the Whitefish city planner has told POLITICO.

House Democrats say Zinke's meeting with Lesar and the foundation's role in the real estate deal raises the question of whether Zinke used his office for personal gain.

"Secretary Zinke doesn't seem to take his responsibility to the public seriously," Grijalva told POLITICO in a statement. "He's turned it into the Ryan Zinke show, which is more about waving his own flag above the building and doing personal business deals with his friends instead of protecting public lands and improving our environmental quality. This formal investigation is one of many he's managed to pile up in his short and undistinguished tenure, and I join my Democratic colleagues in seeking the transparency and accountability that Republicans have so far not provided."

The arrangement suggests that the Halliburton chairman would be building a long-sought business for the Interior secretary, ethics experts say, a relationship that is fraught with conflicts of interest.

Critics say it is inappropriate for Zinke or his family to be involved in any outside deals with the Halliburton chairman because of the sway he holds over the company's business.

"There is no company that benefits more from Secretary Zinke's attack on fracking standards than Halliburton, and there is no company that has been more successful over the years in getting politicians — from Vice President Dick Cheney to Secretary Zinke — to weaken government oversight of their fracking operations," said Matt Lee-Ashley, a senior fellow at the Center for American Progress who worked as deputy chief of staff at Interior during the Obama administration.

Following POLITICO's reporting on the agreement, House Democrats asked for an investigation into potential conflicts of interest stemming from the deal linking the secretary's family with the chairman of one of the biggest companies he is responsible for regulating. It may take several months for investigators to complete their work and issue a report on their findings.

The foundation's land remains little changed from when it was first donated by BNSF Railway starting in 2008, leading some locals to question Zinke's plan for the park. Zinke in the past had promised local officials that the foundation would use the land to build a park honoring veterans and for possible summer concerts. But the land remains mostly undeveloped, and a large retaining pond dominates the site.

Government watchdogs have completed several investigations into Zinke and others are ongoing, such as an IG review of lobbying over an unorthodox tribal gaming decision.

The IG's office reviewed Zinke's use of chartered flights and found that while the department did not violate any laws, ethics officials were prevented from conducting a thorough review of one trip because Zinke did not disclose the role a major donor played in his plans. The Office of Special Counsel has separately concluded that Zinke's speech to the donor's hockey team and participation in fundraisers in the Virgin Islands and elsewhere did not violate the Hatch Act.

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Interior IG to scrutinize Zinke's beer-making plans Back

By Ben Lefebvre | 08/02/2018 05:06 AM EDT

WHITEFISH, Mont. — Interior Secretary Ryan Zinke made no secret of his dream of opening a microbrewery in his hometown of Whitefish.

Now, the department's inspector general will be asking if he colluded to have the chairman of Halliburton, one of the leading companies with business before the department, build him one.

In Whitefish, brewers and city officials told POLITICO that Zinke has long sought to build a microbrewery of his own, a project that over six years led him to submit plans to the City Council, discuss the move with other business leaders and personally join in a review process to change local zoning laws to make them more hospitable to such a business.

Meanwhile, a planned development in Whitefish backed by David Lesar, the chairman of Halliburton — the nation's largest oil services company, which would be one of the biggest winners in the Interior Department's drive to roll back regulations — includes plans for just such a microbrewery.

The Interior Department IG's office announced in late July that it is investigating Zinke's dealings with Lesar, a purview that ethics specialists say will include questions about the brewery. Ethics rules bar officials from using their official contacts to set up "nests" for their post-government lives, and the microbrewery was a focus of both the ethics watchdogs and the House Democrats who requested the investigation after POLITICO first reported on Zinke's links to Lesar.

Moreover, there is evidence that the microbrewery in the plans for the Lesar-backed development is the same as the one Zinke has planned since at least 2012.

The Whitefish city planner told POLITICO earlier this year that the developers of the Lesar-backed project told him the microbrewery was intended for Zinke. A plan for the development submitted to the city by Zinke's wife, Lola — who agreed to use land controlled by a Zinke-created foundation to build a parking lot for the development — included a hand-drawn separation of land for the proposed brewery project.

But Zinke, in his first statement addressing the brewery issue, said: "Neither myself or my wife were involved in the city's approval of the development that included among other facilities, a microbrewery on the developer's property adjacent to the proposed parking lot. Neither my wife or I are involved with the building or operation of any planned microbrewery. Any suggestion to the contrary is absurd."

In a later text, he added: "At this point in my life, I am more interested in sampling hand crafted beers rather than making them."

The project's lead developer, Casey Malmquist, told POLITICO earlier this year that once the project is fully permitted, "Ryan Zinke or anyone else" could make a proposal to operate a brewery.

Nonetheless, POLITICO has reported that before the foundation offered its land for a parking lot, Zinke reviewed plans for the proposed development and met with both Malmquist and Lesar in his Interior Department office, and later joined them for dinner to discuss the development, according to a participant in the meeting. Zinke continues to maintain that he was not involved in the foundation's decision-making.

"My wife signed a letter of intent to work with the developer to share a parking lot located on park property for improved access to the community," he said in his most recent statement. "No formal agreement [has] been even proposed much less negotiated."

While the Zinke-led foundation's offer of the parking lot has raised serious ethical questions, prompting the inspector general's investigation, those who are familiar with the controversy say the IG must also zero in on whether Zinke was involved in discussions about the microbrewery, a potentially flagrant violation of ethical rules.

Rep. Jared Huffman, a California Democrat and member of the House Natural Resources Committee, which oversees the Interior Department, said the brewery adds "another layer to the conflict."

"The relationship between Secretary Zinke and Halliburton Chairman Dave Lesar should set off alarms bells," Huffman added. "The secretary of the Interior and his family stand to personally benefit from a land deal funded by the chairman of Halliburton, a company with literally billions of dollars of business on the line when Secretary Zinke makes decisions about where, and how, oil drilling is permitted in this country. In any normal administration — and if Congress were capable of conducting oversight — this outrageous level of self-dealing and cronyism would be a national scandal."

One example where Interior's decision would impact Halliburton's business is the department's December 2017 rollback of Obama-era rules on hydraulic fracturing. The revision would reduce the costs for companies such as Halliburton to frack a well on public land by an average of nearly $10,000 per well, according to a department analysis late last year.

Fresh interviews by POLITICO this summer suggest that shortly after that rule went into effect, Montana brewery owners began hearing talk that a new brewery could be included in the Lesar-backed development, and that Zinke could be attached to it.

Both Graham Hart, owner of the Bonsai Brewing Project in Whitefish, and Lindsay Mills, a Whitefish resident and director of marketing and events at Kalispell Brewing Co. in the nearby city of Kalispell, said they heard talk in the brewing world about the microbrewery at the Lesar-backed development and of Zinke being potentially involved in it.

"I think it's the same one, yeah," said Mills, suggesting that the microbrewery in the Lesar-backed development is simply the latest iteration of the brewery that Zinke first proposed in September 2012 on a piece of residential property that he and his wife own beside the former freight yard on which Lesar and Malmquist are planning their project. Zinke, a former Navy SEAL, had named the planned brewery and the company they started that owns the residential property "Double Tap," a SEAL term for two gunshots.

At the time, Zinke was a state senator who earlier that year had lost a primary race to become Montana's lieutenant governor. He asked Whitefish city government to approve a zoning change that would allow him to convert the residential property into a microbrewery.

Montana's independent brewing scene was booming alongside the state's tourism and agriculture businesses. The trend would continue to the present — Montana now has 79 microbreweries, more than double the number from 2012 and second only to Vermont for breweries per capita, according to the Bureau of Labor Statistics.

Zinke and other Montana state senators passed bills to encourage the growth, including one that allowed breweries to increase how many barrels they could produce and sell on their own premises. Zinke himself introduced a bill in the Montana Legislature in 2011 that would have allowed such establishments to stay open until 10 p.m., two hours later than what current law allowed. The bill died in committee.

At least some members of the area's brewing scene assumed after Zinke lost the primary in June that he would focus his attention on converting his residential property to a brewpub, said Hart, the owner of Bonsai Brewing Project and a former neighbor of Zinke's.

"He has the house on that property, it's dilapidated, but he's got this great property," Hart said. "I remember when he tried to do that first one, he was campaigning. It didn't work out, and everyone figured he was just trying to find something to do."

Zinke had been a fixture in the local bar and brewery scene for years, Hart said. Whitefish had one microbrewery as of 2012 — the Great Northern Brewing Co. — but Zinke and others thought the town could fit one more given Whitefish's growing tourism trade.

"I've seen him at breweries all the time," said Hart, who later opened what became the city's second microbrewery. "I know he's super into craft beer.

"I really wanted to be the second microbrewery in Whitefish, and I'm sure he did, too," Hart said.

But Zinke's first efforts failed after the City Council declined to approve the zoning change necessary to turn his residential property into a brewpub. The publicly available version of the Council's review of the project contains sentences finding the brewery would not fit the neighborhood — but those sentences are crossed out and replaced with sentences suggesting the opposite. City officials did not return inquiries on why the edits were made.

Zinke made a second attempt at converting his property into a brewery the following year. At that time, coming off his failed lieutenant governor run, Zinke joined a City Council committee charged with creating a plan to develop a commercial corridor along one of Whitefish's main stretches of road.

Zinke remained on the committee even after winning a congressional seat in 2014. At a May 4, 2015, meeting, he told the panel he "would like to continue his plans for a micro-brewery ... knowing it will be subject to regulations and codes in place; i.e. the Whitefish Noise Ordinance so that they are not a disturbance to neighbors," according to the meeting minutes.

His efforts again failed as he clashed with residents on and off the committee who worried that a brewery on the property would create late-night noise and fill up nearby parking in the residential area, said Whitefish City Council member Frank Sweeney.

"We started the master plan and he used that as a way" to push for his brewery, Sweeney said in an interview. "He began to treat the process and those involved in what I considered a somewhat condescending manner."

The site currently being considered for a brewery is adjacent to land belonging to the Great Northern Veterans Peace Park Foundation, a nonprofit Zinke started in 2007 and ran for a decade before his wife took his place as foundation president last year. The foundation's other directors are Zinke's children and a real estate developer.

The large freight railroad BNSF donated the land to Zinke for use as a park while he was state senator. Though the land is little-used and largely unchanged from the time of its donation, Zinke, in his latest statement, described it as a gift to the community.

"The park provides a safe sledding and skating venue for kids and a community open space at no charge," he wrote in his latest statement. "My family alone grooms the hills, conducts the maintenance and pays for the snow plowing. We have also supported education projects when we can afford to. A great story of giving back to a community I love."

Ethics specialists say the foundation's offer to provide a parking lot for the Lesar-backed development could stand to benefit the Zinkes even if there is no established link between the couple and the proposed microbrewery. That's because the development would increase the value of the abutting property the couple owns, two parcels of land that include the rejected site of their initial proposal for a microbrewery. Across the street from those sites is a house that the couple converted into a bed-and-breakfast called the Snow Frog Inn.

The Zinkes own the bed-and-breakfast through another limited liability corporation called Continental Divide LLC. They started an earlier version of that corporation — Continental Divide Inns LLC — in 2005, when Ryan and Lola Zinke joined with Dr. Joel Bernstein, a family friend from California, according to the firm's articles of incorporation.

Bernstein would be found guilty in 2013 of defrauding Medicare for four years leading to mid-2011. There was no evidence that Zinke or Continental Divide had any part in the fraud, Melanie Pierson, the Justice Department lawyer who prosecuted the case, told POLITICO. In 2013, Zinke filed paperwork disassociating Bernstein from the firm. Bernstein died in 2014.

Now, the Zinkes control the properties through the Continental Divide and Double Tap LLCs. Lola Zinke also controls the foundation overseeing the peace park. Together, the properties frame the Lesar-backed development.

The inspector general's investigation is widely expected to cover all aspects of the dealings between the Zinkes and the Lesar-backed development, though Nancy DiPaolo, the IG's director of external affairs, said the office does not comment on ongoing investigations.

In Whitefish, the notion that the planned microbrewery next to the Zinkes' park and land could be the outcome of Zinke's yearslong efforts to develop a business presence in the town has been talked about for months among local brewers, said Mills, the director of marketing and events at Kalispell Brewing Co.

While there was debate as to whether Whitefish — a town of 6,000 full-time residents — could accommodate a third microbrewery, Mills said, Zinke would be welcome to try.

"Whitefish gets a crazy amounts of visitors," Mills said. "Whoever Zinke decides to partner with, there's always room for more."

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Trump's energy policy lifts from Icahn, Heritage Back

By Eric Wolff | 09/15/2016 05:56 PM EDT

If Donald Trump's new attack on the Obama administration's ethanol program on Thursday sounded familiar, that's because it was: Carl Icahn, the billionaire investor Trump has said he'd nominate as Treasury Secretary, said it first.

Trump's campaign, which has taken heat for copying proposals rather developing its own policies, posted an online summary of his economic plan today as he touted it as "what our new future will look like" — but unexpectedly pulled it down just a few hours later. That "fact sheet," a copy of which POLITICO saved before

its removal, offered a rare, detailed energy policy criticism, warning that EPA's biofuel credits program "will give Big Oil an oligopoly" while hurting smaller refineries. And it was the exact same argument made by Icahn in a letter to EPA last month that also slammed the program as an "oligopoly" in the making.

Icahn is himself the owner of a refiner that's saddled with $200 million in annual costs by the EPA credits program, so getting it changed is a high priority for the billionaire — and which his friend Trump embraced wholesale on Thursday.

Icahn told POLITICO that he had no influence on the ethanol credits language in Trump's economic agenda, but that he had sent Trump his EPA letter as "a friend" and had called the Republican nominee "to congratulate him" for embracing the idea.

Trump "should make it clear" that he isn't against the federal ethanol mandate, merely against the credits program that has hurt smaller refiners, Icahn said. "Obviously he's against Big Oil, and I agree with him completely."

The now-deleted Trump fact sheet also borrowed several passages almost verbatim from the conservative Heritage Foundation think tank for its section on killing President Barack Obama's environmental regulations. The campaign did not return a request for comment on why the document was pulled from public view after Trump's economic rollout speech in New York, but it posted a new version later Thursday that eliminated Icahn's ethanol plan and the borrowed passages.

Trump's uncharacteristically wonky criticism of the ethanol credits program almost immediately intensified a long-running fight within the oil industry between smaller refiners such as Icahn's CVR, which are pushing to move the burden of compliance with the federal biofuels mandate elsewhere, and bigger oil companies that want to see the entire mandate reformed or ended.

Trump has backed the ethanol mandate throughout his campaign and reiterated that stance in Iowa this week. But Trump's Thursday embrace of the Icahn stance on biofuel credits left the ethanol industry split on whether he'd shifted.

"This seems to be inconsistent with Mr. Trump's previous statements expressing a firm commitment to a strong renewable fuel standard," Emily Skor, CEO of the ethanol producers' group Growth Energy, said in a statement.

Brooke Coleman, executive director of the Advanced Biofuels Business Council, described the ethanol credits as "the muscle behind the program," agreeing that the now-defunct fact sheet is "inconsistent with Trump's previous position."

"They have a choice to make. Are they pro-[biofuels mandate] or aren't they?" he said.

But Bob Dinneen, CEO of the Renewable Fuels Association, dismissed the notion that Trump had shifted on the mandate. "This shouldn't be interpreted as a reversal of support," he said in a statement.

Within the oil industry, opponents of the Icahn-backed proposal bristled Thursday at the Trump campaign's portrayal of the debate as "Big Oil" versus the smaller refiners, which the EPA was "bankrupting." But those industry players who agree with Icahn on moving the burden of the credits program from refiners to fuel marketers cheered Trump for weighing in, even as they disagree with his continued support of the broader ethanol mandate.

"Trump is a pro-biofuels candidate by any standard," said one industry source who supports the Icahn-backed change. "He still sees that common sense would dictate" the EPA program has to be overhauled.

Icahn's office did not return a request for comment on the inclusion of his proposed ethanol change in the Trump economic plan. The 80-year-old activist investor has declined interest in the Treasury Secretary job that Trump has often said he would offer him.

The Trump policy fact sheet also appeared to lift wholesale from the Heritage Foundation in describing the Obama environmental rules that the GOP nominee would roll back.

A paragraph from Trump's plan disparaging EPA's new ozone standard was lifted almost verbatim from a May paper by The Heritage Foundation on costly Obama regulations, with only slight modifications to simplify the language.

"The new ozone standard will push hundreds of communities out of compliance, and force states to devise plans to limit industrial activity and transportation projects, as well as replace existing emissions control equipment with more advanced (and costly) emissions equipment," said Trump's plan.

Heritage's version: "The new ozone standard of 70 ppb will push hundreds of communities out of compliance, and force states to devise plans to limit industrial activity and transportation projects, as well as replace existing emissions control equipment with more advanced (and costly) systems."

The Trump campaign also closely mimicked language about the costs of the rule, including a bit about how costs are calculated separately for smog-plagued California than the rest of the nation.

In addition, the campaign also lifted language about EPA emissions rules for power plants from Heritage's paper.

The emissions rules "will impose $7.2 billion in annual costs, according to the agency itself — and far more according to private sector critics," Trump's plan noted.

Heritage wrote earlier this year that the rule has "$7.2 billion in annual costs, according to the agency (and far more according to critics)."

The campaign's description of EPA's Waters of the U.S. rule also appears to be taken from The Daily Signal, a Heritage-owned news site.

The rule "covers virtually all waters in the nation whether navigable or not and, by extension, much of the land use, from ponds on farms to storm run-off from home building sites," the Trump camp wrote.

A June Daily Signal post on environmental regulations describes WOTUS as "a reinterpretation of the act that would cover virtually all waters in the nation and, by extension, much of the land."

Alex Guillén contributed to this report.

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Trump keeps ozone rule despite campaign promise Back

By Alex Guillén | 08/01/2018 06:07 PM EDT

President Donald Trump promised during the 2016 campaign to repeal the Obama administration's 2015 ozone standard. echoing the complaints from the business sector that the rule would cost companies billions of dollars.

But after reviewing it for a year and a half, EPA on Wednesday decided instead to keep the standard intact.

The decision puts EPA in the awkward position of defending the Obama rule in a lawsuit that had been originally brought by former chief Scott Pruitt in his prior role as Oklahoma's attorney general and Murray Energy, the coal company that acting Administrator Andrew Wheeler lobbied for before joining EPA. (Wheeler and his former firm were not involved with Murray's lawsuit, and Wheeler did not report lobbying EPA on the issue for Murray.)

"The Agency at this time does not intend to revisit the 2015 Rule," EPA wrote in a court filing on Wednesday.

Though that court filing questions what role natural background levels of ozone play in setting the national standard, the agency said the laborious process of revoking the Obama rule was too onerous and the uncertainty to businesses would be too great. Instead, it would focus on the upcoming 2020 review, when it must decide whether to tighten, maintain, or potentially even loosen the standard.

The decision is a victory for environmental and public health advocates, who will now proceed with their legal challenge that contends the 2015 standard was too lax.

"We're glad to have our chance to argue that the standard is not as protective as it's legally required to be," said Seth Johnson, an Earthjustice attorney involved in the case. "We had wanted the chance to do that in April 2017 and we're glad to get the chance to do it now."

The resumption of the lawsuits will put EPA in a crossfire between the greens and the challengers from industry groups and red states who argue the standard was too strict. Both sides will seek to undercut each other, aligning with EPA against their opponents even as they seek to sway the courts to their arguments.

Paul Billings, senior vice president of advocacy for the American Lung Association, saw EPA's decision as not much of a win because the agency has otherwise dragged its feet on implementation.

"Here we are almost three years in, and we're still behind on implementation," he said. "So I don't think it's a victory, I think it's just the next step."

Ross Eisenberg, vice president of energy and resources policy at the National Association of Manufacturers, said companies will make their case to EPA in other ways.

"Manufacturers in nonattainment areas for the 2015 standard still need flexibility to comply with the rule," he said in an email. "There are different ways to provide this flexibility. However EPA decides to provide it, we will welcome it."

The ozone rule is not the only Obama-era rule the Trump EPA has defended, but it is by far the most controversial and highest profile.

Ground-level ozone, also known as smog, is formed by the mixing of pollutants emitted by power plants, cars, refineries, factories and other sources. At high levels, it causes or worsens respiratory illnesses, including asthma, bronchitis and emphysema. The 2015 rule lowered the ozone limit from 75 parts per billion, a level set in 2008, to 70 ppb, the upper limit of a range suggested by EPA's advisory panel.

Former administrator Pruitt, who departed the agency last month, arrived at EPA last year ready to roll it back, along with a litany of other Obama-era rules, but he struggled to with his initial efforts to delay key implementation deadlines.

Pruitt last summer announced he would wait an extra year to designate which parts of the U.S. had failed to meet the pollution standard. Environmentalists and Democratic attorneys general sued, arguing that while he had authority to delay some decisions if there were data deficiencies, Pruitt could not issue a blanket delay for the entire U.S.

Pruitt quickly reversed his decision, but when the Oct. 1, 2017, deadline came around, EPA remained silent about the designations, triggering a new round of lawsuits. A federal judge ruled that Pruitt had whiffed, and ordered him to issue the designations, which EPA just wrapped up in July.

In addition, Pruitt in May issued a memo that committed EPA to finishing the next ozone review within the Clean Air Act's five-year timeframe, by October 2020.

The five-year deadlines have posed a challenge for EPA under every administration, and Pruitt's emphasis on finishing the next round on time — and before the next election — had triggered speculation in recent months that the Trump administration was preparing to stick with the 2015 rule.

EPA also has significant legal considerations. Because of capacious language in the Clean Air Act, NAAQS standards like the ozone rule can be difficult to challenge in court.

The Supreme Court in 2001 ruled that EPA is barred from considering compliance costs when setting the standards, allowing EPA to focus on health effects alone.

And in 2014 Brett Kavanaugh, the District of Columbia Circuit judge nominated by Trump to the Supreme Court and a frequent critic of EPA overreach, upheld a tightened Obama-era soot standard because the Clean Air Act "gives EPA substantial discretion" in setting such standards.

Now that EPA has decided to defend the Obama-era rule, the legal challenges to the ozone rule could recommence relatively quickly.

The matter had been fully briefed last spring when the oral arguments were delayed, and the parties have suggested in recent filings that the arguments could simply be rescheduled for this fall, potentially as early as September or October. EPA said it will consult with the other parties and propose a new schedule by Aug. 22.

The case likely would end up before the same panel of judges slated to hear it last year: Thomas Griffith, a George W. Bush appointee, and Cornelia Pillard and Robert Wilkins, both Obama appointees.

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EPA ozone designations hand win to Foxconn Back

By Annie Snider | 05/01/2018 03:51 PM EDT

EPA says the Wisconsin county where a major new Foxconn Technology Group manufacturing plant is planned has met tough new ozone standards, a reversal from its own earlier recommendation and a major win for the company.

Racine County, where Foxconn plans to begin construction on a $10 billion flat-screen plant within weeks, was not among the 51 areas in the U.S. that the agency today said failed to meet the 2015 ozone standard of 70 parts per billion. Areas in nonattainment face additional requirements to reduce pollution from sources like cars, power plants and industrial sites — requirements that could have added major expenses for the technology firm, which was wooed to Wisconsin by President Donald Trump, House Speaker Paul Ryan and Gov. Scott Walker with a $4 billion incentive package and promises of environmental exemptions.

In December, EPA said it planned to find several counties in Wisconsin, including Racine, in violation of the ozone requirements, but Walker asked EPA to reverse or revise its finding, according to the Milwaukee Journal Sentinel. EPA's Region 5 Administrator Cathy Stepp, who previously ran Wisconsin's Department of Natural Resources, was recused from working on the issue, according to an ethics agreement.

EPA did not immediately reply to a request for comment.

The decision is a partial win for Walker, who had wanted his entire state designated as in attainment. While EPA classified Racine and two other nearby counties as in attainment, it deemed parts of other counties as being in nonattainment.

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Senate clears massive minibus package with Interior-EPA funding Back

By Anthony Adragna | 08/01/2018 01:30 PM EDT

The Senate today cleared a massive four-title minibus spending package, H.R. 6147 (115), that includes a $35.8 billion Interior and Environment title, clearing the way for the chamber and the House to begin working through major differences in their bills.

The vote was 92-6.

The legislation contains funding for Interior, EPA, the Forest Service and the Bureau of Indian Affairs, among others, without significant environmental policy riders. It's a sharp contrast from the House, which attached policy riders targeting numerous high-profile regulations in its version of the Interior and EPA spending package.

WHAT'S NEXT: The fiscal year expires at the end of September.

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Pipeline regulator considers gutting pipeline replacement rule Back

By Ben Lefebvre | 08/01/2018 04:17 PM EDT

The federal pipeline regulator is considering scrapping a safety rule requiring energy companies to replace old pipelines in newly populated areas, a change that critics and even the regulator says could raise the risks of ruptures.

The potential rollback of the rule by the Pipeline and Hazardous Materials Safety Administration — which the agency said this week was in line with President Donald Trump's executive order to cut regulatory costs and eliminate two rules for every new one created — is backed by pipeline operators. It would eliminate a decades-old regulation known as the "class location system" that requires companies to replace stretches of natural gas pipelines running below areas that experienced population density growth after the line was installed.

The moves comes amid concerns about natural gas pipeline accidents, including the 2010 blast that killed eight people in San Bruno, Calif. Last month, a natural gas pipeline explosion killed a firefighter and injured a dozen other people in Wisconsin, and another pipeline ruptured and exploded in rural West Virginia.

The current PHMSA rule divides population areas into four classes, ranging from sparsely populated "Class 1" rural areas to high-density "Class 4" urban regions, and companies are required to install new pipelines when population growth bumps an area up by two classes. Pipeline operators have argued that advances in technology enable them to monitor pipeline safety better than when the original rule came out, and getting rid of the rule would eliminate the cost of swapping out old line for new, thicker steel.

PHMSA regulators themselves expressed reservations about the possible change in the Federal Register notice announcing it was seeking comment for a rule change. The public comment period will end in late September.

"Over the past decade, PHMSA observed problems with pipe and fitting manufacturing quality, including low-strength material; construction practices; welding; field coating practices; [integrity management] assessments and reassessment practices; and record documentation practices," the agency says in the Federal Register notice. "These issues give PHMSA pause in considering approaches allowing a two-class bump (Class 1 to 3 or Class 2 to 4) without requiring pipe replacement, especially for higher-pressure transmission pipelines."

Rebecca Craven, program director at watchdog group Pipeline Safety Trust, said the group was pleased that PHMSA expressed some skepticism about the rule change proposal, and that there have been too many cases of failed pipeline early warning systems to warrant relying solely on technology.

"The Pipeline Safety Trust remains concerned that the system-wide protections provided by the class location system be maintained at least until the industry can show a track record of substantially lower incident rates in areas under their integrity management plans," Craven said. "It's critical that operators do a better job of preventing corrosion if they intend to leave thinner walled pipe in the ground in areas where the population is growing."

A representative of trade association Interstate Natural Gas Association of America was not immediately available to comment. But the association cheered the proposed rule change earlier this week as a cost-saving measures that could allow them to invest more in new inspection technology.

"INGAA urges PHMSA to work expeditiously on this important update to the class location change regulations so that homes and businesses near natural gas pipelines can benefit from modern pipeline safety technologies and the natural gas these pipelines deliver," INGAA Chief Executive Don Santa said in a press release earlier this week.

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Sources: EPA blocks warnings on cancer-causing chemical Back

By Annie Snider | 07/06/2018 05:02 AM EDT

The Trump administration is suppressing an EPA report that warns that most Americans inhale enough formaldehyde vapor in the course of daily life to put them at risk of developing leukemia and other ailments, a current and a former agency official told POLITICO.

The warnings are contained in a draft health assessment EPA scientists completed just before Donald Trump became president, according to the officials. They said top advisers to departing Administrator Scott Pruitt are delaying its release as part of a larger campaign to undermine the agency's independent research into the health risks of toxic chemicals.

Andrew Wheeler, the No. 2 official at EPA who takes over for Pruitt on Monday, also has a history with the chemical. He was staff director for the Senate Environment and Public Works Committee in 2004, when his boss, then-Chairman Jim Inhofe (R-Okla.), sought to delay an earlier iteration of the formaldehyde assessment.

Formaldehyde is one of the most commonly used chemicals in the country. Americans are exposed to it through wood composites in cabinets and furniture, as well as air pollution from major refineries. The new assessment would give greater weight to warnings about the chemical's risks and could lead to stricter regulations from EPA or class-action lawsuits targeting its manufacturers, as frequently occurs after these types of studies are released.

"They're stonewalling every step of the way," the current official said, accusing political appointees of interfering with the formaldehyde assessment and other reports on toxic chemicals produced by EPA's Integrated Risk Information System. Industry has long faulted the IRIS program, the agency's only independent scientific division evaluating the health risks of toxic chemicals, whose assessments often form the basis for federal and state regulations.

The current official and former official requested anonymity out of fear for their jobs and the impact that speaking out could have on the IRIS program.

Interfering with the formaldehyde study is one of several steps Trump's EPA has taken to side with the businesses the agency is supposed to regulate and undermine the agency's approach to science, critics say. Public health advocates also expressed alarm after Pruitt replaced academic scientists with industry advocates on the agency's influential science advisory boards and sought to limit the types of human health research EPA can rely on in rulemakings.

The officials said Trump appointees have required that career officials receive their permission before beginning the required internal review of the formaldehyde study and have canceled key briefings that would have advanced it. That interference came after EPA career scientists revised the study once already last year to insulate it from political controversy, they said.

In a statement, EPA denied that the assessment was being held back.

"EPA continues to discuss this assessment with our Agency program partners and have no further updates to provide at this time," EPA spokeswoman Kelsi Daniell said. "Assessments of this type are often the result of needs for particular rulemakings and undergo an extensive intra-agency and interagency process."

But as far back as January, Pruitt told a Senate panel that he believed the draft assessment was complete.

Five months later, it has yet to see the light of day. Meanwhile, internal documents show, a trade group representing businesses that could face new regulations and lawsuits if the study were released had frequent access to top EPA officials and pressed them to either keep it under wraps or change its findings.

"As stated in our meeting, a premature release of a draft assessment ... will cause irreparable harm to the companies represented by the Panel and to the many companies and jobs that depend on the broad use of the chemical," Kimberly Wise White, who leads the American Chemistry Council's Formaldehyde Panel, wrote in a Jan. 26 letter to top officials at EPA. The panel represents companies including the Koch Industries subsidiary Georgia-Pacific Chemicals LLC that could face higher costs from stricter regulations or lawsuits.

Nearly a million jobs "depend on the use of formaldehyde," White's letter argued.

The holdup is attracting attention on Capitol Hill, where Democrats have already expressed alarm, arguing that the Trump administration has allowed politics to interfere in EPA's scientific assessments of threats such as toxic pollution and climate change.

The agency must "move past politics and focus on its job of protecting human health" by releasing the formaldehyde study, Sen. Ed Markey (D-Mass.) said in a statement to POLITICO.

"Because formaldehyde can be found in everything from wood products to women's hair straighteners, the public health risks are substantial," Markey said. "Delaying the EPA's latest assessment of the health risks of formaldehyde only further endangers the health of Americans."

Public health advocates have similarly expressed fears that the Trump administration has allowed EPA to be captured by the industries it regulates. The revelations about the formaldehyde study come after Pruitt removed academic scientists from the agency's influential science advisory boards and in many cases replaced them with industry advocates, and after he proposed a policy to limit the agency's use of human health data while offering a carve-out for confidential industry studies.

"At every corner, you see the agency trying to either minimize the role of science or manipulate the role of science or just ignore the work of scientists in doing the critical work to ensure that human health and the environment is protected," said Jennifer McPartland, a senior scientist with the Environmental Defense Fund's health program.

POLITICO also reported in May that Trump administration officials, including EPA chief of staff Ryan Jackson, sought to delay an HHS study finding that nonstick chemicals pose health dangers at a lower level than EPA has said is safe.

Insiders anticipate few major policy changes under Wheeler, who is widely expected to continue Pruitt's deregulatory agenda and is well-versed in chemicals issues. He began his career in EPA's chemical safety office, and after leaving Inhofe's staff lobbied for several chemicals companies, including Celanese Corp., a major formaldehyde manufacturer and ICOR International, a refrigerants manufacturer that was recently acquired by Chemours Co., a DuPont spin-off. A Celanese spokesman said Wheeler worked only on the Renewable Fuels Standard for the company, although Wheeler's disclosure forms describe his lobbying as being on the broad topic of "chemicals issues." Wheeler is not barred from working on chemicals issues under the recusal statement he signed in May.

Decades' worth of research has linked formaldehyde to nose and throat cancer and respiratory problems, and newer research has suggested the connection to leukemia — controversial conclusions that would gain significant credence if EPA formally adopts them. The new assessment affirms those links to leukemia, nose and throat cancer and other ailments, according to the current and former officials familiar with its findings.

The new assessment could lead EPA to impose stricter regulations of chemicals refineries or wood products and could spur class-action lawsuits from cancer patients attempting to hold companies responsible for their illnesses.

The agency officials said the political aides blocking the assessment include Jackson and Richard Yamada, a former staffer for House Science Chairman Lamar Smith (R-Texas) who is now a top official in EPA's Office of Research and Development. And they said Nancy Beck, who criticized the IRIS program in her previous job as a top chemical industry expert, is now helping to stymie the program's assessments in her new post as head of EPA's chemical safety office. Jackson, Yamada and Beck did not respond to requests for comment.

The EPA spokeswoman disputed the accusations and said Yamada and Jackson have in fact requested briefings on the assessment.

The current EPA official told POLITICO that political appointees have managed to avoid creating written evidence of their interference with the formaldehyde assessment by refusing to send emails or create other records that could eventually become public, instead using what the official described as "a children's game of telephone."

By blocking the report at the first step of the IRIS review process, political appointees are keeping it from being reviewed by the National Academies of Sciences, an independent panel of the country's top scientists that must weigh in on all such risk assessments. EPA has already paid the academies $500,000 for that review, the highest level of scrutiny a scientific study can receive, but the work cannot start until Pruitt's aides send the study.

"If the administration was really keen on protecting public health, why wouldn't they send this to the National Academy and give it a really good review?" the former EPA official asked. "If it survives that review, then there's a public health problem that needs to be dealt with, and if it doesn't survive the review, then they can point the finger at IRIS and say, 'You're dead.'"

The former official said there would be only one reason not to ask the country's top experts whether they agree with the analysis: "You don't want the answer."

Public health advocates say the administration's attacks on science have had especially significant implications for the IRIS program. The small office of about 35 experts pores through the huge body of existing research on chemicals, including industry-backed studies aimed at proving the substances safe, to independently assess their risks. While purely scientific, the program's reviews are looked to by regulators not just at EPA, but also in the states and around the world, often paving the way for new or more stringent regulations.

But industry has long targeted the program, arguing it uses an opaque process to decide which studies to rely on and which research to give credence to when findings conflict.

The American Chemistry Council, Beck's former employer, spent more than $7 million last year lobbying EPA and Congress on issues including IRIS, formaldehyde and the policy to limit EPA's use of human health research. Chemicals manufacturers, including Hexion Inc., one of the country's largest manufacturers of formaldehyde, have also spent tens of thousands of dollars on lobbying related to the program this year.

A National Academies panel agreed with some of industry's criticisms of the IRIS program in a blistering review of an earlier iteration of the formaldehyde assessment that recommended major changes to how IRIS

decides how much weight to give conflicting studies, although it did not attack the substance of its findings about the health effects of formaldehyde. Critics of the IRIS program have pointed to that review frequently as they have sought to kill it, including in an appropriations battle this spring. The EPA spokeswoman also pointed to that assessment in her statement. "The National Academy of Science and Congress in legislative reports have for years been highly critical of EPA's previous assessments involving formaldehyde," she said.

But EPA has overhauled the program since then, hiring a new director for IRIS and a new head of the National Center for Environmental Assessment, in which it is housed. The changes have received high marks from the National Academies in two more recent reviews, one in 2014 and one this past April. The latest formaldehyde assessment is expected to demonstrate further progress implementing the academies' recommendations, potentially undermining industry critiques of the overall IRIS program if it were to be released.

Although efforts to kill EPA's independent scientific arbiter have so far failed, EPA officials and public health advocates say the program has been significantly hobbled under an administration with close ties to the chemicals industry.

White, the top staffer for the American Chemistry Council's Formaldehyde Panel, wrote EPA three times between September 2017 and January 2018, urging the agency to incorporate industry-funded research that found no link between formaldehyde and leukemia, and arguing that the studies shifted the scientific consensus away from the conclusion that it does. In November, Pruitt appointed her to the agency's influential Science Advisory Board.

Less than a week after the council's Jan. 24 meeting with EPA, Pruitt himself confirmed that the report had been complete for months. During a Senate hearing at the end of January, Markey asked Pruitt for an update on the formaldehyde assessment, saying it was his understanding "that the EPA has finalized its conclusion that formaldehyde causes leukemia and other cancers and that [the] completed new assessment is ready to be released for public review, but is being held up."

"You know, my understanding is similar to yours," Pruitt replied, promising to follow up.

Markey reminded Pruitt of the exchange in a May 17 letter. In a response Thursday, the agency's principal deputy assistant administrator for science, Jennifer Orme-Zavaleta, said EPA "continues to discuss the formaldehyde assessment internally and has no further updates to provide at this time."

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Subject: Budget & Appropriations: GOP tells Trump: No do-over on spending deal — How the omnibus could protect farmers in trade war — Freedom Caucus eyes spending panel power

By Sarah Ferris and Kaitlyn Burton | 04/12/2018 03:08 PM EDT

BOILING POINT: All of those Republican appropriators who breathed a sigh of relief after President Donald Trump signed last month's omnibus are now spouting off at the president's attempt to backtrack on that spending.

Taking it to the top: Even the normally reserved spending chiefs like Rep. Rodney Frelinghuysen (R-N.J.) and Sen. Richard Shelby (R-Ala.) are spurning the idea, as we explain today. And in a White House meeting on Wednesday, Shelby told Trump directly that the idea was a no-go, according to Bloomberg's Erik Wasson . "I told him he may not have the votes for that," Shelby said. "We may not act on in it in the committee."

The forever CR?: Many appropriators are afraid of losing their own credibility with Democratic negotiators down the line. (After all, both parties will need to sign off on the next funding deal in just four months.) "My attitude is, your word is your bond," Frelinghuysen told us. Rep. Tom Cole (R-Okla.), who was visibly peeved during a rescissions rant, went even further: "You'd never have another deal ever. You'd have a CR for the rest of the president's term."

The maybes: A few appropriators said they won't totally rule out the idea until they see it. But only one Republican spending chief we talked to said he was actively considering the idea: Rep. Robert Aderholt (R-Ala.). (Context: the Agriculture subcommittee chairman is shooting for a big promotion next year.)

Related read: Labor Secretary Alexander Acosta told senators today that the White House has so far been mum on any rescissions. "I have received no request to make any recommendations for any rescissions," Acosta said, Ian Kullgren reports.

GOOD THURSDAY AFTERNOON! Reach out: sferris@politico.com (@sarahnferris) and kburton@politico.com (@knicoleburton).

Doc of the day — A letter from Democrats on the House Armed Services Committee opposing the White House's tentative proposal to use military funding to pay for a proposed border wall with Mexico. It was sent directly to Defense Secretary Jim Mattis.

Daily Budget Fact — Oklahoma's per-pupil funding has been cut by about 28 percent, adjusted for inflation, since 2008. The state's teacher strike for bigger education budgets has lasted 11 days and counting. More from Caitlin Emma.

Quote du jour — Mick Mulvaney, budget chief and acting head of the Consumer Financial Protection Bureau, tells the Senate banking committee today: "While I have to be here by statute I don't think I have to answer your questions." (It was a pointed critique about the format of the bureau, which does not report to Congress.)

BUDGET

DESTINED TO FAIL: Today's the big day for the House GOP's so-called balanced budget amendment vote. There's almost no chance that it gets the needed two-thirds support, or roughly 290 votes, in the House, so it's hardly being taken seriously even by Republicans. (The roll call could actually end up being more helpful to Democrats on the campaign trail this fall.)

'I know a hustle': In the words of Rep. Hakeem Jeffries (D-N.Y.) today: ""Republicans burned down our fiscal house, and now you show up with a so-called balanced budget amendment and act like the volunteer fire department. I'm from Brooklyn, I know a hustle when I see one."

Where's the GOP budget? Even the Committee for a Responsible Federal Committee isn't getting behind this one. The budget hawks group sent a letter to Congress today urging GOP leaders to draft and pass a budget if they're actually serious about steadying the U.S. fiscal situation.

APPROPRIATIONS

WHAT MEADOWS WANTS: All eyes are on the House Freedom Caucus in the race to replace Speaker Paul Ryan. What will Rep. Mark Meadows (R-N.C.) and his crew want in exchange for supporting the next GOP leader? As Jake Sherman writes today, one demand will likely be committee slots — especially coveted ones on the Appropriations panel. Currently, only one out of 31 Republicans on the House Appropriations Committee also belongs to the Freedom Caucus. (That's Rep. Andy Harris of Maryland, who earned that seat in 2015.)

SPACE

TRUMP'S BIG SPENDING GAP: Trump may be far underestimating the true cost of his plans to revamp the American space program. Even just sending astronauts to Mars would cost a whopping $1 trillion over the next 25 years, experts say. But Trump requested just $19.9 billion for NASA in his fiscal 2019 budget proposal — an amount that is not even a down payment for the White House's most ambitious plans. Jacqueline Klimas reports.

U.S. falling behind: Rep. Randy Hultgren (R-Ill.), one of Congress' biggest supporters of space exploration, gave a stark warning of the effects of the U.S. underfunding of space programs today at a POLITICO event: "I see so many countries doing better than we're doing at pre-funding space programs, pre-funding science ... and we've been going month to month in determining what our budgets are going to be."

AGRICULTURE

FLEXIBILITY FOR FARMERS: With the U.S. careening toward a potential trade war with China, agriculture leaders in Washington are starting to talk up their back-up plan for potentially at-risk farmers. USDA Secretary Sonny Perdue said his department has about $30 billion at its disposal — courtesy of the Commodity Credit Corporation — "if needed" to help stabilize farm income.

Tucked into the omnibus: And it's actually the result of a little-noticed change in last month's spending bill, H.R. 1625 (115), which lifted certain restrictions on the Agriculture secretary's authority to use those CCC funds. (Perdue said he met with appropriators last year to ask them to remove those restrictions.)

IT BEGINS: House Agriculture Chairman Mike Conaway (R-Texas) today unveiled his much-anticipated farm bill, posing big questions about how it'll collect a bipartisan share of votes on the floor. The plan would cost about $860 billion over a decade, roughly $100 billion less than the last farm bill's initial price tag.

Big changes to SNAP: As expected, the GOP's plan adds work requirements. Between 5 million and 7 million SNAP recipients would see stricter work requirements — changes that Democrats have warned could tank the

whole bill. It would also more than triple money spent on education and work training for food-stamp recipients. Much more from Ag team Catherine Boudreau, Helena Bottemiller Evich and Liz Crampton.

ECONOMY

WELL, THIS IS NEW: The Federal Reserve isn't quite sure how to digest Congress' recent fiscal stimulus efforts — both the $1.3 trillion omnibus and the huge package of tax cuts. That's because it hasn't happened before when the economy was already booming, as Victoria Guida reports. One definite worry? The downsides of the federal government running high budget deficits, which means higher costs of borrowing all around.

IMMIGRATION

BROWN SETS HIS BOUNDARIES: California Gov. Jerry Brown is officially on board with Trump's National Guard deployment plan ... sort of. The sole Democratic border state leader agreed to accept federal money to staff up the National Guard at the border — but only to combat crime, and not to enforce federal immigration laws, as David Siders and Aubree Eliza Weaver write.

'A costly endeavor': There's no dollar estimate yet for the plan, but a half-dozen House Democrats are already raising questions about using federal cash for an idea that appears to be "hastily and poorly designed." They point out that a similar effort by the George W. Bush administration cost $1.2 billion over two years. (President Barack Obama's year-long National Guard deployment cost $110 million.)

Troop tally: So far, 782 troops have been sent to the border, National Guard chief Gen. Joseph Lengyel told House appropriators today. He still can't guess the total cost or the number of troops that may be be involved, but he's asking lawmakers to give him permission to move funds around as needed, as Gregory Hellman reports.

Fence-fixing: The Trump administration's other big border security project — new and upgraded fencing along the boundary with Mexico — will kick off this summer. CBP chief Kevin McAleenan told appropriators today that the money will go out the door sometime in the next few weeks, as Kaitlyn reports.

TAX

WE'VE GOT A WINNER: White House budget director Mick Mulvaney came out on top in his fight to snag regulatory power from the Treasury Department, Aaron Lorenzo reports. OMB and Treasury struck a deal that gives the budget office significant new authority to look over tax regulations before they take effect, which could have big ramifications for the new tax law.

EARMARKS

— Trump weighs plan to allow states to require drug-testing for some on food stamps. Associated Press.

— U.S. 'playing catch-up' to Russian nuclear capabilities, Pentagon officials says. POLITICO Pro.

— 9/11 health care program in danger of being disrupted by Trump's budget, AG says. Newsday

— Wisconsin Gov. Scott Walker signs new limits on welfare programs into law. Milwaukee Journal Sentinel.

— Trump's funding threats to "sanctuary cities" meet chilly response in court. San Francisco Chronicle.

WE'RE COUNTING: 111 days until the National Flood Insurance Program expires (July 31), 172 days until funding runs out (Sept. 30).

To view online:
https://www.politicopro.com/newsletters/budget-appropriations/2018/04/gop-tells-trump-no-do-over-on-spending-deal-168311

Stories from POLITICO Pro

Trump's push to redo $1.3T spending bill he signed sparks GOP revolt Back

By Sarah Ferris and Kaitlyn Burton | 04/12/2018 05:11 AM EDT

A regretful President Donald Trump wants to roll back spending in a massive omnibus bill he signed into law, but Republicans who helped craft the legislation are in open revolt.

"My attitude is, your word is your bond," House Appropriations Chairman Rodney Frelinghuysen said, in his first public comments on the Trump plan.

Frelinghuysen (R-N.J.) is among more than a half-dozen appropriators who have voiced skepticism about the Trump administration's proposal to cancel billions in spending. Nearly all said they feared that it could erode the GOP's bargaining power in future budget talks. Their objections represented another low point in an often-tense relationship between the cost-cutting White House and GOP members of Congress who write spending bills.

The skeptics included the newly appointed Senate Appropriations chief, Richard Shelby, who met with Trump on Wednesday.

"We need to look at what we agreed on with the other side and keep our word, keep our agreements," the Alabama Republican told POLITICO just before his one-on-one with Trump.

He added that the Senate has had little appetite for the idea in the past: "Rescissions has never been a big thing over here."

The White House is seeking to essentially take a scalpel to last month's $1.3 trillion omnibus spending bill, scratching out any funding that Trump doesn't personally back.

Budget experts have said a rescissions package of that scale would likely be unprecedented: One party's leaders in Congress and the White House have never before unilaterally agreed to unravel a spending deal that has already been sealed.

"I think the whole rescission effort is unrealistic and dangerous," Rep. Tom Cole (R-Okla.), a longtime appropriator, told reporters. "It's hard enough to make a bargain around here. But you can't break your word when you do. ... You'd never have another deal ever."

Multiple lawmakers, including Cole, said they don't believe House GOP leaders are taking the idea seriously — despite Majority Leader Kevin McCarthy's own involvement in the budget scheme. They think it's really being pushed by Trump's belt-tightening budget director, Mick Mulvaney, a former member of the House Freedom Caucus.

Most are doubtful that the cutbacks could even land a floor vote.

"It seems like this is just an exercise in appeasing the president and the Republican 'no' votes on the omnibus," Rep. Charlie Dent (R-Pa.) told reporters.

"We could have made the original budget framework smaller. I would have been fine with that," Dent said. But he cautioned that going back on the agreement now, months later, would have a "chilling effect" on future deals.

Republicans, particularly in the House, have little desire to revisit the unpopular spending deal, H.R. 1625 (115), in an increasingly dire midterm campaign cycle. The package included huge boosts to domestic funding, which GOP leaders worked hard to sell to their own members in the name of securing more Pentagon funding.

Ultimately, 90 House Republicans backed the spending bill, in part because they were promised cover by the White House.

But Trump's 180-degree reversal on that deal left the Republican lawmakers who backed the omnibus feeling spurned. Trump further infuriated members of his own party after he threatened to veto the bill and accused GOP leaders of choosing to "waste money" in the bill.

Those same Republican leaders have sharply disputed Trump's claim that there was no close scrutiny of spending. "When you put together a $1.3 trillion bill, you look into all these accounts," Frelinghuysen said in defense of the bill.

"You don't throw your friends under the bus who did exactly what you wanted them to do," Cole said, calling it a "hare-brained scheme."

Just one appropriator out of nine polled by POLITICO this week expressed interest in a rescissions package.

Rep. Robert Aderholt (R-Ala.), who oversees Agriculture spending, said he was "absolutely" open to the idea.

"We're all just getting back, we gotta sit around the table and talk about it, but I don't dismiss the idea at all," said Aderholt, who is in a tight race to take over as House Appropriations chairman next year.

No lawmaker has seen any details out of the White House or GOP leadership about which programs would be cut. The Trump administration would have until mid-June to submit its request, after which it would be up to the House Appropriations Committee to turn the package into legislative language.

That work would need to be done at the same time the Appropriations panels are knee-deep in drafting bills for fiscal 2019, which begins Sept. 30.

And with an already abbreviated House calendar this year, lawmakers say there's hardly time or interest to jump back into the previous fiscal year.

"We'll see how that comes together. I'm not quite sure how that's going to happen, but we'll see if it does," Rep. Ken Calvert (R-Calif.) said.

Democratic leaders, meanwhile, have accused the GOP of "buyer's remorse" after the most recent spending deal. And Democrats are already cautioning that Republican efforts to walk back this year's spending deal would be seen as an attempt to void the entire two-year budget agreement.

Without that agreement, which also delivered huge increases in defense spending, the Pentagon's budget would actually shrink next year.

Rep. John Culberson (R-Texas) said he won't decide whether to support a rescissions package until he sees the details. But he added that Congress' spending panels tend to take the blame for the nation's mounting debt —

even though nondefense discretionary spending accounts for just 15 cents out of every dollar spent by the government.

"At Appropriations, we're the most visible and easy target," he said.

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Acosta says he hasn't received rescission request Back

By Ian Kullgren | 04/12/2018 11:54 AM EDT

Labor Secretary Alexander Acosta told senators today he hasn't been asked by the White House to propose cuts to the Labor Department's recently passed budget.

President Donald Trump's aides are said to be working with House Majority Leader Kevin McCarthy to draft a "rescission" bill that would cuts billions of dollars in spending from the spending omnibus passed last month.

Acosta, testifying before the Senate Appropriations labor subcommittee, said he's only heard of the plan through media reports.

"I have received no request to make any recommendations for any rescissions," Acosta said.

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Teachers Are Going on Strike in Trump's America Back

By Caitlin Emma | 04/12/2018 05:08 AM EDT

OKLAHOMA CITY — Alberto Morejon, dressed for business in a white button-up shirt and red tie, stood near the steps of the Oklahoma Capitol, surveying what he had started. Around him, several thousand teachers, many who knew him by name, chanted: "One day longer, one day stronger!"

It had been almost two months since Morejon watched news coverage of teachers in West Virginia, who hadn't had a raise since 2014, as they embarked on a nearly two-week long strike that forced the state's Republican Legislature to approve a 5-percent salary boost. Teacher salaries in Oklahoma, as Morejon knew well, were not much better than West Virginia — both states have been ranked among the five worst in the nation. Morejon, a 25-year-old social studies teacher and baseball coach at Stillwater Junior High in Stillwater, Oklahoma, saw the price it was taking on his colleagues. One fellow teacher, nearing retirement age, had to mow dozens of lawns after school every week to afford his daughter's college tuition.

So, while West Virginia teachers were still on the picket lines, Morejon decided it was time for his state to follow suit. He created a Facebook group called, "Oklahoma Teacher Walkout—The Time Is Now!" In just three days, the group swelled to 30,000 members. On March 8, the union laid out a list of demands —like a

$10,000 raise for teachers and $200 million to make up for education funding cuts—threatening a massive school walkout on April 2 if they weren't met. On March 31, the Legislature approved a $6,100 raise, but it wasn't enough and the walkout was called. On the third day of the walkout, I stood next to Morejon near the Capitol steps, where grateful teachers took selfies with him, and asked him how long this could last.

"If they think they're going to wait us out, they're crazy," Morejon told me. "This thing is going to last as long as they want it to last."

That was a week ago and the teachers are still at it. The demands have shifted away from a bigger raise and toward more funding to alleviate deep education cuts over the years. Teachers have decided that they would rather risk a public backlash than settle for outdated textbooks, dilapidated classrooms and four-day weeks in nearly a fifth of Oklahoma's school districts. Morejon's Facebook group now has more than 76,000 members—some 34,000 more people than there are teachers in the state, a strong indication the Oklahoma strike is having a strong influence on restive and underpaid teachers in other Republican-leaning states like Kentucky and Arizona, where tax-cutting legislators have throttled education budgets over the past decade.

Morejon is a key player in a surprising grass-roots labor movement that has ignited in less than two months. So far, fed-up teachers have found unexpectedly sturdy support among voting populaces that otherwise have tended to favor low to non-existent taxes. As the brush fire has swept west, government officials most responsible for those budget-austerity measures seem almost surprised by how difficult it has been to hold the political high ground. In the early days of the walkout, Oklahoma Governor Mary Fallin tried to knock the teachers as spoiled ingrates, likening them to "a teenager wanting a better car." The ad hominem approach hasn't gone over well. The teachers, many of them women, are redefining attitudes about organized labor, replacing negative stereotypes of overpaid and underperforming blue-collar workers with a more sympathetic face: overworked and underappreciated nurturers who say they're fighting for their students as much as they're fighting for themselves.

The festive scene outside the state Capitol last week—part political rally, part concert and part tailgate party—didn't look like a typically grim picket line. Teachers, students and parents and with little ones in tow danced to the Village People's "Y.M.C.A." Local school bands played Twisted Sister's "We're Not Gonna Take It." Entire families set up tents and lawn chairs, handing out free food and snacks. People marched in circles around the building, wielding and waving signs, many of which slammed the governor. One, which bore Fallin's face, read, "If ignorance is bliss, then this must be the happiest woman on Earth."

Inside the Capitol, the atmosphere felt more tense. People gathered around the center dome on the first four floors of the building, chanting, "We're still here!" and "We're not leaving!" Teachers fanned themselves in crowded hallways, demanding to meet with their state lawmakers.

Oklahoma is the hottest teacher battle in the country right now, but Kentucky and Arizona aren't far behind. In Kentucky, the statewide teachers union is urging teachers to march on the Capitol in Frankfort on Friday after Republican Governor Matt Bevin vetoed a bill this week that would boost per-pupil funding in the state. He also signed a pension reform bill that was quickly passed by the state Legislature last month. That pension reform bill, wildly unpopular with teachers, would make pensions more like 401(k) plans. The bill's passage sparked a massive "sickout" last month, with teachers storming the Capitol.

In Arizona, teachers are wearing red this week and holding "walk-ins," where they stand outside the school and talk to parents and anyone who will listen about the state of their classrooms, the need for a 20 percent raise and more education funding. Like Oklahoma, Arizona has watched many of its teachers flee the state for better-paying jobs in neighboring Nevada, where a massive education reform bill promoted by Republican Governor Brian Sandoval pumped $500 million into the education budget. Arizona educators are expected to announce a date for their own massive walkout in the coming days.

"You all are really inspiring us right now. West Virginia woke us up, but you all reaffirmed everything," said Joe Thomas, president of the Arizona Education Association during a remote discussion on April 3 with Alicia Priest, president of the Oklahoma Education Association, that was posted on Facebook.

"If this is the only language that politicians will listen to," Thomas said, "then we'll speak this language if we have to."

Lara Brown, director of the Graduate School of Political Management at the George Washington University and a former Education Department official during the Clinton administration, has been critical of teachers unions, which she thinks have in the past have been a barrier to improvement and reform.

But she said teachers in Oklahoma, Kentucky, Arizona and West Virginia could push other red states—where education funding cuts plague schools and slash salaries—to have broader conversations about what public education should look like and how it should be funded.

"Teachers are a huge constituency," Brown said. "There are thousands and thousands of teachers in every state and what that really means at the practical level is that teachers absolutely can organize and turn out the vote ... but whether they can dominate the national conversation is still a big question mark."

On Monday, on the Facebook page that started it all, Morejon wrote: "When talking to West Virginia teachers, they told me the most important day of the walkout was the 2nd Monday." Monday was the "second Monday" and many observers estimated the crowd at the Capitol was the largest yet.

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Among Oklahoma's biggest problems is that it can't keep its teachers. They get trained at Oklahoma's best universities and then they drive south to Texas, where schools promise thousands of additional dollars to attract top talent. The average salary for a teacher in Texas is $52,575, compared with $45,245 in Oklahoma, according to federal data. The Sooner State has had to issue emergency certifications to thousands of people in recent years to staff classrooms, raising concerns about qualifications. Even Oklahoma's 2016 Teacher of the Year left the state for Texas after he led a failed ballot initiative to give teachers in the state a $5,000 raise.

That exasperation is felt by aspiring educators who have only just begun their careers. Kristen Holland, Leah Chambers and Hallie Ball—all student teachers and seniors at Oklahoma State University— told me they want to continue teaching in state, even though they know they can make more money in Texas as first-year teachers. "The Texas schools jump out at us, saying that we can make more money, but I want to stay here," Chambers, 22, said.

Outside, four elementary school teachers from Norman, Oklahoma, waited for a friend near a row of portable toilets. "You can go anywhere else and make $15,000 more as a first-year teacher," said Brenda Frieling. "Teachers are done."

"I've had superintendents in Texas thank us because they hired our teachers," said Tulsa Superintendent Deborah Gist, who spoke over the phone on her first day of marching to Oklahoma City from Tulsa, 110 miles away. "It creates an extraordinarily unstable situation."

The education cuts also weigh on teachers, Gist said. About one-fifth of Oklahoma's 513 public school districts operate on a four-day schedule, forced to find a way to cut costs in the wake of state education funding cuts. Since 2008, about 28 percent of state per pupil funding, adjusted for inflation, has been cut, according to the Center on Budget and Policy Priorities, a think tank. Protesting teachers have complained about outdated textbooks held together by duct tape and ramshackle desks. A 7-year-old discovered she had inherited the same textbook once used by country singer Blake Shelton—in 1982.

But charts and statistical arguments don't always win the battle for public support.

The teachers know they are playing a public relations game, which explains why Gist and about 150 of her colleagues are sleeping in school gymnasiums along their trek from Tulsa to Oklahoma City. They measure goodwill in the willingness of people to bring them food and drinks, but that won't be the measure of the durability of their cause. That will be decided in the chambers of the state Legislature.

"We can't walk away from this moment and think we reached success," Gist said.

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Defining success weighs on union officials like Ed Allen. Allen is president of the Oklahoma City American Federation of Teachers, a local teachers union affiliate, and while he is excited at the prospect of translating the energy of the walkout to the polls in November, he is worried about an exit strategy and what the lack of one will do to a grass-roots labor movement that has broad public support—at least for now.

"The further you get away from Oklahoma City, the less passion you have," he told me. "If your kids are out of school for a couple weeks, those folks who were supporting you at some point are going to start saying, 'Yeah, I get it, I'm with you, but take the win and move on down the road.' But when you walk in the crowd out there [at the Capitol], people are pumped and they're not ready to hear, 'Let's go home.' And we're not ready to say it yet. So I don't know."

Some of that frustration is emerging from state lawmakers and parents in more rural parts of the state. Allen said he spoke with a representative in one of those less populous districts. "And he said, 'You know, when I talk to my constituents they say, someone's unhappy with a $6,000 raise? We're not quite getting that.'"

In a video that went viral this week and has since been deleted, state Rep. Kevin McDugle, a freshman Republican, said he wouldn't vote "for another stinking measure when (teachers) are acting the way they are acting." Soon after, an Oklahoma second grade teacher announced that she would run for his seat. (She was not the only teacher who decided to run for office when the registration window opened this week.)

One afternoon, as teachers in Oklahoma City continued to rattle state lawmakers, I decided to see if I could take the temperature outside the capital. I drove to the small town of Guthrie, about a half an hour from Oklahoma City, where a fine red dust coats many of the cars. Schools closed for the week due to the walkouts.

"It's hard to find stuff to do around here," said Jason Smith, a high school junior, while eating lunch at McDonald's with his grandmother, Tamara Smith. He said he supports his teachers and their cause but wants to go back to school because he spends his days sitting around watching YouTube.

His grandmother said, "I support them trying to get better education funding, but I mean, enough is enough, isn't it?"

Across the street at Walmart, a mother who home-schools her children and who said she wasn't comfortable being identified by name said the walkouts can put a strain on an already struggling community. More than 60 percent of Guthrie's students are eligible for free and reduced-price lunch, according to federal data. Churches in the area are handing out lunches to students who aren't in school and working to keep the kids entertained, sometimes driving them to Oklahoma City to see a movie.

Back at the state Capitol, teachers chanted, "2, 4, 6, 8, we want you to legislate!" Inside, state lawmakers debated several bills that could boost education revenue for Oklahoma by tens of millions of dollars, but it's unclear which bills or what amount of money will ultimately end the walkouts.

"It would really probably take close to $1.5 billion to make up for 10, 11 years of education cuts in Oklahoma," said Allen of the Oklahoma City American Federation of Teachers. "Now if someone thinks you're going to do that all in one year, in one bill, it really can't be done."

While Oklahoma state lawmakers have acceded to some of the teachers' demands, they've refused to budge on others.

Governor Fallin signed a bill this week, repealing a proposed lodging tax that would have raised about $50 million for education. It also appears there's no appetite to end a tax break that benefits thousands of wealthy Oklahomans, known as the state's capital gains deduction. The Oklahoma Education Association has pointed to ending that tax break as a major priority, saying it could provide about $120 million a year in new money for public education. Teachers are still hopeful as state lawmakers consider changes to tax credits for wind energy companies, which could funnel more money into public education.

After a blockbuster turnout on the second Monday of the walkout, the crowds of protesters thinned a bit on Wednesday as some teachers felt the pull back to school. In what some saw as a signal of the beginning of the end, the Oklahoma Education Association began stressing the wins that teachers have secured so far, like an estimated $22 million in additional education revenue from "ball and dice" gambling. The walkout isn't over yet. More than two dozen school districts—all but two of the largest ones, serving almost half the state's public school students—announced that they would be closed Thursday, some through Friday.

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Conservatives irate over GOP's spending hypocrisy Back

By Rachael Bade and Sarah Ferris | 04/10/2018 07:28 PM EDT

House Republican leaders, stung by President Donald Trump's rebuke of Congress' recent trillion-dollar spending spree, are moving to give their rank and file cover by passing a balanced budget amendment this week.

But many conservatives, including a good number of House Republicans, say the vote is insincere at best — and blatantly hypocritical at worst.

"There is no one on Capitol Hill, and certainly no one on Main Street, that will take this vote seriously," said Freedom Caucus Chairman Mark Meadows (R-N.C.), on the heels of a $1.3 trillion spending package that Republicans approved just last month.

"Leadership is just trying to check a box here," added Andrew Roth, vice president for government affairs at the Club for Growth. "I don't see how voters can distinguish between Republicans and Democrats when it comes to spending."

One conservative commentator, Barbara Boland, equated the upcoming exercise to "gorging on a sumptuous feast while insisting that you want a svelte physique." And other members of the House Freedom Caucus, all of whom voted against a $1.3 trillion spending package in late March, are calling it little more than a charade.

"The time to get spending under control was four weeks ago," said Rep. Jim Jordan (R-Ohio), again referring to the late-March spending vote. "Coming back four weeks later and saying, 'Oh, now we're going to pound our chest like Tarzan and say we're for a balanced budget amendment,' it's not going to fool anybody."

Jordan and Meadows support the balanced budget amendment as a marker for fiscal austerity — it's the timing of the vote, on the heels of the spending bonanza, that rankles them and other conservatives.

The proposal requires supermajorities in both chambers to pass, as well as ratification by three-quarters of the states, an impossible hurdle. But with Republicans swimming in red ink — the nonpartisan Congressional Budget Office projected regular trillion-dollar annual deficits starting in 2020, despite a growing economy — the party feels pressure to do something.

The CBO's deficit forecast hasn't been that bleak since the Great Recession. And this time, Republicans can't blame Barack Obama and the Democrats.

Rather, it's a result of a combination of GOP-approved bills: tax cuts that CBO now expects to add $1.9 trillion to the deficit over 10 years; a newly passed bipartisan deal to raise strict spending caps by $320 billion for two years; and a recent $100 billion infusion of cash into emergency disaster coffers — almost entirely unpaid for.

The balanced budget amendment has been a staple of the GOP playbook going back at least to Newt Gingrich's 1994 Contract with America. It often resurfaces after major spending battles that leave conservatives feeling jilted. The last vote, for instance, followed the 2011 debt ceiling crisis, when Republicans were anxious about the national debt, which now tops $20 trillion.

Republicans are returning to it two weeks after Trump chided Congress for wasting money in the omnibus spending deal — a scolding that came as the president backed away from a threatened veto and signed it.

"I will never sign another bill like this again," Trump vowed, adding that "there are a lot of things I'm unhappy about" with it.

His remarks, GOP lawmakers and aides say, effectively threw every Republican who backed the bipartisan deal under the bus at a time when the party already faces an uphill battle retaining its majority this fall.

Hill Republicans were shocked because White House staff members were in the room negotiating the budget deal with the top four leaders in both chambers. They had reassured some skittish Republicans that it was OK to take the vote because Trump would have their backs.

When they returned home afterward for the spring recess, some Republicans caught flak from constituents, which in turn sent GOP leaders into damage-control mode.

"This reads as, 'Give us something to hide behind,' rather than a serious process proposal," said Maya MacGuineas, president of the Committee for a Responsible Federal Budget, who said she'd believe the sincerity of the effort when Republicans propose a budget with actual spending cuts.

Not all fiscal hawks are scorning the effort. Republican Study Committee Chairman Mark Walker (R-N.C.), who asked for a vote on a balanced budget amendment in October, applauded the looming vote — even as he acknowledged the uncomfortable timing for the GOP. Walker argued that it's consistent for Republicans to back the amendment after voting for the omnibus, because of the need to fund the military. Walker added, though, that most members pushing hard for deficit-reduction votes right now personally opposed the spending bill, as he did.

"We don't see this as a show vote. We need this. It's something that we've been talking about for years," Walker said Tuesday.

The balanced budget amendment is one of several measures GOP leaders might bring to the floor in the coming weeks to signal their commitment to lower spending. The effort is being led by House Majority Leader Kevin McCarthy (R-Calif.), who is working with the White House to try to force a vote on a "rescissions" package that would cut billions of dollars from the just-approved omnibus legislation.

It's still unclear whether the House will take up the measure, which GOP aides say could cut as much as $20 billion. House appropriators hate the idea, and some more pragmatic-minded Republicans argue it would cripple bipartisan spending negotiations in the future.

Republicans clinched the amount they got for defense only because they gave Democrats some money for their own pet projects. A move to recoup money retroactively would infuriate Democrats — even though GOP leaders fully expect it would fail in the Senate.

GOP leaders similarly expect the balanced budget amendment to fail this week in the House. It requires 290 votes for passage; the last time lawmakers voted on one, in 2011, it failed 261-165, with 25 Democrats backing the bill.

Speaker Paul Ryan was one of only four Republicans to oppose the measure at the time. It is unclear whether he will do so again this year. He said the proposal before the House then could have led to higher taxes to pay for more spending.

A balanced budget amendment would tightly restrict federal spending and require two-thirds of lawmakers to approve any tax changes. Critics argue it would trigger hundreds of billions of dollars in across-the-board cuts.

Ironically, a balanced budget amendment would have potentially prevented the GOP Congress' biggest legislative achievement this year: tax reform. With the amendment, Republicans could not have enacted tax cuts that weren't paid for; these ones were not. The GOP also probably couldn't have gotten the huge budget increase for the Pentagon that was included in the omnibus.

In the Senate, Majority Leader Mitch McConnell (R-Ky.) suggested Tuesday that he might follow suit on a balanced budget amendment vote. He said a vote is "likely ... at some point."

Democrats are blasting Republicans for what House Minority Whip Steny Hoyer called a "political stunt." The Maryland Democrat on Tuesday said Republicans are "worried" about the midterm elections and "they're flailing about."

"It sounds to me very much," he said, "like they're ... saying one thing and doing another, speaking out of both sides of their mouth."

Heather Caygle and Burgess Everett contributed to this report.

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Trump's space push needs cash to soar Back

By Jacqueline Klimas | 04/11/2018 07:33 PM EDT

President Donald Trump has set ambitious goals for a revived American space program, but he'll need to follow through with dollars and hard decisions to make them reality.

Sending astronauts to Mars alone would cost an estimated $1 trillion over the next 25 years, according to the director of the Mars Institute, a research organization partially funded by NASA. But Trump has requested just $19.9 billion for NASA in his proposed budget for next year, and his nominee to head the agency is bogged down in a confirmation fight involving Earth-bound issues like same-sex marriage.

Still, supporters of the space effort credit the Trump administration with helping to add excitement and public-private cooperation to a bold strategy for exploration and economic development — on top of the investments that newer companies like SpaceX and Blue Origin are making in the sector.

Space advocates are giving much of the credit to Vice President Mike Pence, whom Trump tapped last year to run a revived National Space Council after the body had been shelved for nearly 25 years.

"That has rejuvenated the community a great deal — industry, government, academia, researchers," said Eric Fanning, the CEO of the Aerospace Industries Association, who held a series of senior Pentagon posts in the Obama administration.

He added that the trade association had previously called on the White House to establish a point person on space, but "I don't think we imagined it might be the vice president."

Other close observers inside and outside of government are waiting to see if the White House's enthusiasm for space will last — particularly to support Trump's recent pledge to launch a mission to Mars "very soon."

"While there seems to be tremendous amounts of interest in space from [the National Space Council] and from the administration, the question is will it translate into a high-level focus on tough policy issues," said Phil Larson, a former senior adviser in the Obama White House.

Larson said Trump's space budget request for fiscal year 2019 is not even a down payment for the White House's most ambitious plans.

"An estimated cost of landing on Mars is about $700 billion," Larson said, using an administration estimate from 1989 adjusted for inflation. "Mars in under a decade with the current architecture is not just implausible, it's laughable."

In its first six months, the space council has convened a series of discussions in and out of Washington with government contractors, new commercial space ventures and federal oversight agencies. It has also set in motion a series of changes, include crafting a plan for Congress to create a new space post at the Commerce Department by July 1 and requiring the Department of Transportation to update its licensing processes for space launch companies by March 1, 2019.

Next week, Pence plans to address the largest annual gathering of the space industry, where he is expected to make a major policy announcement. He is also likely to provide an update on the council's efforts to reduce burdensome regulations and talk about the administration's mission to return to the moon as a first step toward a journey to Mars.

Trump wasn't always a wholehearted supporter of big federal spending on space. During a 2015 campaign appearance in New Hampshire, he answered a 10-year-old boy's question about the space program by saying, "I

love NASA," but that "right now, we have bigger problems — you understand that? We've got to fix our potholes."

But as president he has repeatedly hailed what he calls a space renaissance. He's heralded the billionaires investing in new spacecraft and satellites — "Rich guys, they love rocket ships, and that's good," he quipped recently — even if he has locked horns with Jeff Bezos, the Amazon founder whose company Blue Origin is building rockets and space vehicles.

The president has also expressed support for establishing a stand-alone "space force" within the military and recently pledged to send a mission to Mars — perhaps by the end of his second term, he has said, although NASA's plans call for sending astronauts there sometime in the 2030s.

The council also faces hurdles in its efforts to lower the regulatory burden for space innovators.

Jim Armor, vice president for Washington operations at Orbital ATK, a major space contractor, said he's "skeptical" that the council will be able to simplify regulations. Armor said he is "just thinking it'll be harder than they think it is."

The White House is also pushing its ambitious space agenda without a key player at the table: a permanent leader for NASA, the leading government space agency.

The Senate has not yet voted on the confirmation of Rep. Jim Bridenstine (R-Okla.), whom Trump nominated to the agency's top post in September. Advocacy groups and some lawmakers have objected to Bridenstine's past statements criticizing same-sex marriage and protections for transgender people, and have raised concerns about whether he has the right experience for the job.

Acting Administrator Robert Lightfoot, who has served in the job for more than a year, is retiring at the end of the month.

Larson said the lack of permanent leadership is limiting how much progress the administration and its National Space Council can make.

"The biggest failure of leadership on the administration's part is having that nominee stay in purgatory for so long while moving ahead with these space council policy topics," he said.

Trump has also sent mixed signals for a mission to Mars, including on the timing. He called astronauts on the International Space Station last year to urge them to hustle to get to the Red Planet by the end of his second term "at worst."

Yet experts insist that Trump's Mars talk is just that — there is virtually no way that a crewed mission to the Red Planet could be launched before 2030, even if money were no object.

Missions to Mars can launch only when the distance between the two planets is at its shortest, a window that opens only once every two years, said Adam Routh, a research associate at the Center for New American Security. The last window in Trump's possible second term would be 2022, a year before NASA is even planning a crewed flight-test of the capsule that would eventually bring humans to deep space.

But several industry and government officials insisted that the administration has made real strides helping to unleash a new space economy and raising public awareness about the potential of space, which can go a long way toward building long-term support.

Eric Stallmer, the head of the Commercial Spaceflight Federation, an industry association for commercial space companies, said he's seen an increased "level of awareness" about space over the last six months, not only from agencies across the government, but also from new companies, lawmakers and the media.

"They're kind of acknowledging what we have known for the past four to five years," he said, "that space is real."

Routh agreed: "We haven't seen any immediate changes in the way the country is executing, but we are seeing changes to the ways the country is thinking about space, and that's significant. We need everybody to talk about space like we have everybody talking about Russian disinformation or North Korea."

Bryan Bender contributed to this report.

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House unveils farm bill with big changes to SNAP, conservation Back

By Catherine Boudreau, Helena Bottemiller Evich and Liz Crampton | 04/12/2018 01:33 PM EDT

House Agriculture Chairman Mike Conaway officially kicked off the next farm bill cycle on Thursday by unveiling a proposal that would make millions of food-stamp recipients subject to stricter work requirements, shake up the nation's conservation programs and mostly maintain the status quo on farm policy.

The sweeping legislation is estimated to cost about $860 billion over a decade — about $100 billion less than the initial price tag of the last iteration that ultimately passed in 2014.

Conaway's bill proposes to more than triple the amount of money spent on education and work training for participants in the Supplemental Nutrition Assistance Program while also tightening eligibility criteria for hundreds of thousands of people — changes that Democrats have warned could threaten the entire bill.

Under the proposal, between 5 million and 7 million SNAP recipients would be subject to stricter work requirements than the program has now, according to a briefing from the committee. Adults between the ages of 18 and 59 who are not disabled, pregnant or caring for a child under the age of 6 would be required to either work or enroll in a training program for at least 20 hours a week.

The Republican bill is not expected to get support from Democrats, who have characterized changes to SNAP as "extreme, partisan policies." The majority, however, is touting the bill as a balanced approach.

"This is a bipartisan bill — reflecting both Republican and Democrat priorities," the committee said in briefing documents.

The proposal would create a much larger pool of money for SNAP Employment & Training, ramping up funding from $90 million to $1 billion in just three years. It would also mandate that states provide a slot for all SNAP recipients subject to the work requirement. It's not clear how the proposal will define "slot."

States would have two years to build the capacity to handle millions of new people in their training programs. SNAP E&T currently serves some 700,000 people nationwide. A SNAP recipient would have a 30-day grace period to comply with the work requirement.

Advocates who fight hunger and provide workforce training are likely to have a multitude of questions, especially for training or work for recipients in remote areas or those who do not have ready access to transportation.

"No individual loses SNAP benefits unless they decline to work or accept free training to learn a skill," according to committee briefing documents.

Additional changes to SNAP

Conaway's version also aims to rein in how people can essentially automatically qualify for SNAP. If an individual qualifies for another low-income assistance benefits like Temporary Assistance for Needy Families, they can still be deemed eligible for SNAP. But the proposal would restrict states' ability to allow automatic eligibility for people that might use other government services.

The proposal also cracks down on states' ability to use automatic deductions for heating and cooling costs based on their receipt of government energy assistance. Recipients would now have to provide documentation of those bills — a change that could reduce benefits for some households. Republicans have long complained that states use a loophole to increase SNAP benefits to people already receiving money from the Low Income Home Energy Assistance Program. The elderly would be exempt from the documentation requirement.

Right now, states can apply for waivers for the work requirements that are imposed on able-bodied adults without dependents, also known as the ABAWD population. The waivers are based on rates of unemployment in the particular area, among other things. About a third of the U.S. population lives in an area where the ABAWD work requirement is essentially waived.

The House bill would modify the waiver system by prohibiting geographic areas from being combined to estimate a region's jobless rate. Republicans argue that states have been manipulating their data to waive large swaths of the population, including in places with relatively low unemployment rates.

The plan also calls for a lot more SNAP data to be collected and shared, including retail store transaction data about the food items purchased with SNAP and a new national database with more information about recipients, such as assets, wages and how long they've been on the program.

Reshaping land conservation

The legislation would overhaul conservation efforts by combining two USDA-run programs into one.

The "best features" of the Conservation Stewardship Program, the largest conservation effort in the country, would be folded into the incentive-based Environmental Quality Incentives Program, or EQIP, briefing documents said.

EQIP funding would increase from its current $1.7 billion to about $3 billion by 2023. No new contracts would be enrolled in CSP and current contracts would be honored until they expire so the program could be phased out.

Both programs reward farmers financially for adopting sustainable practices on their land. But the $1.5 billion CSP is a longer-term approach that provides continuing payments for advanced conservation systems. EQIP is

an à-la-carte strategy that makes a one-time payment for practices like cover crops or installing irrigation systems.

The committee's view is that CSP has become unsustainable and local natural resource concerns are better addressed by combining it with the EQIP program. The new EQIP will have similar incentive payments that were in the CSP.

Some environmental groups will likely oppose combining the programs because they fear projects with high environmental impacts, like crop rotations and nutrient management, will be left behind. They worry farmers may be more apt to instead pick funding of structures, facilities and equipment, which have fewer environmental benefits.

Farm policy

The farm bill would keep intact two commodity support programs: the Agriculture Risk Coverage and Price Loss Coverage. Both give payments when average revenues or prices for row crops like corn, soybeans, wheat, peanuts and cotton drop below certain levels.

The House Agriculture Committee proposes sweetening the PLC program by allowing target prices to adjust upward by up to 115 percent as the market improves. That could lead to higher payouts to farmers than what they receive under current law. It would also permit growers who were affected by long-term drought to update their yields.

The farm bill also aims to minimize ARC payment disparities from county-to-county. Midwestern farmers who signed up for the program have complained about the differences. Instead of using farmer-reported yield data, the USDA will have to use certified yields to calculate subsidies.

Two major issues were already addressed in fiscal 2018 spending legislation this year. The law boosted support for cotton growers by allowing the crop to be eligible for commodity supports, which are expected to total about $3 billion over the next decade. It also changed the Margin Protection Program for dairy farmers that will cost taxpayers about $1.8 billion over that same time period.

Conaway's farm bill would slightly change MPP by allowing dairy farmers to insure margins — the difference between the prices of milk and feed — up to $9, a dollar higher than current law, on their first 5 million pounds of milk. The program would be rebranded as the Dairy Risk Management program, and is virtually identical to legislation introduced by ranking member Collin Peterson this week.

The House Agriculture Committee also said that crop insurance is working well. The bill essentially maintains the program, which can cost between $4 billion and $8 billion each year.

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Fed unsure how to judge fiscal stimulus for healthy economy Back

By Victoria Guida | 04/11/2018 02:21 PM EDT

The Federal Reserve's top policymaking body is unsure how much recent tax cuts and increased government spending will spur economic growth, in part because the economy is already healthy, according to minutes from its March meeting.

Fed officials do expect those fiscal policy changes together to boost productivity over the next few years, the minutes of the Federal Open Market Committee state.

"However, participants generally regarded the magnitude and timing of the economic effects of the fiscal policy changes as uncertain, partly because there have been few historical examples of expansionary fiscal policy being implemented when the economy was operating at a high level of resource utilization," the document says.

The increase in productivity growth could also be limited by the fact that there is uncertainty about whether "all elements of the tax cuts" — an apparent reference to tax cuts for individuals — will eventually be made permanent. Another potential drag on growth: worry about the government running high budget deficits, according to the minutes.

At the March meeting, Fed officials were closely watching President Donald Trump's plans to impose global tariffs on steel and aluminum. It wasn't the tariffs themselves that posed a potential risk for the U.S. economy, so much as the potential for retaliation "as well as other issues and uncertainties," the minutes show.

Meanwhile, a few Fed officials said the labor market might have room to add more jobs since wage gains remain only moderate — a possibility floated by Fed Chairman Jerome Powell last week.

The central bank considers interest rates low enough to still be pushing up economic growth. But Fed officials discussed how they might change their public statements once rates move to a more neutral level or even start to slow the economy.

In March, Fed officials projected that the central bank's main borrowing rate would reach its longer-run neutral level of 2.9 percent next year and go beyond that, to 3.4 percent, in 2020.

"Several participants expressed the judgment that it would likely become appropriate at some point for the Committee to set the federal funds rate above its longer-run normal value for a time," according to the minutes.

"Some participants suggested that, at some point, it might become necessary to revise statement language to acknowledge that, in pursuit of the Committee's statutory mandate ... monetary policy eventually would likely gradually move from an accommodative stance to being a neutral or restraining factor for economic activity," the document adds.

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Brown agrees to send National Guard troops to Mexico border Back

By David Siders and Aubree Eliza Weaver | 04/11/2018 04:53 PM EDT

LOS ANGELES — In an apparent de-escalation of the raging conflict between California and President Donald Trump over immigration, Gov. Jerry Brown on Wednesday agreed to increase California National Guard

operations along the state's border with Mexico, while insisting personnel will not be used to support any immigration enforcement or to build a border wall.

The announcement comes less than a week after Trump called for National Guard deployments along the U.S.-Mexico border until a border wall is built. The Republican governors of Texas and Arizona already committed to participate.

But Brown, whose state has clashed repeatedly with Trump over immigration and other issues, was far more cautious in his response.

In a letter to Homeland Security Secretary Kirstjen Nielsen and Defense Secretary Jim Mattis, the four-term Democrat said California "will accept federal funding to add approximately 400 Guard members statewide to supplement the staffing of its ongoing program to combat transnational crime" but that personnel would be deployed throughout the state and will not be used to enforce immigration laws.

"But let's be crystal clear on the scope of this mission," Brown wrote. "This will not be a mission to build a new wall. It will not be a mission to round up women and children or detain people escaping violence and seeking a better life. And the California National Guard will not be enforcing federal immigration laws."

Brown noted that California has previously supported "similar targeted assistance in 2006 under President Bush and in 2010 under President Obama." He called the work "important" and said that of about 250 California Guard members currently staffing a program to combat transnational crime, 55 are at the California-Mexico border.

"Your funding for new staffing will allow the Guard to do what it does best: support operations targeting transnational criminal gangs, human traffickers and illegal firearm and drug smugglers along the border, the coast and throughout the state," Brown wrote. "Combating these criminal threats are priorities for all Americans — Republicans and Democrats."

However, Brown sought to set limits on what Guard members would do for the Trump administration, noting that "there is no massive wave of migrants pouring into California."

Brown, a former Jesuit seminarian, wrote, "I agree with the Catholic Bishops who have said that local, state and federal officials should 'work collaboratively and prudently in the implementation of this deployment, ensuring that the presence of the National Guard is measured and not disruptive to community life.'"

Brown infuriated the Trump administration when he signed California's so-called "sanctuary state" legislation last year, limiting local law enforcement officials' ability to cooperate with federal immigration agents. And the governor sparked additional controversy when he included several immigrants facing potential deportation in a recent round of gubernatorial pardons.

But Brown has also proved a moderating force on immigration in one of the nation's most heavily Democratic states, home to an estimated more than 2 million undocumented immigrants. Brown signed the "sanctuary state" laws only after negotiating with legislative Democrats to significantly weaken the policy, allowing local agencies to work with immigration authorities on cases involving immigrants convicted of a wide range of crimes.

"We're also glad to see California Governor Jerry Brown work with the administration and send members of the National Guard to help secure the southern border," said White House press secretary Sarah Huckabee Sanders in Wednesday's White House press briefing.

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New border security money remains weeks away Back

By Kaitlyn Burton | 04/12/2018 01:18 PM EDT

Customs and Border Protection is still weeks away from doling out funding for President Donald Trump's controversial border fencing plans, the head of the agency said today.

CBP chief Kevin McAleenan said that border security money in last month's $1.3 trillion spending bill likely would be awarded starting this summer.

McAleenan made his comments at a House Appropriations Homeland Security Subcommittee hearing on Immigration and Customs Enforcement and CBP.

The omnibus measure, H.R. 1625 (115), contains almost $1.6 billion for projects along the U.S.-Mexico border, including $892 million for new fencing and $445 million to replace existing fencing. Trump had sought $18 billion for his border wall with Mexico.

"The president's obsession with fulfilling his campaign promise for a border wall remains deeply concerning," said Rep. Nita Lowey, (D-N.Y.), top Democrat on the Appropriations Committee.

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Mulvaney prevails in turf battle over tax regs Back

By Aaron Lorenzo | 04/12/2018 10:17 AM EDT

White House budget director Mick Mulvaney won his fight to grab some regulatory power from the Treasury Department, with possibly major ramifications for the new tax law.

Treasury and OMB released a joint "Memorandum of Agreement" on Thursday that gives the budget office significant new authority to review tax regulations before they take effect. For instance, OMB's Office of Information and Regulatory Affairs will be able to review proposed regulations that affect the economy by $100 million or more, raise new legal or policy issues, or run counter to actions planned by another agency.

Among the major provisions of the new law that could get extra scrutiny are a tax break for non-corporate "pass-through" businesses and rules to deter companies from moving operations abroad, a top Treasury official told lawmakers at a hearing Thursday.

The agreement also bars Treasury from publishing in the Federal Register "or otherwise publicly" releasing "any tax regulatory action" covered by the memo, "unless OIRA notifies Treasury that it has waived or concluded its review."

"In the rare event of a policy disagreement that could not be resolved during the review process, OIRA will facilitate a principals meeting to resolve any remaining issues and, if needed, elevate those issues to the President," the memo says.

Over the private objections of Treasury Secretary Steven Mnuchin, Mulvaney pushed to scrap a 34-year agreement that gave Treasury a relatively free hand in writing tax rules and regulations. It's unclear what, if any, role Trump played in resolving the dispute between two of his favorite Cabinet members.

Some business groups and others with a stake in the sweeping new tax law, H.R. 1 (115), that took effect in January worry that giving the OMB an extra layer of review will slow the implementation of the law.

But Treasury general counsel Brent McIntosh said rulemaking will only take extra time for a subset of regulations coming from the new law. Less than 10 percent would likely be subjected to the added analysis.

"We're 100 percent happy with this change," he said.

The issue has divided GOP lawmakers, and some Democrats said the agreement would sow more confusion.

"Instead of simplifying the tax code like the president promised, this administration added more bureaucratic red tape to a fundamentally flawed law," said Sen. Ron Wyden (D-Ore.). "While the Trump Cabinet turf battle has been waging, small business owners have been struggling to untangle this new, even more complex web of rules."

To try to address the timing concerns, the agreement gives OIRA 45 days to complete its work on tax rules, though Treasury can request a 10-day OIRA review for certain rules coming out under the new tax cuts law.

"This updated review framework will increase scrutiny of regulations most likely to impose new costs, while preserving Treasury's ability to ensure taxpayers receive timely, clear rules and guidance on how to comply with our tax code," Mnuchin said in a statement. "Under today's agreement, Treasury will continue to swiftly and successfully implement historic tax reform while still avoiding needless regulatory costs and delays."

McIntosh also cast the new agreement in a positive light.

"The key point here is that this change recognizes that there is a difference to tax regulations, that many of them first of all simply implement a highly prescriptive tax code and are necessary to provide guidance to taxpayers, and taxpayers clamor for that guidance," he told reporters after a Senate regulatory affairs subcommittee hearing.

The memo "recognizes that a lot of that stuff is totally within Treasury's authority to promulgate, but there are a set of things that create compliance costs or other major costs that ought to go through OIRA," he added.

Some rules being developed on pass-through business income and provisions to protect the U.S. tax base could conceivably trigger the additional OIRA review, McIntosh testified.
The latter include the base erosion and anti-abuse tax and taxes on global intangible low-tax income.

Limits on expense deductions and the 100 percent bonus depreciation for businesses in the new law could also qualify, he said, as well as sections that deal with investments and partnerships and unrelated taxable income.

Sen. Rob Portman (R-Ohio), a member of the subcommittee, said he's hopeful OMB and Treasury will find the right balance between issuing rules that don't overly burden taxpayers and doing so in a timely manner.

In particular, he asked McIntosh how much longer it would have taken to issue rules on taxes that corporations must pay on profits held overseas and new withholding tables if the Treasury-OMB agreement had been in force at the time.

"They seemed to be saying that in substantially the same time period they'd have been able to put those out," Portman said following the hearing. "You do want to get to where there's a certainty that [businesses] are going to get some guidance so they don't make mistakes."

Though the agreement takes effect immediately, Treasury has a year to develop resources to conduct regulatory impact analysis. Treasury and OIRA might add about 10 new hires each to support the economic analyses, McIntosh and OIRA Administrator Neomi Rao told the subcommittee.

Terms of the agreement require Treasury to submit a list of upcoming rules quarterly to OIRA, and justify why some of them merit exemptions from extra review.

OIRA will ultimately determine whether any tax rules overlap with other agencies, a process Rao described as usually "fairly uncontroversial."

The change was praised by one of her predecessors, Susan Dudley, now director of George Washington University's Regulatory Studies Center.

"I think the MOA strikes the right balance between ensuring appropriate analysis and coherence in IRS rules, and accommodating the tight time frames under which tax regulations must be issued," she said in an email.

But the arrangement could nonetheless lead to significant changes in a couple of circumstances, said Monte Jackel, senior counsel at Akin Gump.

A broad interpretation of what's labeled "novel legal or policy issues" to trigger OIRA scrutiny under the agreement could produce "a lot more review" before the rules are released, as would an OIRA challenge to Treasury's quarterly notice on planned tax regulations that the department believes don't warrant more review, Jackel said in an email.

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U.S. 'playing catch-up' to Russian nuclear capabilities, Pentagon official says Back

By Gregory Hellman | 04/11/2018 04:22 PM EDT

The U.S. is "playing catch-up" to Russia's nuclear capabilities, a Pentagon official told a Senate panel today.

Robert Soofer, deputy assistant secretary of Defense for nuclear and missile defense policy, dismissed in a Senate Armed Services Strategic Forces Subcommittee hearing Russian claims that it's building its nuclear arsenal in response to U.S. capabilities.

"The Russian claim that they are ... doing this in reaction to what the U.S. is doing, of course that's nonsense," Soofer said in response to Subcommittee Chairwoman Deb Fischer. "We are playing catch-up at this point."

In the near-term, that includes modifying "a modest number" of submarine launched ballistic missile warheads to provide the U.S. with a low-yield nuclear weapon.

The Pentagon's Nuclear Posture Review calls for a "lower-yield" option — with less powerful explosive capacity — for ballistic and cruise missiles launched from submarines.

The proposal, which has drawn scrutiny from some Democrats, is needed "so the Russians understand that at that low level of low-yield capability, we have a response option," Soofer added.

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By Jennifer Scholtes and Sarah Ferris | 10/01/2018 04:20 PM EDT

SHHH. DON'T SAY 'SHUTDOWN': First President Donald Trump was deciding between a pre-election shutdown or a post-election shutdown. But now that he's shot his first chance, he says he's deciding whether to do it at all.

"I've got a big decision to make after the election as to whether or not we go for it," Trump said during a news conference at the White House this afternoon.

Time to tone it down: As we explain today, a "big decision" is a far cry from the kind of threats POTUS has been making for the past few months, saying he'd fire up the border wall fight "right after the election" and that shutting down the government is a "great political issue."

Reading between the lines: A politician hellbent on getting more money would be apt to talk up the insufficiency of the current cash on hand. But Trump has been quick to tout what money Congress has allocated for the wall. "We're doing a lot of work people don't realize," he said today. "I don't really want to talk about it because I could build it quickly at one time, which is what I want. But we've been building it over the last year and a half."

Details, details: While the president said today that Congress has just provided $1.6 billion for the border wall within the spending package he signed Friday, that legislation, H.R. 5895 (115), only continues the fiscal 2018 rate of $1.6 billion until funding for the Department of Homeland Security runs out again on Dec. 7.

GOOD MONDAY AFTERNOON! And happy fiscal new year. Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

Doc of the day — The Congressional Research Service released a report last week detailing the Trump administration's proposal to move the Corps of Engineers from the Defense Department to the Department of Transportation. Appropriators have rejected that idea.

#DailyBudgetFact — Between 2010 and 2018, U.S. spending on cybersecurity has accelerated from roughly $27.4 billion to $66 billion, according to Statista.

Tweet du jour — Two-time Democratic White House veteran Ronald Klain tweeted today: "So, we changed the name from NAFTA to USMCA. Well done. Did we get the money for the wall? Because, you know, Trump said 1000 times that Mexico was going to pay for it....."

BUDGET

WORST YEAR EVER?: Liberal-leaning budget watcher Stan Collender is out with a dour superlative for the 2018 fiscal year that's just been put to bed. "The worst year in U.S. history for anything and everything related to the federal budget," Collender calls it. After 40 years in the budget world, Collender points out that Trump and the GOP-controlled Congress have contributed to a trillion-dollar deficit this year, while attempting to

lower taxes and drive up spending even more. At the same time, Republican leaders decided to skip the budget process this year, which Collender argues was an attempt to give cover to vulnerable GOP incumbents in a key midterm year.

A grim warning: The Committee for a Responsible Federal Budget is also feeling gloomy about the last 12 months, during which Congress and the White House added a total of $2.4 trillion to the debt through 2027. And it could get worse, the nonpartisan group warns. "The laws enacted over the past year are mostly temporary as written — though their design suggests an interest in permanency," the group writes in a new blog post. "Lawmakers must not allow this to happen."

HEALTH CARE

AN UNEXPECTED WINNING ISSUE: Rep. Beto O'Rourke's (D-Texas) bid for the Senate is no longer a total moonshot, and his heavy focus on health care may actually be helping, instead of hurting. Instead of talking up Obamacare by name, O'Rourke has stressed the law's most popular aspects, like Medicaid expansion and protecting pre-existing conditions, as Alice Miranda Ollstein reports.

CONGRESS

'BLOOD IN THE WATER': House GOP leaders made official Friday that they won't be expecting lawmakers back in D.C. until mid-November — freeing up dozens of vulnerable GOP incumbents for a six-week scramble to save their seats. Majority Leader Kevin McCarthy's office justified the early release by pointing to an unusually productive stretch last week, in which the House approved more tax cuts, a bipartisan anti-opioid bill and a vast government funding bill. But Democrats say it showcases the mounting anxiety within the GOP, Nolan D. McCaskill and Sarah report. "They smell blood in the water," Rep. Ruben Gallego (D-Ariz.) said.

EDUCATION

LAX OVERSIGHT: The Education Department's internal watchdog released an audit today calling the department's oversight of Indian education grants "insufficient" and accusing department leaders of intentionally making it hard for the IG to get information about the issue, Kimberly Hefling reports. The Indian Education Formula Grant program in question provides funds for schools to address the academic needs of Native American students and was funded at $99.7 million in fiscal 2018.

THE NEW COMMON CORE: A fight over school funding is breaking out in at least nine governor races, almost literally from coast to coast. Those include races in Arkansas, Colorado, Georgia, Kansas, Maryland, Maine, New Mexico, Oklahoma and Pennsylvania, as Caitlin Emma and Kimberly Hefling report today. Both parties are feeling the pressure from national education groups, as well as a groundswell from teachers demanding pay raises while nobody wants to be seen as "stingy."

EARMARKS

— DOE set to back $28 million in cyber projects. POLITICO Pro.

— DeVos awards $2.4M for center aimed at improving charter school facilities. POLITICO Pro.

— Opinion: America is going to pay a lot of interest soon. But don't fear a debt crisis. The Week.

— Opinion: Congress must reform its budget process, but not like this. Washington Examiner.

— Republican voters bet on stocks after Trump's win. Democrats didn't. Bloomberg.

WE'RE COUNTING: Government funding runs out in 67 days (Dec. 7) for the departments of State, Homeland Security, Commerce, Agriculture, Transportation, Interior, Justice and Housing and Urban Development, as well as science programs, foreign operations and agencies like the IRS and EPA. Funding runs out in 364 days (Sept. 30) for the departments of Education, Energy, Labor, Defense, Veterans Affairs and Health and Human Services, plus water projects, the Legislative Branch and military construction. The National Flood Insurance Program expires in 60 days (Nov. 30).

To view online:
https://subscriber.politicopro.com/newsletters/budget-appropriations/2018/10/from-done-deal-to-big-decision-on-a-border-wall-brawl-358621

Stories from POLITICO Pro

Trump waffles on forcing December fight over border wall funding Back

By Jennifer Scholtes and Sarah Ferris | 10/01/2018 01:39 PM EDT

President Donald Trump said three times this afternoon that he must now decide whether to push for more funding for the border wall in December — toning down a threat he previously espoused with certainty.

"I've got a big decision to make after the election as to whether or not we go for it," Trump said during a news conference at the White House.

The president has for months been throwing around the idea of forcing a government shutdown to get Congress to allocate more cash to one of his main campaign promises and said less than a month ago that "we'll do it right after the election."

But Trump didn't use the word "shutdown" in that context today and indicated that he hasn't made up his mind about forcing the issue when funding for the Department of Homeland Security and several other federal agencies runs out on Dec. 7. Fiscal 2019 began today.

"So we are going to have a decision to make sometime right after, very close to after the election is over. And that is on border security and the wall — but border security. The wall is a big factor," the president said.

Trump noted that additional funding for the border wall was just signed into law last week, adding to the $1.6 billion already allocated.

"We're doing a lot of work people don't realize," he said. "I don't really want to talk about it because I could build it quickly at one time, which is what I want. But we've been building it over the last year and a half."

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Trump: I 'most likely' won't shut down government over border wall Back

By Caitlin Oprysko | 09/07/2018 07:22 AM EDT

President Donald Trump said Thursday that he "most likely" will not shut down the government before the midterm elections over funding for his promised border wall, backing down somewhat from comments he made earlier this week hinting that he might take such a step.

Trump told Fox News' Pete Hegseth that he likely would not insist on funding for a border wall ahead of November's elections because he doesn't want to harm Republicans' electoral prospects.

"If it was up to me, I'd shut down government over border security," Trump told Hegseth in an interview conducted live in front of a campaign rally audience in Billings, Montana. "And I guess when you get right down to it, it is up to me," he continued, "but I don't want to do anything to hurt us or potentially hurt us."

Government funding runs dry on Sept. 30, and Congress has yet to send a funding bill to the president's desk.

The prospect of additional funding for Trump's border wall has created a rift on Capitol Hill between GOP leadership, who fear that a shutdown weeks before the midterms would damage Republican candidates, and conservatives who have leveraged the threat of shutdowns in the past to win policy concessions.

Trump said he had received commitments from House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell to increase funding for the wall in addition to what appropriators have already agreed to provide.

"We'll do it right after the election where hopefully, frankly, it will be easy because we have more Republicans, not less," he said.

Trump's comments are the latest in a wavering series of remarks made over the past few days about whether he'd be willing to let government funding lapse over the border wall. On Wednesday, he said after a meeting with congressional leaders that "if it happens, it happens" regarding a shutdown, adding that "if it's about border security, I'm willing to do anything."

But he told the conservative outlet the Daily Caller just a day before that he doesn't "like the idea of shutdowns" and "I don't see even myself or anybody else closing down the country right now."

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Will Beto's bet on Medicaid expansion pay off? Back

By Alice Miranda Ollstein | 09/29/2018 09:00 AM EDT

Beto O'Rourke has staked his long-shot campaign to beat Sen. Ted Cruz on the idea that Obamacare should be even bigger in Texas — a state that has done more than any other to try to destroy the landmark health care law.

It just might be working.

O'Rourke is closing in on Cruz in multiple polls, a shocking development in a state that hasn't sent a Democrat to the Senate since 1993.

Still, O'Rourke's heavy focus on Obamacare — he talks about expanding Medicaid at every campaign event — has raised eyebrows in this deep red state. After all, Democrats' past attempts to campaign on the health law's

Medicaid expansion fell flat, largely because the Texans with the most at stake didn't show up to vote. Four years ago, Wendy Davis called repeatedly for Medicaid expansion and lost the governor's race by more than 20 points.

Cruz, for his part, is campaigning mostly on red-meat, culture war issues like guns and kneeling NFL players, but he's also sticking with the promise to repeal Obamacare that swept him into office in 2012. As for Medicaid expansion, he tells POLITICO it "would hurt millions of Texans."

Texas political experts are divided about whether O'Rourke and his health care-focused campaign can overcome the state's abysmal voter turnout and low public awareness about health care and how it works.

"The populations who would benefit most from Medicaid expansion, and are the most supportive of it, are people in poverty and people of color," said Gabriel Sanchez, a principal at the polling firm Latino Decisions and the Robert Wood Johnson Foundation Center for Health Policy. "But those are the groups that tend to have the lowest turnout, particularly in an off-year, non-presidential election. And there are not really any signs of it changing this year."

Democrats point to signs 2018 might be different — just how different remains to be seen. Popular interest in Medicaid expansion has been resonating during this campaign cycle not just in Texas, but in other red states such as Idaho, Nebraska and Utah, giving candidates like O'Rourke hope they might ride a health care-fueled blue wave to victory.

Recent polls also show a strong majority of Texans side with O'Rourke when it comes to Medicaid. A September survey by the Texas Medical Center found that 60 percent of Texans support expanding Medicaid, including 57 percent of independents and 40 percent of Republicans. A similar survey in June by Houston-based Episcopal Health Foundation and the Kaiser Family Foundation found 64 percent in favor.

Republicans suggest such poll results are less than meet the eye: James Dickey, chairman of the Texas Republican Party, told POLITICO that Medicaid expansion polls well only because people generally want their neighbors to have health coverage and aren't asked to evaluate all possible options.

Rather than the "Democrat approach of increasing the number of bureaucrats between patients and doctors," he said, "a market-based health system would benefit folks the most. Competition drives down cost and drives up quality. This is the solution Republican leaders seek to deliver for Texans and exactly why Republicans will be re-elected in November."

That message may be less convincing this campaign season, though, since Republicans have failed to deliver that reform even after they seized control of every lever of government power in both Austin and Washington D.C. Polls indicate most voters fault Republicans for the nation's current health care woes and trust Democrats more on setting health policy.

The threats to the ACA's protections may also feel more immediate to Texans than most Americans. A lawsuit filed this year by Texas' Attorney General aims to strike down the most popular piece of Obamacare — protections for people with preexisting conditions. And Cruz, who is perhaps best-known for triggering a government shutdown over Obamacare funding in 2013, is still vowing to work for its repeal.

The Texas Democratic Party's Tariq Thowfeek told POLITICO that O'Rourke is running a different kind of campaign than his predecessors, venturing out of the state's major urban centers into the small towns and rural counties the party has written off in past cycles and addressing people's problems in plain language.

"He's visiting places that don't normally vote Democratic, and instead of talking about 'Obamacare' or the Affordable Care Act, there has been an effort to talk about it in a more human way," Thowfeek said. "He's

saying things like, 'We all should agree that you shouldn't have to break the bank going to the doctor,' or 'You shouldn't have to drive 100 miles to get to a hospital,' or 'If you have a kid with asthma, her coverage is on the line right now, because it's a preexisting condition.'"

Other factors could also work in O'Rourke's favor.

Support for expanding Medicaid is particularly high among Latino voters — a demographic that has not traditionally voted in large numbers and that O'Rourke needs to turn out for him to win. A national poll of Latino voters provided exclusively to POLITICO by Unidos and Hart Research found that 70 percent believe the government should play a "major role" in making sure "every American has health insurance," and 82 percent view Medicaid favorably.

"When we talk about ensuring every woman, child and man can see a doctor, afford their prescriptions, and get the health care they need to live to their full potential, it starts with expanding Medicaid in the least insured state," O'Rourke's communications director Chris Evans told POLITICO. "Beto has talked about health care everywhere we go because it's the number one issue Texans are asking about at the hundreds of town halls we've held across the state."

Evans also noted that the campaign has made the issue a centerpiece of its ads, including radio ads airing statewide in English and Spanish.

Whether the Texans who hear and respond to those ads actually cast ballots is the big question, said Anne Dunkelberg, program director of the Health and Wellness Team at the Austin-based progressive Center for Public Policy Priorities.

"It's been the case for quite some time that most Texans support expanded Medicaid coverage," she said. "But one of the big challenges we have is elected officials ignoring the polling because they know many won't show up to vote."

Another factor preserving the status quo is widespread confusion and misinformation about how Texans fare relative to other states' residents when it comes to health care, said Dunkelberg, who formerly worked in the State Medicaid Director's Office. This summer, a Kaiser Family Foundation survey found that less than a third of Texans are aware their state has the worst uninsurance rate in the country.

"Those who are uninsured themselves are no more likely than their insured counterparts to be aware of this fact," the survey concluded, noting that nearly 20 percent mistakenly believed the state is doing *better* than most on this front.

"That was kind of shocking," Dunkelberg said.

For Sanchez at Latino Decisions, that lack of awareness feeds uninformed voting, if not apathy.

"For most folks, health policy is so complicated,'" he said. "Trump has been talking non-stop about killing it, so many people think Obamacare is no longer in place. There are a lot of moderate Republicans in Texas, many of them Latinos, who would benefit from expansion. But because they don't understand it, they just vote by party."

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Back

Early release: House ditches D.C. until after midterms Back

By Nolan D. McCaskill and Sarah Ferris | 09/28/2018 03:03 PM EDT

House Republicans couldn't wait to get out of Washington on Friday, and Democrats couldn't stop smiling about it.

"We take nothing for granted, but we feel very optimistic about the opportunity that is there," said House Minority Leader Nancy Pelosi (D-Calif.), who grinned at reporters as she told them about an upcoming campaign trip to Texas.

"This is it," she declared. "39 days."

With the Senate in turmoil over embattled Supreme Court nominee Brett Kavanaugh, the House adjourned Friday until after the midterm elections. GOP members will return to their districts with more than five weeks to tout a strong economy on the campaign trail. But they leave Washington knowing their eight-year-old majority is in deep trouble.

President Donald Trump overwhelms everyone else in politics these days, and his poor poll numbers have seemingly dragged down Republicans running for reelection. A raft of Republican retirements, too, has put several swing seats in play. Taken together, the nationwide political climate has put more than 40 House Republicans in toss-up races, with dozens of Democratic challengers outraising GOP incumbents.

Democrats are so confident that talk has already turned to how big their blue wave will be, not if it will happen. With little recourse, GOP leaders have opted to send their members home and hope for the best. Some Democrats concede the strategy is smart, but argue it's won't be enough to rescue the Republicans' imperiled majority.

"I don't think it's gonna matter," Rep. Eliot Engel (D-N.Y.) said. "I'm confident that we're gonna win the majority whether we're here or back home."

House Majority Leader Kevin McCarthy (R-Calif.) announced on the floor Friday that the members would be off the next two weeks, adding to the month-long break through Election Day that had already been scheduled.

McCarthy's office defended the extra time off, noting how much legislation has advanced out of committee and passed the chamber. "The House this session has been a legislative powerhouse," Erin Perrine, a McCarthy spokeswoman, said.

Just this month, Republicans have worked furiously on a string of campaign-ready legislative victories. In an unusually productive 72-hour stretch, the House approved a huge package of tax cuts, a bipartisan anti-opioid bill and a funding bill that delivers the Pentagon its largest budget in years.

At the same time, the economy is soaring, and jobless claims are at their lowest since 1969. Still, Democrats cast the early release as a clear indication that Republicans are worried.

"They smell blood in the water, they know the wind's against them and that's why Speaker Ryan's canceling the rest of the session, so they can get out there and try to save their behinds," Rep. Ruben Gallego (D-Ariz.) said. "And the fact that they're gonna expose themselves to the public is only gonna make it worse. They're better off hiding."

Most Republicans readily acknowledge the political headwinds they face. "There's certainly more concern about keeping the majority this time than there has been in the last eight years," House Freedom Caucus Chairman Mark Meadows (R-N.C.) said.

Adding to Republicans' woes is the Supreme Court battle that's gripping the nation. Kavanaugh and Christine Blasey Ford, the woman who has accused him of a decades-old sexual assault, testified before the Senate Judiciary Committee for more than nine hours Thursday, refuting and leveling, respectively, allegations that have sharpened the nation's already gaping partisan divide. Republican strategists fear the final verdict on Kavanaugh, who could be confirmed as early as next week, could also drive a groundswell of supercharged Democratic voters to the polls in November.

Rep. Tom MacArthur, a vulnerable Republican whose New Jersey district only narrowly voted for Trump in 2016, said the high-stakes court hearing marked "an unfortunate day for America." But he said he's decided not to worry about the spillover effects because it's entirely out of his control.

"There are loads of things that are beyond my ability to influence, like yesterday, like how people feel about the president," said MacArthur, who co-authored one of the widely backed opioid bills that passed the House on Friday.

Democrats also believe the Supreme Court fight will impact the midterms, pushing the notion that Kavanaugh's ascent to the high court could be a bigger drag on Republican incumbents than an unpopular president.

"Just witnessing what I witnessed this morning in the U.S. Senate is gonna be a big enough drag on them," said Rep. Marcia Fudge (D-Ohio), referencing the Senate Judiciary Committee's push to advance Kavanaugh with a committee vote.

"We have become people who have become so callous and rude and unconcerned about the future of this country that we would take the risk of putting someone on there who has been accused of the things he's been accused of, but more importantly sitting in front of them belligerent, rude," she said of the conservative jurist's defiant, angry testimony that directed particular ire toward Senate Democrats. "He clearly shows he does not have the judicial temperament to be on the bench. So if they would be so cavalier with a Supreme Court nominee, that means that I don't know how much deeper and darker and lower we can go."

The House GOP's fear of losing its majority has been building for weeks. That anxiety has spurred Republican leaders, including Trump, to announce campaign stops next month in even the reddest of states. Meadows said he is personally campaigning in Tennessee and Texas, two states where Trump and his deputies have also planned appearances leading up to the election.

Experienced GOP campaigners said that in any other year, Republican incumbents would have a stark advantage. Lawmakers have passed historic tax cuts, rolled back key pieces of regulation — including the controversial Dodd-Frank financial regulations — and took their biggest whack yet at Obamacare by scrapping its individual mandate.

But Rep. Tom Cole (R-Okla.), a former chairman of the National Republican Congressional Committee, said the "supercharged atmosphere" has threatened to swallow up those victories.

"It's very tough for an individual candidate operating in that kind of echo chamber to drive his or her own message, but we have the materials to do it," Cole said, referring to record fundraising sums collected by Speaker Paul Ryan's campaign fund and shared with other GOP candidates. "I think in most of our key races, the resources are there to do it."

Money may help their cause. But Democrats say the unnecessary time off certainly won't. Rep. Ro Khanna (D-Calif.) cited a "disconnect" between Congress and constituents that will ultimately hurt Republicans.

"I don't know any job where you get five weeks off. Most Americans have to work, and I think we ought to be working until much closer to Election Day," he said. "The American people expect us to work and they expect us to have the same vacation as most Americans do, not these month-long breaks."

As lawmakers filed out of the chamber for the last time until Nov. 13, one member told another: "Have a good one. I think you'll be fine."

John Bresnahan contributed to this report.

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Back

Obama-era oversight of Indian education grant program slammed in IG report Back

By Kimberly Hefling | 10/01/2018 10:48 AM EDT

The Education Department's Inspector General issued a highly critical audit Monday of the department's oversight of an Indian education grant program, calling it "insufficient" and accusing department leadership of putting up roadblocks that made it difficult for the IG to obtain information.

The Indian Education Formula Grant program provides funds to school districts and federal Bureau of Indian Education schools to address the academic needs of Native American students. The program — funded at $99.7 million in fiscal 2018 — is overseen by the Office of Indian Education within the department's Office of Elementary and Secondary Education.

The audit covered fiscal 2014 and 2015, during the Obama administration.

"Without adequate monitoring" the IG has "little assurance" as to whether grant recipients are "making progress toward program goals and objectives and spending funds appropriately," the audit said.

The IG said that while the department does collect some data on grantee performance and use of funds, there is "little evidence that the data are used to provide assistance to grantees in implementing the program successfully."

But the IG emphasized in the audit that it "cannot rely on the information provided during this audit" because of the "impairment" it faced gathering information from the department. The IG said it encountered "significant and recurring delays in obtaining information."

"Despite our noted objections" they found that senior management in the department's Office of Elementary and Secondary Education and general counsel's office "were involved in reviewing communications with us throughout the audit," the IG said.

The audit said some of the individuals in question had left, but it didn't name them specifically, just their titles. That included the former director of the Office of Indian Education, who retired in December 2016.

In response, the audit says that senior management at the department disagreed with that assessment, arguing that they were "only trying to ensure that the information OIG received was accurate and as timely as possible."

Department officials, however said they did not disagree that the Office of Indian Education is "struggling to adequately perform its functions" and said a draft report from the IG has "proven helpful" as it works to make improvements, according to the audit.

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Back

New lesson for candidates for governor: Embrace education Back

By Caitlin Emma and Kimberly Hefling | 10/01/2018 05:00 AM EDT

Frustrated teachers walked off the job and packed state capitals with protests earlier this year, and their push for pay raises and heftier education funding is reverberating in the nation's gubernatorial races.

Red-state fiscal conservatives like Govs. Scott Walker of Wisconsin and Doug Ducey of Arizona — who have long clashed with teachers unions — are among the incumbents vying for the "education governor" mantle, riling Democrats who say they're too late in pledging their support.

School funding has also played prominently in governor's races in Arkansas, Colorado, Georgia, Kansas, Maryland, Maine, New Mexico, Oklahoma and Pennsylvania, replacing yesteryear's fights over Common Core and testing. The push to better fund schools reflects a new reality for those aspiring to state office in 2018: "None of them want to be characterized as being stingy with respect to K-12 education," said Martin West, an education professor at Harvard University.

The spotlight comes as more than half of all states provide less total education funding per student than they did when the Great Recession hit a decade ago, the left-leaning Center on Budget and Policy Priorities has estimated. The issue has played out in other ways as well in the midterms, with hundreds of teachers opting to run for office and voter referendums pertaining to school spending on the ballot in at least 11 states.

But the fights in the gubernatorial races aren't just about teacher pay and traditional school funding. There's a clear divide on display in many match-ups over whether to expand or support school-choice-friendly programs.

Carrie Pugh, national political director for the National Education Association, said both teacher unrest and positions taken in favor of school choice by Education Secretary Betsy DeVos have boosted education as a campaign issue, since many voters feel unease with DeVos' embrace of alternatives beyond traditional public schools.

"Education is a more dominant issue than ever before," Pugh said.

Seizing on that momentum, NEA and the American Federation of Teachers have combined forces on a two-week television ad campaign in the New Mexico governor's race. GOP Rep. Steve Pearce and his Democratic opponent, Rep. Michelle Lujan Grisham, have made education a priority issue amid a legal battle over funding of the state's public schools, which the winner will inherit.

The ads accuse Pearce of slashing education funding by $40 million with a vote he took in the House and supporting DeVos' "plan to take money from public schools" and give it to private schools. Pearce, who backs options like charter schools and e-schools, accused Lujan Grisham during a debate of conspiring to shut down the state's oil and gas industry, which he said would harm the state's budget.

"How can you say you're going to spend more money on education when you're taking money away from education?" Pearce said, according to the Santa Fe New Mexican.

In Wisconsin, Walker is locked in a close race against Democrat Tony Evers, the head of the state's public school system. The Republican governor, who's seeking a third term, has been touting the education investments made in his latest budget proposal. But Evers has argued that Walker can't be trusted on education because of budget cuts at the onset of his administration.

In Arizona, education dominated the first debate this month between Ducey and his Democratic opponent, David Garcia, an Arizona State University education professor. After a major education funding initiative was knocked off the ballot last month by the state Supreme Court, Garcia criticized Ducey for the state's ongoing "education crisis." He said the Republican governor didn't do enough after tens of thousands of Arizona teachers walked out of classrooms earlier this year.

"They were demanding more, and they did not get what they were demanding," Garcia said during the debate.

Ducey, in turn, pointed to the measure he signed to address the teacher unrest, providing teachers with a 20 percent raise by 2020.

Garcia has also campaigned on Ducey's support for a law that would expand eligibility for the state's education savings account program. The program allows parents to use public funds to pay for private school tuition — a popular idea with some families, but one with plenty of critics worried about disinvestment in public schools. The law is so divisive that opponents were able to get enough signatures to have a referendum in the midterm election over whether to repeal it.

Thousands of teachers also walked out of classrooms earlier this year in Oklahoma. Both Democrat Drew Edmondson and Republican Kevin Stitt, who are vying for an open seat, have called for boosting teacher pay.

The candidates part ways on a ballot initiative in November that would allow school leaders to tap into funding typically reserved for school construction and use it in other ways, like for increasing teacher salaries. Stitt supports the measure, but Edmondson has said teachers don't want the change and it could be used by the state legislature as a way to avoid spending on public education.

In Georgia, both Democrat Stacey Abrams and Republican Brian Kemp have pledged to invest in public education and fully fund schools. But they're split over a state tax credit scholarship program that awards private school scholarships to students. The program provides individuals and corporations with a tax credit in exchange for a donation to an organization that awards private school scholarships.

State lawmakers in March agreed to raise the cap on tax credits for donations from $58 million to $100 million in 2019. Abrams has argued that it drains money from public schools and has pledged to eliminate the program and reallocate the money elsewhere in education. Kemp has pledged to protect the program, arguing that it provides students with access to an education that they otherwise couldn't afford.

In Ohio, in one of the nation's most competitive match-ups, Democratic candidate Richard Cordray has seized on the collapse of a massive online charter school to argue that Mike DeWine, the state's attorney general, and other Republicans should have done more to protect students and taxpayers.

Then there's Colorado, where teachers also walked off the job in the spring. Beyond calling for more school funding, U.S. Rep. Jared Polis, the Democratic candidate for governor, has campaigned on a pledge to make preschool and full-day kindergarten free.

In Pennsylvania, too, Scott Wagner, the Republican challenger to Democratic Gov. Tom Wolf, has campaigned heavily on a plan that he says would increase education funding by $1 billion annually without raising taxes by "tightening our belts and cutting corporate welfare." The plan includes a bonus system for teachers and the creation of a teachers cabinet that would advise the governor.

The battles over school funding and teacher pay in many states are a shift from more recent election cycles, in which candidates blasted academic standards like the Common Core or criticized how often students are tested.

Many of those fights were neutralized by the 2015 passage of the Every Student Succeeds Act, the federal law that replaced No Child Left Behind, said Conor Williams, a fellow at the left-leaning Century Foundation.

Support for better teacher pay and more higher education funding also may be growing. According to the recently released annual Education Next survey, produced by a journal published jointly by scholars at Stanford and Harvard universities, about half of respondents favored paying teachers more — up 13 percentage points from 2017. Other polls have found similar results.

The plight of low-paid teachers and the problem of dismal school funding may have caught fire because they're bread-and-butter economic issues that voters can easily relate to, Williams said.

"It's about actual people in education struggling to get by," he said.

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DeVos awards $2.4M for center aimed at improving charter school facilities Back

By Mel Leonor | 10/01/2018 12:24 PM EDT

Education Secretary Betsy DeVos is directing $2.4 million in federal funding toward the creation of a national center that will help charter schools find and develop better facilities.

The Charter School Facilities Center will be run by the National Alliance for Public Charter Schools to help charters "access better and more affordable facilities and facility financing," the organization announced today.

Charter schools across the country have limited access to public funding for expanding or improving their buildings. Privately run charter schools also sometimes struggle to obtain financing, according to the alliance, which has studied the issue.

The grant was awarded under the Education Department's Charter Schools Program.

The Charter School Facilities Center will include a national advisory board that will collect and disseminate best practices and innovative ideas around funding and financing. The center will partner with the Tennessee Charter School Center, a Memphis-based school choice group, and the Local Initiatives Support Corporation, a Community Development Financial Institution.

"At a time when demand for charter schools is increasing, lack of access to affordable, suitable facilities is our biggest challenge," said Nina Rees, president and CEO of the National Alliance for Public Charter Schools.

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Highlights

LEADING THE NEWS

Trump Pick for Environment Council Faces Easier Confirmation Path

By Abby Smith

Democratic senators and environmentalists agree that President Donald Trump's new pick to chair the White House environment shop is a step in a better—or at least more tolerable—direction.

EPA's Pruitt Got Rose Bowl Tickets. Democrats Want to Know How (1)

By Terrence Dopp (Bloomberg) and Jennifer A. Dlouhy (Bloomberg)

Environmental Protection Agency Administrator Scott Pruitt obtained tickets to the Rose Bowl with the help of a firm that does public affairs and communications work for energy companies—and a top congressional Democrat wants to know the details.

Trump Happy With Pruitt's Performance, But Not His Scandals (1)

By Jennifer A. Dlouhy

President Donald Trump says Scott Pruitt's done "a fantastic job" but that he's "not happy" about some of the EPA administrator's actions, amid numerous ethics probes that have cast doubt on Pruitt's continued tenure at the agency.

Stormy Sailing Expected When Marine Fuel Standard Changes

By Alan Kovski

A surge in demand is coming for diesel and related fuels as shipping companies close in on a deadline to reduce sulfur emissions.

TODAY'S NEWS

Trump Solar Tariffs Shine on After Court Challenge

By Brian Flood

A group of Canadian manufacturers lost their bid to temporarily escape the blanket "safeguard" tariffs the Trump administration imposed on imported solar power products.

Trump's Tariffs Are a 'Glancing Blow' for Wind Power, Batteries

By Brian Eckhouse and Jim Efstathiou Jr.

President Donald Trump's tariffs on $50 billion in Chinese imports include duties on components for wind turbines, nuclear reactors and batteries—but they are unlikely to cripple any of those industries.

Conservatives May Withhold Support in Farm Bill Revote

By Teaganne Finn

Conservative lawmakers remain non-committal a week before the deadline to revive the House farm bill after its May defeat over an unrelated immigration bill and tighter eligibility rules for federal food assistance.

U.S. 'Hashing Out' Details of Coal-Nuclear Rescue Plan: Perry

By Alex Nussbaum and Jonathan Gilbert

The Energy Department is still working on a proposed Trump administration plan to stem closures of U.S. coal and nuclear plants, Energy Secretary Rick Perry said from the Group of 20 summit in Bariloche, Argentina.

Sensient Colors Strikes Deal With EPA to Clean Up St. Louis Site (1)

By Sylvia Carignan

Sensient Colors LLC, a food and cosmetic dye company, is agreeing to clean up contamination and pay penalties for environmental violations stemming from its Missouri operations.

EPA Calls for Cleanups at 26 Sites Near Colorado's Gold King Mine

By Tripp Baltz

Cleanup actions costing nearly $10 million have been proposed by the EPA for 26 sites in the Colorado Superfund district where Gold King Mine—the source of a large wastewater release in 2015—is located.

Smelly Hog Farm Lawsuit Limits Unite Critics on Left, Right in N.C.

By Andrew M. Ballard

North Carolina lawmakers are looking to further restrict damage awards stemming from lawsuits against smelly hog farms.

Another Problem for Pruitt: Deadline in Tar Creek Audit Suit

By Peter Hayes

The EPA faces a June 19 deadline to tell a federal court if it will release information about Administrator Scott Pruitt's refusal to release the results of audits finding potentially criminal conduct in the operation of a hazardous waste fund.

New York Chemical Disclosure Rule Vexes Companies, May Fail Public

By Pat Rizzuto

New York state's regulation requiring cleaning product manufacturers to publicly disclose the chemicals in their products could fail to achieve its goals, said a senior director at Seventh Generation Inc.

Northeast Carbon Allowance Prices Up Slightly at Latest Auction

By Gerald B. Silverman

The cost for electric power companies to comply with the Northeast's carbon trading program rose by 6 percent in the latest auction of carbon allowances by the Regional Greenhouse Gas Initiative.

Shut Spigot at Foxconn's Flat Screen Plant Could Challenge Operation

By Stephen Joyce

Foxconn's proposed $10 billion manufacturing facility in southern Wisconsin could be in jeopardy after a state agency granted an environmental group's request for a hearing about a state-approved water permit.

Exxon Doubles Down on Oil

By Kevin Crowley

In the late 19th century, inventors including Thomas Edison created electric lighting that all but ended demand for kerosene, then the biggest product made from petroleum. Oil magnate John D. Rockefeller, the forefather of Exxon Mobil Corp., was unmoved, seeing any price dip as a chance to buy up competitors.

Ontario Premier-Elect to End Carbon Plan in Challenge to Trudeau

By Greg Quinn

Ontario's Progressive Conservatives will scrap the province's cap-and-trade program and pull out of the carbon-trading market with Quebec and California in its first act of government.

Ontario Scraps Carbon-Reduction Plan as It Expands Elsewhere

By Greg Quinn and Jim Efstathiou Jr.

Ontario will scrap its cap-and-trade program and pull out of the carbon-trading market with Quebec and California, even as pollution pricing expands in other regions of the world.

Cambridge University Sees Need for Yield From Fossil-Fuel Assets

By Mathew Carr and Anna Hirtenstein

Cambridge University can't immediately divest from fossil-fuel assets held by the school's 3 billion-pound ($4 billion) endowment because it needs the yield to finance its academic program.

Sweden Seeking EU-wide Ban on Chemical Paraffins

By Marcus Hoy

A chemical commonly used in electrical cable insulation as a plasticizer and flame retardant would be banned across the European Union if regulators agree to a proposal by Sweden.

China's Silk Road to Back $3.9 Billion Solar Project, ACWA Says

By Anna Hirtenstein and Vinicy Chan

China's Silk Road Fund Co Ltd. is investing in the world's largest solar thermal plant that's under development in Dubai, an executive at the company promoting the project said.

Coping With Eskom's Cuts: South Africans Brace for Power Outages

By Marcia Klein (Bloomberg Environment), Ntando Thukwana (Bloomberg), and Paul Burkhardt (Bloomberg)

What happens when a country's largest utility can't pay its bills? That's what South Africans are finding out as state-owned utility, Eskom, struggles to keep power stations running while workers protesting over stagnant wages hamper block access to its facilities.

Eskom Says Implementation of Stage 1 Power Cuts Lifted

By Hilton Shone

South Africa's state-owned power utility has halted rolling power cuts announced June 15.

Wellington Pushes ESG 2.0 Focusing on Alpha More Than Altruism

By Charles Stein

About 30 analysts and portfolio managers at Wellington Management get together every couple of weeks to discuss climate change.

THURSDAY NIGHT WRAPUP

Daniel Simmons Tapped to Head Energy Department Renewables Office

By Rebecca Kern

Daniel Simmons, current acting head of the Energy Department's Energy Efficiency and Renewable Energy Office, was tapped by the White House to become assistant secretary for solar and wind development.

Farmworkers Get Updated Pesticide Training With New EPA Guidance

By Ayanna Alexander

Farmworkers will get updated training on handling pesticides after the EPA June 14 released long-sought updates to the requirements.

EPA Adopting New Policies for Lead Paint After Whistleblower Case

By Adam Allington

The Environmental Protection Agency released new guidelines designed to help prevent exposing children and pregnant women to lead dust during repairs or renovations of older housing.

Climate Impacts Need to be Considered in Oil, Gas Lease: Court

By Alan Kovski

Federal agencies leasing properties for oil and gas drilling must analyze the foreseeable impacts of greenhouse gases—not only from the lease sites but from downstream activities such as automotive fuel combustion and from cumulative emissions of any sources, a court ruled.

Avangrid Confident on Approval of New England Hydropower Project (1)

By Adrianne Appel

Avangrid Inc. says it is confident it can overcome environmentalists' opposition and receive Massachusetts' approval early next year for a project that would deliver hydropower to Bay State residents for about 20 years.

Heavy-Duty Vehicle Rules in Canada Target Next Decade's Emissions

By James Munson

Buses, trucks, and vans will have to be sleeker, smarter, and more efficient to meet new carbon emissions rules in Canada.

Canada Court Dismisses Ciba Appeal Over Mine Waste Patent

By James Munson

Canada's top court decided not to hear a patent case involving two global wastewater treatment companies June 14, depriving one of the firms of its last chance to reinstate a patent used in mining.

Industry Voices Concern as Norway Adopts EU Ship Recycling Rule

By Marcus Hoy

The Norwegian shipping industry objected to some elements of the European Union's approach to ship recycling after the government announced it will adopt the EU Ship Recycling Regulation.

Blowback Over Japanese Plan to Reuse Tainted Soil From Fukushima

By Brian Yap

Japan's plan to reuse soil contaminated with radiation from the Fukushima-Daiichi nuclear power plant accident for agriculture is sparking something of its own nuclear reaction.

Bloomberg Environment

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Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 2/13/2018 11:02:40 AM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Morning Energy: Let the infrastructure fight begin — BLM releases methane rule rollback — EPA plan avoids climate change mentions

By Kelsey Tamborrino | 02/13/2018 06:00 AM EDT

With help from Darius Dixon, Annie Snider and Ben Lefebvre

WHERE'S THE ENERGY? While water, roads and airports all get special attention in the White House's new infrastructure plan, the electric grid was largely ignored in the 55-page document the White House rolled out Monday — despite the system's age and the challenges to building it. The plan says nothing about modernizing ailing electric transmission systems to account for factors such as the growth of natural gas, renewable power and electric vehicles, issues that have long been a focus of grid planners and a priority of the previous administration. "This plan ignores American energy and transportation needs of today — as well as tomorrow. It does not modernize our grid so we can reach more distributed energy. It does not plan for advanced vehicles to be on our roads," said Grant Carlisle advocacy director of E2, an affiliate of the Natural Resources Defense Council. "It is unfortunately just not a forward-looking document."

Where the plan does touch on electric issues, it revives a proposal to sell off transmission facilities owned by the Energy Department's power marketing administrations and the Tennessee Valley Authority. OMB thinks those sales would raise $7.4 billion for federal coffers over five years and encourage a more efficient transmission system. But when the White House floated the idea last year, it faced bipartisan opposition from senators worried it would increase power prices in a large swath of the West. The White House plan also calls for Congress to change the Federal Power Act to allow other federal agencies that participate in a FERC NEPA proceeding as a "cooperating agency" in an effort to streamline applications for interstate natural gas pipelines.

WHAT DID MAKE IT: President Donald Trump's infrastructure proposal leans heavily on states, local governments and the private sector to foot most of its bill. The White House is calling for just $200 billion in federal funding, which it hopes will leverage $1.3 trillion in other investment over the next decade, but the pitch faces long odds on Capitol Hill. Here's a rundown of some other highlights:

Privatizing water infrastructure: The plan would make a number of tweaks aimed at easing private investment and ownership of drinking water and wastewater facilities — a move that public health advocates argue could lead to unaffordable rates. Municipal water utilities are so far skeptical of the plan, arguing that the proposal is overly ambitious in how much private funding can be drawn to the sector and pointing out that states and municipalities already bear the lion's share of the cost for water projects. But they are cheering one idea in it: lengthening pollution discharge permits from five years to 15 and allowing automatic renewal "if the water quality needs do not require more stringent permit limits."

Gaga for WIFIA: The proposal would expand WIFIA, the innovative financing program authorized in 2014 that Congress loves since it can leverage a small appropriation for orders of magnitude more in credit assistance. Despite the fact that the program has yet to make its first loan, the Trump proposal would expand it to privately owned infrastructure as well as Superfund and brownfields programs.

Park upgrades paid for by energy leasing: The infrastructure plan would give Interior a mechanism to repair and maintain some of its holdings. Even though the White House would slash Interior's overall budget by more than 16 percent, it would establish a Public Lands Infrastructure Fund paid for with money from new land

leasing and royalties on energy production. Interior said the fund will rake in $805 million to put toward National Park Service's estimated backlog of $11.6 billion backlog of repair and maintenance projects. Another $891 million would go toward the Bureau of Reclamation's water systems and new capital construction plans.

Environmental reviews: The proposal asks Congress to get the permitting process down to two years, through quicker NEPA reviews. It wants to limit projects getting held up in court by reducing the statute of limitations to sue from six years down to 150 days. And it wants to stop EPA from vetoing wetlands permits.

But don't hold your breath for these changes anytime soon: Most would require congressional approval, and Senate Democrats would likely be able to block anything as ambitious as the administration's proposal.

SPOTTED: Trump held a meeting on infrastructure with state and local officials on Monday. Also in the room? EPA Administrator Scott Pruitt and Interior Secretary Ryan Zinke.

The Senate Environment and Public Works Committee plans to hold a hearing March 1 with Transportation Secretary Elaine Chao on Trump's infrastructure proposal, Chairman John Barrasso said.

WELCOME TO TUESDAY! I'm your host Kelsey Tamborrino, and Growth Energy's Chris Bliley was first to know there are seven European countries that begin with the letter "S." (Slovakia, Sweden, Switzerland, San Marino, Slovenia, Spain and Serbia) For today: Which lawmaker was elected House speaker for the shortest term ever? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

BLM ROLLS OUT METHANE ROLLBACK: The Interior Department unveiled its own long-awaited proposal Monday — outlining plans to rescind most of an Obama-era rule to limit methane emissions associated with oil and gas drilling. The Bureau of Land Management's new proposed rule eliminates most requirements that the previous administration estimated "would pose a compliance burden to operators and generate benefits of gas savings or reductions in methane emissions." BLM instead said the new requirements echo the guidelines in place before former President Barack Obama took office, with some updates. The Trump administration has already paused implementation of the 2016 rule and predicted it would not be able to survive a court challenge, Ben Lefebvre reports for Pro.

ICYMI — THE BUDGET: The White House budget called for less severe cuts than last year, but it will still be almost entirely ignored by Congress. Here are some highlights:

At DOE: The Energy Department would actually see a slight boost to $30.7 billion, about 2 percent over fiscal 2017 levels. To get there, Trump's budget calls for deep cuts to many programs, but leaves the science office alone, Pro's Darius Dixon reports, while boosting weapons cleanup and fossil fuels.

— **Success comes at a price.** On a conference call with reporters Monday, DOE officials were repeatedly asked to explain why the budget proposal was seeking to cut the energy efficiency and renewable energy office by nearly two-thirds. "The biggest reason for that is the accomplishments that each of these individual programs have made," said DOE undersecretary Mark Menezes. "It's actually a very good story to tell." He pointed to many "success stories" where several technologies backed by the office have hit their cost-reduction goals over the past five years, including electric vehicle batteries, solar panels and bioenergy.

— **The electricity office breakup doesn't need Congress.** DOE's budget proposes to split the agency's electricity office into two separate units, one focused on electricity delivery and the other focused on grid reliability, and cybersecurity. "We have sufficient authority under the [Department of Energy] Organization Act to set up the office," Menezes said, who noted the agency had been coordinating the effort with OMB and appropriators on Capitol Hill.

At EPA: As predicted, Trump's budget would slash the agency's fiscal 2019 budget by more than one-quarter, a shift toward Pruitt's goal of shrinking the agency and moving regulation back to the states, Emily Holden, Annie Snider and Alex Guillén report. The White House proposed a 26 percent cut in EPA spending from fiscal 2017 levels, including money infused after Congress raised spending caps last week. Read more.

— **Alex reports the agency's strategic plan for 2018-2022,** also released Monday, makes no mention of the climate change and categorizes EPA's goals into three categories aligned to Pruitt's top talking points: EPA's "core" mission, cooperative federalism and "rule of law." Read more here.

At Interior: The administration would reduce Interior's budget to $11.5 billion, including a $339 million allotted under last week's new budget caps agreement, Ben reports — compared to the $13.5 billion budget enacted in 2017.

HOT DOCS: Read the budget here, appendix here and addendum here.

YACHT ROCK: Visitors to the Miami International Boat Show this week may get a double dose of Zinke. The Interior secretary will give opening remarks via video at the event's breakfast on Friday and then visit the show in the flesh on Saturday, a spokeswoman for event sponsor National Marine Manufacturers Association tells ME. It's not known whether the Interior secretary will bring up Florida's on-again, off-again inclusion on Interior's offshore drilling proposal during his talk. The NMMA generally advocates open public waters, but "we would expect that any offshore drilling would be done safely and responsibly so as to not impact the quality or access of our waters," spokeswoman Ellen Hopkins Bradley said. But Zinke is expected to discuss Interior's commitment to recreation on public waters. "His keynote is an opportunity to hear directly from the Secretary as he shares his perspective on boating and the outdoors," the association said in a press release.

HEADS UP: The House meets at 2 p.m. today to consider legislation under suspension of the rules including H.R. 4376 (115), the "Department of Energy Research Infrastructure Act of 2018" and H.R. 4378 (115), the "Nuclear Energy Research Infrastructure Act of 2018."

LIGHTER CLICK: Sen. Lamar Alexander rebuilding trails at the Great Smoky Mountains National Park. Picture here, via a tweet from Zinke.

COURT WON'T OVERTURN EXXON SETTLEMENT: A New Jersey appeals court on Monday declined to overturn a settlement between the state and Exxon Mobil over the contamination of natural resources. Former state Sen. Ray Lesniak, the New Jersey Sierra Club and other environmental groups appealed the $225 million settlement made in 2015 over the contamination of acreage where the company had refineries in the state, Pro New Jersey's Danielle Muoio reports. The court ruled Monday the green groups didn't have enough standing to appeal the case.

STUDY: CLIMATE CHANGE DRIVING SEA LEVEL RISE: A new study released Monday by the Proceedings of the National Academy of Sciences finds sea levels have been rising since 1993. The study, which used satellite data dating from 1993 to observe world ocean levels, is expected to accelerate "as the melting of the ice sheets and ocean heat content increases as greenhouse gas concentrations rise." See the study here.

REPORT: EFFICIENCY SPENDING NOT FOCUSED LOW INCOME: The Environmental Defense Fund and the Applied Public Policy Research Institute for Study and Evaluation will release a new report today on energy efficiency for low-income Americans. The report finds approximately 30 percent of U.S. households have incomes at or below twice the poverty level, which use roughly 30 percent of all residential electricity. But, the report finds, only 6 percent of U.S. energy efficiency spending is focused toward those same households.

MOVER, SHAKER: Former Energy Secretary Ernest Moniz will join the board of the Southern Company, the utility announced Monday, as an independent director effective March 1.

— **House Energy and Commerce Chairman Greg Walden** announced on Monday that Mike Bloomquist, the committee's deputy staff director, will be named staff director effective immediately, following the death of Ray Baum.

— **Consumer Energy Alliance's board of directors will announce** today that Brett Vassey, president and CEO of the Virginia Manufacturers Association and member of the board since 2013, will serve as the board's new chairman.

MAIL CALL: EDF Action sent a letter Monday to address EPA's lack of resources, recommending to appropriators a 10 percent increase over the next two fiscal years for the agency. Read it here.

QUICK HITS

— GOP law enforcement chiefs invited donors to help set policy via secret bulletin board, The Intercept.

— O'Hare Airport gets EPA grant to reduce carbon emissions, Associated Press.

— FPL was warned people would die at a sweltering nursing home. But the utility had other priorities, the Sun Sentinel.

— She was naming lawmakers who took oil-and-gas money — so they barred her from the public hearing, The Washington Post.

— Official: U.S. believes ex-Venezuela oil czar took bribes, Associated Press.

— Hanford worker who inhaled plutonium: 'I'm scared. This is criminal,' KING5.

HAPPENING TODAY

8:00 a.m. — The Renewable Fuels Association continues its annual conference, San Antonio.

11:00 a.m. — The Environmental and Energy Institute briefing to showcase two London Economics International studies, 2360 Rayburn

12:00 p.m. — The Atlantic Council conversation on Iraq's energy potential, 1030 15th Street NW

12:00 p.m. — The Northern Virginia Regional Commission, and the Greater Washington Warburg Chapter of the American Council on Germany discussion on "The Social Benefits of Renewable Energy," Fairfax, Va.

12:00 p.m. — The University of Maryland at College Park discussion on addressing climate change.

2:00 p.m. — The Responsible Battery Coalition holds briefing event on "Vehicle battery sustainability: Recycling 2 million more," SVC-214

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To view online:
https://www.politicopro.com/newsletters/morning-energy/2018/02/let-the-infrastructure-fight-begin-101659

Stories from POLITICO Pro

Trump launches $1.5T infrastructure sales pitch Back

By Brianna Gurciullo | 02/11/2018 05:00 PM EDT

The White House finally rolled out President Donald Trump's long-awaited infrastructure plan Monday, swinging for the fences with a $1.5 trillion initiative that is light on new federal dollars — but could inspire a wave of toll roads, ease decades-old regulations and permanently change cities' and states' expectations for assistance from Washington.

"It is time to give Americans the working, modern infrastructure they deserve," Trump said in a message to Congress accompanying his "legislative outline."

The proposal faces tough odds in Congress: Some conservative Republicans are already expressing shock at Trump's total price tag, while Democrats say the share coming from the federal government would be too little to fill the backlog of crumbling roads, bridges, railroads, tunnels and airports, along with other needs like rural broadband service, veterans' hospitals, toxic waste cleanups and drinking water.

Trump is proposing to provide $200 billion for his plan over the next 10 years — "not a large amount," he has conceded — paid for by unspecified cuts elsewhere in the budget proposal that the White House also plans to release Monday. That spending is meant to draw an additional $1.3 trillion or more in investments from cities, states, private investors and other sources.

But more fundamentally, the White House says it will finally address a dysfunctional system in which Washington calls too many of the shots, federal red tape gets in the way and some communities fail to put enough "skin in the game" — all while dire needs go unmet.

"The current system is fundamentally broken, and it's broken in two different ways," a senior administration official told reporters during a briefing Saturday. "We are underinvesting in our infrastructure, and we have a permitting process that takes so long that even when funds are adequate, it can take a decade to build critical infrastructure."

Trump's plan, the official said, offers "a permanent fix." The plan also includes specific money for rural communities, aim to encourage apprenticeships and other forms of workforce training, and pay for unspecified "transformative," "next-century-type" projects that would "lift the American spirit," the official said.

However, many infrastructure advocates believe that the real fix that's needed is a permanent new revenue stream, something Trump's plan doesn't address.

Oregon Rep. Peter DeFazio, the top Democrat on the Transportation Committee, said in an address Friday that Trump's plan would "slash the federal commitment to a national infrastructure network."

"This is not a real infrastructure plan — it's simply another scam, an attempt by this administration to privatize critical government functions, and create windfalls for their buddies on Wall Street," DeFazio said. "This fake proposal will not address the serious infrastructure needs facing this country, so our potholed roads will get worse, our bridges and transit systems will become more dangerous, and our tolls will become higher."

Sen. Ron Wyden of Oregon, the top Democrat on the Finance Committee, called the plan "another broken promise to rebuild America's aging infrastructure." He added, "$200 billion is a drop in the bucket compared to

the $1.5 trillion Republicans in Congress just spent to slash taxes for multinational corporations and the donor class."

But key Republicans were quick to issue supportive statements Monday.

"Please permit us to say that President Trump hit the nail on the head when constructing this plan to rebuild America's infrastructure," House Energy and Commerce Chairman Greg Walden (R-Ore.) said in a statement issued with three of his subcommittee chairs, Fred Upton (R-Mich.), John Shimkus (R-Ill.) and Marsha Blackburn (R-Tenn.). "Improving our country's infrastructure can be a bipartisan effort, and we stand ready to strap on our work boots and pave the way for success with our colleagues across the aisle."

The plan that the White House released Monday is a statement of principles that Congress will have to translate into legislation — potentially leaving the fate of Trump's proposal in the hands of 11 House and Senate committees that oversee slices of the policies in play. The kickoff included a White House meeting Monday with state and local officials from both parties, including Louisiana Gov. John Bel Edwards, Tennessee Gov. Bill Haslam, Maine Gov. Paul LePage, New Mexico Gov. Susana Martinez, Virginia Gov. Ralph Northam, Nebraska Gov. Pete Ricketts and Wisconsin Gov. Scott Walker.

"Washington will no longer be a roadblock to progress," Trump said in brief televised remarks. "Washington will be your partner."

Administration officials said to expect an extended sales pitch from Trump and his Cabinet, who "will be talking about infrastructure all across the nation."

The woeful state of U.S. infrastructure is something Republicans and Democrats largely agree about, even if they don't agree on the solutions. The American Society of Civil Engineers has said the backlog comes to $4.59 trillion in needed investments by 2025.

But already, some lawmakers are expressing deep concerns about the administration's plan to pay for the federal share of its proposal with budget cuts instead of proposing new revenue sources. Even some Republicans, notably House Transportation Chairman Bill Shuster of Pennsylvania, are pushing for a hike in the federal gasoline tax that pays for the ailing Highway Trust Fund.

Democrats, meanwhile, are criticizing the White House's push to dramatically speed up the federal permitting process for infrastructure projects — and warning that the Senate won't go along with any effort to impose arbitrary time limits on regulatory reviews.

"There's zero appetite for that," Sen. Brian Schatz (D-Hawaii) told POLITICO last week. "There may be a handful of Democrats that would support that but they'd also lose a couple of Republicans."

The senior administration official said the White House has no intention of dismantling environmental protections — but does want to shorten the process to two years, for example by letting one agency render the final yes-or-no verdict. The White House is preparing to achieve some of this streamlining through executive action . But it also proposes changes to statutes as well, for example by eliminating the section of the Clean Air Act that requires the Environmental Protection Agency to review other agencies' environmental impact statements, and by revoking the EPA's power to veto Clean Water Act permits issued by the Army Corps of Engineers.

"We're not saying you can have a bigger impact on endangered species, or the water can be dirtier or the air can be dirtier, or anything like that," the official said.

Democratic lawmakers and liberal groups like the Center for American Progress have countered that agencies have yet to follow through on recent laws that would let them streamline permitting. CAP has argued that to accelerate the process, the most effective strategy would be fully funding agencies like the Department of Transportation so they have enough staffing and technology.

The Natural Resources Defense Council denounced the plan Sunday as a "disaster" and an "unacceptable corporate giveaway," saying the proposal to speed up environmental reviews "would leave local residents all-but voiceless when it comes to the massive projects that will reshape their communities."

Another source of controversy is the plan's heavy preference for doling out money to states and communities that are willing to put up the most cash on their own. Democrats say that would cause cities and states to hike taxes and fees on their residents, and would heavily disadvantage large projects such as the multibillion-dollar effort to rebuild rail infrastructure in and around New York City.

Senate Minority Leader Chuck Schumer has warned that drivers could soon be paying "Trump tolls" because of the plan's incentives for communities to seek money from private investors.

"Hedge funds and wealthy investors will want projects that generate a profit by charging middle-class Americans hundreds of dollars a year in tolls, taxes and fees," Schumer wrote in an op-ed just before Trump's State of the Union address. "Our nation's roads, bridges and tunnels would become tools for wealthy investors to profit off the middle class rather than the job-creating public assets they ought to be."

The White House says it would be up to local communities to decide how to raise money to pay for their projects, with sources that could include property taxes, sales taxes or user fees.

But the administration's making it clear that communities looking for help from Washington have to show they're prepared to pay for their own needs.

"It's all about how do we get people to compete around in projects that they truly care about," the senior administration official said. "And how do we know they truly care about them? Well, because they've got a lot of skin in the game on the project."

Instead, the official said: "A lot of comments I've received since starting this job are people who are going, 'This is an absolutely critical project, it has to be done, it's vital to our community. Our economy will boom if we do this.' And I ask, 'How much you've invested in it?' And they're like, 'No, we're not investing in anything. We'd like you to invest in it.'"

Those comments fit in with the message of a White House budget document last spring that bemoaned what it called communities' over-reliance on federal dollars — rhetoric that drew a rebuke from the GOP-led Senate Appropriations Committee. DOT has similarly told New York state and New Jersey not to expect the federal government to pay half of a proposed $13 billion rail tunnel project across the Hudson River, despite previous assurances from the Obama administration.

The senior administration official said that contrary to what many of the critics say, the federal government pays already only about 14 percent of the nation's overall infrastructure needs. "If you go and ask the public what their preference is, they would prefer to invest locally as opposed to sending money to Washington," the official said.

Meanwhile, fiscal conservatives are already casting side-eyes at the $1.5 trillion total price tag, even though only $200 billion would come from the federal budget. That's especially true after Congress enacted tax cuts that are expected to add $1.5 trillion to the deficit in the coming decade and both parties agreed last week to boost overall spending by $300 billion over two years.

On the other hand, last week's spending deal — H.R. 1892 (115) — gives lawmakers extra cash to work with. And Trump administration officials have been scurrying since Friday to craft an addendum to its fiscal year 2019 budget proposal that will tell legislators just how the president would like to see those dollars spent.

"Take the money that the Democrats want to put to these social programs, and move it to things like infrastructure, move it to things like opioid relief, move it to things that are in line with the president's priorities, so that — if it does get spent — at least it get spent to the right places," White House budget director Mick Mulvaney said on "Fox News Sunday."

In Saturday's briefing, the senior White House official stressed that Trump's infrastructure pitch isn't "a take-it-or-leave-it proposal."

"This is the start of a negotiation — bicameral, bipartisan negotiation — to find the best solution for infrastructure in the U.S.," the official said.

The official added that Trump "is open to new sources of funding" as well. However, something as politically perilous as a gasoline tax increase isn't likely.

Half of the $200 billion would be allocated to a competitive program in which states and localities can apply for federal funding. Those who have already secured their own sources of cash would be most likely to receive federal money.

Ten percent, or $20 billion, would add to existing federal loan programs for infrastructure and broaden eligibility for tax-exempt private activity bonds. And another 10 percent would be set aside for what the Trump administration describes as "transformative" projects — a category that some people think could include Elon Musk's gee-whiz "Hyperloop," although the White House said the New York-New Jersey rail tunnel might qualify as well.

A quarter, or $50 billion, would be reserved for projects in rural parts of the country. That money would go to states as block grants with relatively few strings. It would at least partially address concerns from lawmakers who say rural infrastructure projects may be relatively unappealing to private investors — and seems tailor-made to attract support in the Senate.

The White House official indicated that governors would make the call on how to divide the rural money. In contrast, some rural lawmakers have been pushing to steer a designated portion to broadband internet service.

Five percent of the federal dollars would be used to set up a "capital financing fund."

Some component of the plan will also center on workforce training, the official said. The administration will suggest broadening eligibility for Pell grants, tweaking requirements for trade licensing and growing apprenticeships.

Before his election, Trump swore to voters that a bill to generate $1 trillion in investment would materialize in his first 100 days as president. But the administration has delayed a plan again and again as it first crusaded to repeal Obamacare and then to rework the tax code.

The number has ballooned to $1.5 trillion "because we've actually received a sort of more enthusiastic response than we anticipated from state and local governments," the White House official said.

Alex Guillén contributed to this report.

To view online click here.

Back

Barrasso: Senate EPW to hold infrastructure hearing Back

By Brianna Gurciullo | 02/12/2018 06:46 PM EDT

The Senate Environment and Public Works Committee plans to hold a hearing March 1 with Elaine Chao to go over President Donald Trump's infrastructure proposal, Chairman John Barrasso said today.

Barrasso (R-Wyo.) also told reporters that he and the panel's top Democrat, Tom Carper of Delaware, would attend an infrastructure meeting Wednesday at the White House with other chairmen and ranking members.

Barrasso wouldn't say when he expects his committee to roll out an infrastructure bill, but he said members have "been working on this for a year."

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BLM proposes methane rule rollback Back

By Ben Lefebvre | 02/12/2018 06:20 PM EDT

The Interior Department today unveiled its proposal to roll back most of its Obama-era methane rule.

The newly proposed rule from the Bureau of Land Management would rescind most requirements that the previous administration estimated "would pose a compliance burden to operators and generate benefits of gas savings or reductions in methane emissions." That includes requirements that companies write waste minimization plans, meet methane capture targets and use equipment that meets certain technical standards.

The new proposal's requirements would mirror guidelines that were in place before the Obama administration finalized its 2016 rule, BLM said. The Trump administration has already paused implementation of the 2016 rule and predicted it would not be able to survive a court challenge.

BLM said many aspects of the 2016 rule duplicated requirements imposed by EPA methane regulations for new oil and gas wells — a rule the Trump administration is also considering revising. BLM says it will coordinate with EPA.

Although the EPA's rule applies to new wells, it has been in use long enough that the two agencies are effectively offering similar regulations to the same well sites, the BLM said.

BLM also revised its cost-benefit analysis after the Trump administration withdrew earlier estimates of the social cost of carbon.

"When relying on the assumed domestic impacts of climate change, the benefits of many of the emissions-targeting provisions do not outweigh their costs," BLM says in its proposal.

Interior in December finalized a rule that delayed enforcement of the Obama-era standards.

WHAT'S NEXT: BLM will take public comment on the new rule for 60 days.

To view online click here.

Back

Trump scales back request for stiff budget cuts Back

By Sarah Ferris and Jennifer Scholtes | 02/11/2018 07:20 PM EDT

The White House released a decadelong budget request Monday that lays out $3.6 trillion in deficit reduction while calling for hundreds of billions more to be pumped into the Pentagon.

The Trump administration is proposing deeper cuts to safety net programs — including Medicare, which the president on the campaign trail swore he wouldn't touch — to help fund what it calls a "more lethal" military.

But the White House's request is a jumble of mixed messages, since the Trump administration was forced to do some fast accounting after lawmakers on Friday cleared a massive two-year spending deal.

"We're actually doing two budgets," White House budget director Mick Mulvaney told reporters Monday afternoon, noting that the documents' numbers are "not exactly precise" since the administration had little lead time to factor in the new funding caps.

President Donald Trump's revised budget would pour more cash into domestic programs across the federal government, but still proposes less overall spending for most departments.

The White House is telling Congress just how the president wants to see lawmakers divvy up the hundreds of billions of dollars in new funding authority, while at the same time encouraging them not to spend all that cash.

"You don't have to spend all of this money, Congress. But if you do, here's how we would prefer you spend it," Mulvaney said.

On the Hill, lawmakers — as is usual with a president's budget request, which is only a request — stressed they will write their own spending bills. "The Committee will perform our own analysis and craft legislation that reflects the will of the House and the needs of the people we represent," House Appropriations Chairman Rodney Frelinghuysen (R-N.J.) said in a statement.

Senate Appropriations Chairman Thad Cochran (R-Miss.) said in a statement that the Trump budget is a "starting point" for lawmakers.

Rep. John Yarmuth of Kentucky, the top Democrat on the House Budget Committee, told reporters that very few lawmakers, Democrats or Republicans, believe that spending will be cut as dramatically as Trump recommended. He said that he was "a little bit" surprised the administration proposal showed a growth in the deficit, but "I have to give Mulvaney credit for being honest."

The requested defense build-up appears to be the biggest single shift in Trump's budget compared to his first year, when his Pentagon proposal was panned by Congress' defense hawks, who sought much higher sums.

To help pay for it, Trump's budget office has requested scraping more from other social programs, like food stamps, and proposing changes to Medicare.

The federal health program is one of the fastest-growing drivers of the national debt. To help stem that rise, Trump's budget proposes a slew of vague reforms including improvements to "drug pricing and payment policies" and "government-imposed provider burdens."

Last year, Medicare was mentioned just 10 times in Trump's budget. This year, the program is mentioned more than 100 times.

The proposal is a victory for Mulvaney, who has begged the president to tackle entitlement spending, including Medicare, since their early days at the White House.

The budget also requests new — though vague — welfare reforms like: "Get noncustodial parents to work," which it projects to save $96 million.

The bones of the budget are largely the same as last year. The portion that does not take into account extra spending under the new budget caps would call for slashing funding for housing assistance and student aid while limiting payouts for farmers and people on disability insurance.

"Just like every American family, the Budget makes hard choices: Fund what we must, cut where we can, and reduce what we borrow," Mulvaney said in a statement.

The administration has also prioritized border security — proposing to hire roughly 1,000 more patrol agents and immigration officers than its previous budget.

Mulvaney will elaborate on the overall proposal during testimony before the Senate Budget Committee on Tuesday and before the House Budget Committee on Wednesday.

In a stark shift from Trump's first-year budget, Republican lawmakers are likely to embrace the plan's base recommendation for $716 billion in defense spending — the same level Congress signed into last week's budget deal.

The fiscal plan also recommends Congress buck calls for more spending on social programs, while suggesting lawmakers throw extra cash at things like infrastructure investment, "so if it does get spent, at least it gets spent in the right places," Mulvaney said.

The Trump administration has scrambled at the eleventh hour to rewrite its budget request to reflect Congress' newly sealed budget deal, essentially forced to present two visions of federal funding. OMB officials had only three days to decide how to divvy up an extra $63 billion in nondefense spending for fiscal 2019.

The proposal asks for a total of $18 billion over fiscal years 2018 and 2019 for a border wall, while assuming there will be agreement on how to handle the legal status of young undocumented immigrants covered under the Deferred Action for Childhood Arrivals program.

The budget again reflects Trump's businessman-like commitment to shrinking the federal bureaucracy, for the first time making public the White House's plans for trimming staff and operations across the federal government.

Those "workforce reduction" plans — which rely on hiring freezes, buyouts and stripping protections that make it easier to fire workers — are the result of nearly a year of back-and-forth between OMB and agencies. Some departments, like Education, have already starting giving workers incentives to leave, while the Agriculture Department has made clear it will only be reorganizing, not cutting employees.

In a budget addendum detailing proposed workforce cuts, OMB outlined its plan to tackle an "antiquated" federal personnel system that imposes what it considers "onerous" requirements to remove a federal employee.

"The rigidity of the system requires human resources specialists to focus on rule-based compliance instead of achieving the best hires," OMB said.

The White House promised future changes that will "empower Federal managers with greater flexibility" to hire and fire workers, prerogatives it says have for too long "been ceded to Federal labor unions." The document also claims federal employee benefits are "disproportionate" to the private sector and proposes a freeze to pay increases for civilian employees.

The Trump administration has dwelled most on the $200 billion the core plan requests for infrastructure investment over the next 10 years. But that proposal differs little from what the White House requested last year. And the president has conceded that the federal share of his infrastructure vision is "not a large amount" on its own.

Last year, Trump's first budget arrived with a thud on Capitol Hill, proposing the most extreme drawdown in federal spending in decades. In it, Trump asked Congress to gut programs with decades-old bipartisan support, like scientific research and education, while proposing lawmakers take an ax to safety net programs and foreign aid.

Amid crisis-to-crisis budgeting on Capitol Hill, though, there has been little fanfare in the lead up to this latest budget proposal.

"The president's budget is just a nice book," Rep. Bill Flores (R-Texas) said in an interview. "It's good to know where their priorities are, but the ones that make a difference are the ones here."

Victoria Guida, Andrew Hanna and Quint Forgey contributed to this report.

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Fossil, nuclear cleanup up in Trump budget seeking cuts to EERE Back

By Darius Dixon | 02/12/2018 12:52 PM EDT

President Donald Trump's fiscal 2019 Energy Department budget request calls for deep cuts to many programs, but it leaves the science office intact while boosting weapons cleanup and fossil fuels, according to an agency fact sheet released today.

Trump is calling for DOE to be funded at $30.6 billion, shaving off less than 1 percent compared to what Congress appropriated for it in fiscal 2017.

DOE's National Nuclear Security Administration would see a big increase — or $2.2 billion — compared to 2017. While DOE's non-NNSA programs were slated to be slashed by $3.3 billion, an addendum meant to address the recent budget deal reached in Congress added another $1.533 billion for DOE.

The administration plugged $1.2 billion back into DOE's Science office with the new budget figures, leaving it flat with fiscal 2017.

Still, Trump's budget again proposes to ax some programs entirely, including ARPA-E, and the loan office "while maintaining monitoring of the existing loan portfolio and overseeing existing awards to completion." It also includes $120 million to restart licensing activities for the long-stalled Yucca Mountain nuclear waste repository and to initiate an interim storage program.

The budget also seeks to split DOE's electricity office in two: electricity delivery, which would focus on grid reliability, and cybersecurity. And while the proposal once again aims to cut DOE's offices of energy efficiency and renewable energy, and nuclear energy, the agency's fossil fuel operation would see an $81 million boost.

To view online click here.

Back

EPA budget would tilt toward states, but cut funding for them Back

By Emily Holden, Annie Snider and Alex Guillén | 02/12/2018 05:35 PM EDT

The Trump administration's plan to slash EPA's budget by more than a quarter is aimed at moving the agency toward Administrator Scott Pruitt's goal of shrinking its footprint and shifting environmental regulation back to the states — even as it would cut the funding that states often rely on to implement federal programs.

The White House proposed a 26 percent cut in EPA spending from fiscal 2017 levels, including the last-minute infusion of money after Congress raised spending caps last week, H.R. 1892 (115). Without those funds, EPA's budget was targeted to shrink 34 percent.

Under the proposed cuts, the number of EPA employees would fall to 12,250, from 15,408, the agency said.

"As EPA continues to focus on its fundamental responsibilities, and strengthens its relationships with States and Tribes on the implementation of Federal environmental laws, there is an opportunity to reshape the Agency's workforce, ensuring that EPA operates efficiently while maintaining critical skills and expertise," a White House budget summary says.

EPA's budget request would organize agency spending around the Trump administration's goals, categorizing 71 percent of spending as going toward the agency's "core mission" and 25 percent for "rule of law and process," which Pruitt has described as scaling back rules he says exceed EPA's authority and easing the regulatory burdens for industry. The remaining 3 percent would be designated for cooperative federalism, or working with states that implement federal laws.

Despite its emphasis on returning control to states, the budget would slash key grants it provides them by 16 percent to a total of $2.9 billion. And it would cut funding to state and local air agencies even more, by 34 percent, to $152 million.

"It's literally half of what we need," said Miles Keogh, executive director of the National Association of Clean Air Agencies. "If we see another 30-something percent cut, we go from doing the minimum required by law to a lot less than that."

The agency budget briefing book calls for a "robust enforcement program," focusing on programs that aren't delegated to the states, with a priority on creating "consistency and certainty for the regulated community." EPA also wants $29 million to streamline permitting and reporting and $907 million to "improve efficiency and effectiveness."

Compared to its request last year, EPA is asking for a modest increase in spending on criminal enforcement to $48.2 million from $44.5 million, and about 60 percent more, or $151 million, for Superfund enforcement.

The budget again invites a fight with Congress by targeting programs popular with states. Last year, the Trump administration got an earful from lawmakers by proposing to eliminate geographical watershed programs. This year EPA offers two watersheds — the Great Lakes and Chesapeake Bay, which it dubs "waterbodies of national significance" — one-tenth of the funding they received in fiscal 2017. That money would be only for monitoring, unlike the current funding that supports a range of cleanup, restoration and planning activities. In addition, the budget targets the popular National Estuary Program for elimination.

Other programs popular with Congress that are targeted for significant cuts are the Diesel Emissions Reduction grant program and water infrastructure in Alaska Native villages. The proposal would reduce money for brownfields, pesticides and wetlands. The budget would zero out climate work, targeted airshed grants, beach cleanups and projects targeting lead and radon pollution. EPA would change the well-known Energy Star program to a fee-based system in which companies are required to pay to get their products labeled as energy efficient.

Spending on Superfund would remain steady, while water infrastructure — a Trump administration priority — is one of the budget's winners. The Clean Water and Drinking Water State Revolving Funds would hold level, with additional funds meant to reflect Congress' recent increase of spending caps. The budget would fund the Water Infrastructure Finance and Innovation Act program at $20 million, which EPA said could leverage as much as $2 billion in credit assistance.

However, even as Pruitt touts his "war on lead" and prioritizes drinking water protection, the budget would cut the agency's drinking water program focused on human health by more than $15 million, or roughly 17 percent.

In a twist of irony, a cross-border program in which EPA helps fund upgrades at wastewater treatment plants in Mexico to stanch the flow of sewage across the border into California would be zeroed out under the budget. Southwestern border patrol agents have asked for $20 million, and pointed out that President Donald Trump tweeted about the issue last summer.

To view online click here.

Back

EPA strategic plan avoids climate change Back

By Alex Guillén | 02/12/2018 03:39 PM EDT

EPA's final strategic plan for 2018 through 2022 makes no mention of climate change, which topped the agency's agenda in the years before President Donald Trump's election.

Climate change was goal one in EPA's previous plan, issued in 2014. The new plan, however, makes no mention of the phenomenon, or EPA's mandate to regulate greenhouse gases.

Instead, the document categorizes its goals into three categories aligned to EPA Administrator Scott Pruitt's top talking points: EPA's "core" mission, cooperative federalism and "rule of law."

"EPA will improve its processes and reinvigorate the rule of law as it administers environmental regulations as Congress intended and will refocus the agency on its core statutory obligations," Pruitt wrote in an introduction to the 74-page document.

Among the goals EPA listed for 2022 are to reduce nonattainment areas to 101, down from 166 as of last fall; lower the number of community water systems that don't meet health-based standards from 3,600 to 2,700; finish work at 255 Superfund sites, 3,420 brownfields and 536 solid waste facilities; meet compliance deadlines for the updated Toxic Substances Control Act; increase compliance rates; and make permitting decisions within six months.

The agency also said it plans to cut "unnecessary or duplicative reporting burdens to the regulated community by 10,000,000 hours." The current annual rate is 173 million hours.

EPA also plans to eliminate its FOIA request backlog by 2022.

To view online click here.

Back

White House proposes cut to Interior's budget, adds infrastructure fund Back

By Ben Lefebvre | 02/12/2018 11:53 AM EDT

The Trump administration is proposing cutting the Interior Department's budget for fiscal 2019, even as it aims to fund new infrastructure spending, according to its latest budget plan.

The proposed reduction to about $11.5 billion, which includes $339 million allotted under last week's new budget caps agreement, compares to the $13.5 billion budget enacted in 2017 and comes after Congress ignored President Donald Trump's request last year for a similar reduction.

The White House budget proposal would grant Interior a public lands infrastructure fund that would cost $6.5 billion over 10 years. The fund would start with $152 million next year and climb to $878 million by 2028. It would finance schools under the Bureau of Indian Education, as well as repair and maintenance of national parks and national wildlife refuges, a source familiar with the plan said.

Interior Secretary Ryan Zinke, like his predecessors, has complained that more money is needed to repair and maintain national parks. The fund would also dovetail with Trump's call for more infrastructure spending. The fund's cost would be partially offset by repealing annual payments of $4 million to counties to support geothermal energy projects. Further income would come from reauthorizing the Federal Land Transaction

Facilitation Act, which would allow Interior to use the money it makes selling public land on conservation projects.

Under the new budget caps approved by Congress last week, the White House added $271 million to its original budget plan for the National Park Service's park management, operation and maintenance.

The budget also provides $18 million to kickstart Zinke's reorganization plans for the department, which would replace the current state-based system for regional offices to one organized around watersheds.

To view online click here.

Back

Sierra Club cries foul on Exxon settlement Back

By David Giambusso | 07/27/2015 07:18 PM EDT

The New Jersey Sierra Club has accused the state of trying to bar its amicus brief in the ongoing court battle against Governor Chris Christie's settlement with Exxon Mobil over contaminated land.

Environmental and political leaders reacted with scorn when the state announced the $225 million settlement in February, more than a decade after it sued Exxon for $8.9 billion over the contamination of more than 1,000 acres in Bayonne and Linden, where the company had refineries. They accused Christie of giving a sweetheart deal to the oil industry.

State Senator Ray Lesniak, the New Jersey Sierra Club and other green groups filed petitions to become parties to a court case that will ultimately approve or reject the settlement, but Superior Court Judge Michael Hogan, sitting in Burlington County, rejected those petitions.

That left the groups only to file amicus, or friend of the court, briefs. Sierra Club director Jeff Tittel said the state is now asking the judge to reject them as well.

"The judge hasn't decided to give us an amicus, so they filed a brief in opposition to our amicus," Tittel said by phone. "What they're saying to the judge is that basically, 'Their amicus doesn't represent the public.'"

The state attorney general's office said it was not trying to prevent anyone from filing.

"There has been no attempt to bar the Sierra Club, or any other group, from being heard with respect to the proposed ExxonMobil settlement," said A.G. spokesman Leland Moore by email. "On Friday, consistent with the Court's scheduling, we filed the State's reply brief in response to the amicus briefs that had been filed. The State's reply brief in no way asks the Court to block participation by the amicus parties. It simply presents the State's arguments in response to points raised in the amicus briefs, which is the function of a reply brief."

While the state did encourage parties to file amicus briefs, they never said they wouldn't argue against them. The A.G.'s office filed a 39-page reply to briefs filed by Lesniak, the Sierra Club and others, essentially arguing that the settlement was fair, in the interest of the public, and was negotiated in good faith.

"The settlement reflects a record natural resource damage recovery for the New Jersey Department of Environmental Protection," the state argued. "Over eight years of on-again, off-again discussions overseen by

two administrations, the State negotiated for a settlement in this range, believing it to be a fair and desirable outcome."

In a statement issued Monday, the Sierra Club said the deal was "outrageous."

"The Exxon settlement is a dirty deal, and D.E.P. cannot be trusted to represent the people of New Jersey. This is why we need to be an Amicus in the case," the group said. "We expected Exxon to deny our motion to file as a 'friend of the court' because they are getting a great deal, but not DEP. DEP is clearly more concerned about protecting Exxon than the people of New Jersey."

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Back

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Jun 14, 2019 View in browser

ENERGYREGULATION WATCH

BY **ALEX GUILLÉN**

With help from Gavin Bade and Eric Wolff

EPA DOES INTERNAL REVIEW OF PM2.5 LOW CONCENTRATION STUDY: EPA is writing a report on how it characterizes the benefits of reducing fine particulate matter pollution (aka PM2.5) at low concentrations — and will run its own internal peer review process rather than go to the Science Advisory Board and the Clean Air Scientific Advisory Committee, which have been critical of EPA recently. Several previous outside scientific studies have concluded there is no "safe" level of exposure, such as a 2017 Harvard study that found increased risk of premature death from exposure to PM2.5 levels below the NAAQS threshold.

Mystery contractor: The agency released a notice this week calling for experts to review its study. EPA did not respond to questions about which contractor will run the review. The contractor will run the nomination and selection process, including one round of public comments on candidates. A draft version of the report will be out next

month, with the review panel meeting in August or September and the report being finalized sometime in the fall.

The process has some greens alarmed: "It's easy to predict goal of @EPA's headlong rush: a result-oriented Trump legacy to deny health benefits from reducing PM2.5 pollution at levels that science tells us cause premature deaths & morbidity, & to ignore PM2.5 benefits across multiple clean air & climate rules," the NRDC's John Walke tweeted.

EPA responds: "This format for peer review is appropriate based on the scope of the review, relevant timelines and expertise, statutory focus of other advisory bodies, and the Agency's peer review guidelines," spokesperson Michael Abboud said in a statement. "Previous Administrations have made key scientific methodological changes to EPA's characterization of particulate matter health effects without going through an open, peer review process."

WELCOME TO ENERGY REGULATION WATCH, your biweekly guide to the world of energy and environmental regulations. Any tips, comments and suggestions? Send them to EnergyRegWatch@politicopro.com, and follow me on Twitter at @alexcguillen. And don't forget our other helpful online tools, like the Document Drawer.

EPA UPDATES

OZONE — WISCONSIN, TEXAS PUSH BACK ON EPA REDO: Both Democrat-controlled Wisconsin and Republican-controlled Texas are urging federal courts to leave in place EPA's decision that key parts of those states meet the 2015 ozone standard. After environmentalists filed a lawsuit arguing EPA was too lax on those areas, the agency in early May suggested the court remand ozone designations covering several counties in Wisconsin — including Racine, home to the controversial Foxconn project — and the El Paso area. (That was before environmentalists uncovered internal emails showing EPA scientists perturbed that then-Administrator Scott Pruitt reversed plans to name some areas of Wisconsin as nonattainment, as reported

by the New York Times.) The states say EPA made the right call and should be given deference given the highly technical issues at play.

— Meanwhile, Michigan isn't battling a remand request by EPA in the same case, but the state did come to EPA's defense in a challenge to the Ottawa County designation. The challengers argued Ottawa contributes to poor air quality in neighboring Muskegon County, but Michigan argued in its brief that the real culprits are Chicago, Milwaukee and Gary, Ind., instead.

AUTOMAKERS PRESS TRUMP HARD AGAINST EMISSIONS FREEZE: In a head-turning letter last week, 17 major automakers asked the Trump administration to tone down its vehicle emissions deregulatory plan and avoid a nasty fight with California. "For our companies, a broadly supported final rule would provide regulatory certainty and enhance our ability to invest and innovate by avoiding an extended period of litigation and instability, which could prove as untenable as the current program," they wrote in their letter. It was the industry's most concerted criticism to date of the administration's deregulatory plan, which some automakers have said was much more severe than they had sought.

SAB — BOARD TO REVIEW AUTO ACTION: EPA's Science Advisory Board last week voted to scrutinize the science behind the Trump administration's planned rollback of vehicle emissions standards. The vote comes just months before the rule is expected to be finalized, but Chairman Michael Honeycutt remained hopeful. "I'm going to tell the board today I hope nobody has vacation plans this summer," Honeycutt told reporters.

WOTUS too: SAB also voted to submit comments to Administrator Andrew Wheeler on areas where his rewrite of the Waters of the U.S. rule diverges from science, Annie Snider reports on our site . Honeycutt suggested that the comments should point Wheeler to a deep dive that the SAB released in 2015 on the connections between small upstream waters and wetlands and the larger waterways covered by the Clean Water Act. But he acknowledged that EPA ultimately has to make a policy decision.

ACE RULE 'ALMOST COMPLETE': EPA says it is putting the finishing touches on its final Affordable Clean Energy rule that will replace the Obama administration's Clean Power Plan. "The interagency review process is almost complete, and EPA's intention and expectation is that the Agency will be in a position to take final action in June 2019," EPA wrote in a status report filed with the D.C. Circuit Court of Appeals.

401 — EPA TARGETS STATE POWER: The Trump administration has launched a major rollback of states' power to veto infrastructure projects they fear could harm the health of their rivers, streams and wetlands, including potentially giving EPA the ability to override states' decisions altogether, Annie Snider reports on the Pro website. Updated guidance shortens the time that states have to review proposed projects like natural gas pipelines, coal export terminals and dams. It also limits the scope of issues states can consider when deciding whether to grant a Clean Water Act certification.

RTRs — METAL COATINGS, VEGETABLE OIL: Add two more sectors to the ongoing litany of NESHAP reviews. First, EPA has proposed to maintain the numerical pollution limits for manufacturers of surface coatings for metal cans and coils. As with numerous previous residual risk and technology reviews, EPA also proposed a suite of reporting and monitoring tweaks. The proposal is open for comment through July 19. Second, EPA came to similar conclusions for a review of an 18-year-old rule limiting emissions from vegetable oil production facilities, which produce a pollutant called "n-hexane," which can cause irritations and nausea in the short term and permanent nerve damage in the long term. EPA will take comment for 45 days once the proposal runs in the Federal Register.

OMB WATCH

METHANE PROPOSAL BEGINS REVIEW: The White House Office of Information and Regulatory Affairs has begun reviewing a proposed rule from EPA expected to roll back methane emissions limits for new oil and gas wells, according to a notice . Wheeler said last month that

the proposal will include at least two strong arguments for lifting methane limits imposed on new oil and gas wells in 2016.

Reply hazy, try again later: OMB is also reviewing the final version of draft guidance issued in 2016 describing how states should write their regional haze SIPs due July 31, 2021, for the second implementation period, which runs from 2018 to 2028. (The Obama administration issued a rule that extended the deadline by three years.) Among other things, the guidance is expected to discuss how states weigh benefits alongside factors such as compliance costs and the remaining useful life of affected plants.

AROUND THE AGENCIES

PERRY WAVES WHITE FLAG ON COAL BAILOUT: Energy Secretary Rick Perry this week gave the clearest indication yet that his agency isn't planning to provide financial support to keep struggling coal and nuclear plants from closing, Gavin Bade reports on the Pro site . "I don't think the DOE has any regulatory or statutory ability to do that," Perry told reporters at the annual convention of the Edison Electric Institute, a utility trade group. "FERC would be where I would direct you to."

FERC WORLD

DEMS, GROUPS PUSH FERC ON ORDER 719: Democrats and a coalition of consumer groups are pushing FERC regulators to review rulemaking processes at regional grid operators, saying current procedures unfairly favor large utilities over consumers, Gavin Bade has more on the POLITICO Pro website.

Also at the hearing: FERC Chairman Neil Chatterjee said he is considering a state panel to help resolve fuel security and grid resilience issues. That panel could be convened with the National Association of Regulatory Utility Commissioners, Chatterjee told S&P.

SUPREME COURT

FEDERAL LAW TRUMPS STATE LAW OFFSHORE: The Supreme Court this week ruled in a unanimous opinion that an offshore drilling worker cannot rely on California wage laws to seek compensation for time spent on "standby" on oil rigs on the outer continental shelf. "All law on the OCS is federal, and state law serves a supporting role, to be adopted only where there is a gap in federal law's coverage," Justice Clarence Thomas wrote, reversing a lower-court decision.

JUSTICES TO SETTLE SUPERFUND QUESTION: The Supreme Court has agreed to decide whether people who live near Superfund sites can sue the liable companies for additional cleanups under state law, in addition to any cleanup agreement reached with EPA under federal law. The case will be argued this fall or winter and likely decided sometimes next year.

But not this Superfund question : The justices declined to hear a challenge brought by Teck Metals, a Canadian mining company, against the 9th Circuit's ruling that it must pay for Superfund pollution affecting U.S. waters and land, even though the causative pollution was emitted from a smelter over the border in Canada. The Supreme Court's decision not to hear the appeal leaves that decision in place.

POCKET DOCKET

Valuation: Separate lawsuits from mining groups and the American Petroleum Institute are reviving legal arguments over the Obama administration's 2017 valuation rule, which closed a loophole in which companies could sell coal from federal lands to subsidiaries for bargain prices and pay less in royalties, among other reforms. A federal judge in April ruled that the Trump administration's repeal of the Obama rule was "wholly improper," leading to these new challenges.

E15: Oil refiners hardly hesitated before launching their challenge to the EPA's rule allowing year-round sales of 15 percent ethanol. The American Fuel and Petrochemical Manufacturers filed a challenge to the rule at the D.C. Circuit Court of Appeals on Monday. "We fully expect the court's ruling to align with what the EPA and Congress have each previously concluded: the plain language of the Clean Air Act

does not authorize an RVP waiver expansion beyond E10," AFPM CEO Chet Thompson said in a statement. Meanwhile, both Growth Energy and the Renewable Fuels Association have already filed to help defend EPA's decision.

Kids' climate case: A trio of federal judges last week acknowledged that climate change posed a serious threat to the U.S. and said the federal government may have fallen short in protecting American citizens, but they expressed skepticism that the judiciary can order the sweeping action sought by a group of children to address the problem. Read more about the arguments on POLITICO's Pro website.

TSCA: Public health and advocacy groups that challenged EPA's framework rules for implementing the Toxic Substances Control Act reiterated in a supplemental brief their ability to sue because they argue the rules will "systematically understate risk." The 9th Circuit took the unusual step of ordering more briefing following oral arguments last month, when the court seemed lost over whether the framework rules present the sort of imminent, concrete harm that would give the groups standing to challenge EPA. The brief's legal arguments mimic what was said at the hearing, but it allows the challengers to lay out some facts supporting their argument that ongoing reviews of asbestos and two other specific chemicals "have already been infected by EPA's illegal Rules." EPA is expected to file its response on Monday.

Offshore drilling: Environmental groups this week asked a judge to invalidate the Interior Department's partial repeal of Obama-era offshore drilling safety rules, arguing the department ignored environmental and administrative rules and its own previous findings, Ben Lefebvre reports on our site. The suit alleges that Interior's Bureau of Safety and Environmental Enforcement violated the Administrative Procedures Act because of its incorporation into the final rule of industry standards that are not readily available to the public.

Methane waste: Environmental and health groups have asked a federal court to reinstate an Obama-era regulation from the Bureau of Land Management limiting methane waste on public lands, also

known as the venting and flaring rule. The Trump administration rolled back much of the rule. In a June 7 motion , the challengers argue that BLM based its deregulatory effort on an analysis not made available for public comment, in violation of the Administrative Procedure Act. They also complain that BLM undercounted the repeal's costs to public health while "inflating" industry compliance costs.

FERC: The D.C. Circuit Court of Appeals upheld a FERC decision granting a permit to a Tennessee pipeline, but it took issue with the commission's justification for declining to conduct a greenhouse gas analysis on the project, Eric Wolff has more on the Pro website.

Title V: The D.C. Circuit Court of Appeals today ruled it is not the proper venue to review the Sierra Club's challenge to a permitting policy change because it was included as part of an action specific to a Utah power plant. The green group argued that Pruitt wrongly decided to sidestep questions regarding prior preconstruction permitting in the Title V process. EPA countered that the decision was limited to this specific power plant, not to all Title V permits nationwide. The court concluded that EPA's order is not nationally applicable, nor has EPA found that the order has nationwide scope or effect, meaning the D.C. court is the wrong venue. The Sierra Club can still pursue its claims in the 10th Circuit.

Lesser prairie chicken: Several conservation groups this week filed a lawsuit against the Interior Department for dragging its feet on their petition to list the lesser prairie chicken under the Endangered Species Act. The Fish and Wildlife Service had said it would decide by summer 2017 but has yet to do so, the groups complain.

Mining: The D.C. Circuit Court of Appeals this week tossed out a Trump administration rule weakening certain miner safety requirements at non-coal mines, saying the Mine Safety and Health Administration's move "does not withstand scrutiny." MSHA in 2018 weakened certain requirements set in early 2017, allowing examinations to take place as miners begin work, rather than before, and letting operators avoid recording issues if they are promptly fixed. But MSHA violated a "unique" statutory requirement that its

standards not reduce existing mandatory health and safety protections, the split panel wrote in its opinion. The panel ordered the Trump rule vacated and the Obama rule reinstated. In a dissent, Judge Gregory Katsas, a Trump appointee, argued that the agency did adequately explain why the recordkeeping change was no less protective than the Obama rule.

ON THE CALENDAR

June 17 Comments due on EPA's proposed residual risk and technology review for asphalt processing and asphalt roofing manufacturing.

June 18 EPA's Science Advisory Committee on Chemicals kicks off a four-day meeting to review EPA's draft risk evaluation for Pigment Violet 29.

June 24 Comment due on EPA's proposed residual risk and technology reviews for engine test cells/stands.

June 24 Comments due on EPA's proposed amendments to TSCA chemical data reporting requirements for small manufacturers.

June 24 Comments due on EPA's proposed rule on procedures for review of confidential business information claims under TSCA.

June 28 Comment due on NOAA's proposal authorizing Hilcorp Alaska to "take" marine mammals connected to construction and operation of the Liberty Drilling and Production Island.

For a roundup of the latest regulation news, sign up for Energy Regulation Watch here.

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By Sarah Ferris and Quint Forgey | 02/12/2018 03:21 PM EDT

MOST CONFUSING BUDGET EVER: Mick Mulvaney kicked off the White House's big budget rollout with a warning: "This may be the most complicated budget anyone's ever going to do," the budget director said Sunday.

Well, he ain't kidding. Just before noon today, the White House released its annual trove of budget docs and tables — along with a 26-page "addendum" to reflect hundreds of billions in new spending now available.

The tale of two budgets: The Trump administration is effectively offering two visions of federal spending, as Sarah and Jen explain today. The first would cut deeply into safety net programs, including Medicare, as well as initiatives focusing on the environment, foreign aid and education. The second is decidedly less "Trumpian." It actually reverses some of the president's proposed cuts.

Mulvaney gets spendy: The White House has plenty of ideas on how Congress should divvy up its new cash, including some that don't exactly jibe with the rest of his budget, as Sarah explains today. For instance, he calls for increases to the EPA's Superfund cleanup account, research at the National Science Foundation, icebreakers at the Coast Guard and operations at the National Park Service.

AN AFFRONT TO FISCAL HAWKS: A key conservative principle was missing from the White House's budget today: the promise to achieve a balanced budget within 10 years. Even with sharp spending cuts and rosy economic projections, the Trump administration is projecting a $445 billion deficit by the end of the decade, as Sarah explains.

Does it even matter? Ditching the balance-within-a-decade mantra has zero effect on policy, simply allowing the Trump administration to pack more goodies into its budget proposal. But it's a symbolic blow to Mulvaney, who helped create a $16 billion surplus within 10 years in Trump's first budget.

WHITE HOUSE DOCS: The whole shebang | Addendum | Savings and reforms | Appendix

RIGHT FROM THE AGENCIES: Energy Department | Education Department | FCC | Nuclear Regulatory Commission | Treasury's Office of Financial Research | Treasury's Office of Comptroller

GOOD MONDAY AFTERNOON! Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

Docs of the day: This White House budget excerpt calls for a bump in the federal workforce in 2019 that would be even higher than 2018 and 2017. Most of the new hires would be in Homeland Security, Defense or Veterans Affairs. There would also be an "influx of short-term staff" to help prepare for the 2020 Census.

#DailyBudgetFact — Since the birth of modern budgeting in the 1970s, Congress has passed all its required appropriations measures on time only four times: in fiscal 1977 (the first full fiscal year under the current system), 1989, 1995 and 1997, according to Pew Research Center.

Quote du jour — House Minority Leader Nancy Pelosi describes the spending bill that she encouraged her own caucus to oppose: "We had a great bill; we got everything ... Republicans gave away the store."

BUDGET

DIVING RIGHT IN: Congress won't exactly be combing through the White House's budget — but the POLITICO Pro teams have.

LABOR: Unemployment insurance helps fund family leave | Unions would face audits | Labor relations board would staff up

EDUCATION: Bump for school choice, at cost of K-12 program | 5.6 percent cut for Education

ENERGY: Slight boost for Superfund | Chemical Safety Board scrapped, again | More DOE weapons work | New 'public lands' infrastructure fund | More cash for weapons cleanup, fossil fuels programs | A total overhaul of ports, waterways funding

ENERGY: Slashing Army Corps funding

DEFENSE: A 2.6 percent pay bump | Pentagon would get 25,900 new hires | $12.9 billion for missile defense | New vehicles, equipment for Army | $55 billion for aircraft upgrades | No proposed base closures | Expanding the Navy's fleet | More money for Air Force bombers | Improving troop readiness and quality of life

TRANSPORTATION: Slight bump for TSA | An overhaul for air traffic control

TRANSPORTATION & HOMELAND: DOT budget would see 19 percent cut | Few details on filing Customs vacancies | The biggest hiring spree ever at DHS | The not-so-Essential Air Service

FINANCIAL SERVICES: Big changes for flood insurance | Defanging the consumer protection agency | New power for CFTC to collect fees | Embracing Obama's user-fee plan

HEALTH: Big push to fight opioids | But cuts to drug policy effort | Streamlining obscure health, safety agencies | More funding for NIH, FDA | Slimming down the health IT office

JUSTICE: Despite Trump rhetoric, Russia probe still funded in 2019

TECH: More spectrum auctions | Some IT upgrades for the FCC

BEFORE THE DAM BROKE: A few details from Trump's budget and agency funding requests leaked over the weekend, including: Charity hospital savings | Air Force surveillance program shuttered | Investing in treatment, not just drug raids, to fight opioids | Navy unmanned tanker boost | Even more border agents, and 'highest-ever detention levels'

MARK YOUR CALENDAR: Lawmakers will be rolling out the red carpet for Mulvaney and a slew of other Cabinet officials. Only a few of those hearings have been officially announced for this week:

Today:
— Mulvaney briefs reporters at the White House at 4 p.m.

Tuesday
— Mulvaney testifies before the Senate Budget Committee at 10 a.m.

Wednesday
— Mulvaney testifies before the House Budget Committee at 10 a.m.
— HHS Secretary Alex Azar testifies before the House Ways and Means Committee at 10 a.m.

Thursday
— Treasury Secretary Steven Mnuchin testifies before the House Ways and Means Committee at 10 a.m.
— Azar testifies before the Senate Finance Committee at 9 a.m.

The whole week
If you want the entire administration budget schedule on the Hill in one easy-to-find spot, check out the Datapoint graphic here. Want to add DataPoint to your Pro account? Learn more.

INFRASTRUCTURE

REVVING THE ENGINE: Trump's budget included a big message for transportation enthusiasts: It's finally infrastructure week! The long-awaited — and highly ambitious — package calls for $1.5 trillion in infrastructure investments, though only $200 billion would be direct federal spending, as Brianna Gurciullo explains.

What you need to know from the 50-plus-page document:

— It proposes selling off Ronald Reagan Washington National Airport and Washington Dulles International Airport, per Brianna and Kathryn A. Wolfe.

— It would let states hike up tolls and "commercialize" highway rest stops, according to Lauren Gardner.

— It would rein in the FAA's power to approve and manage airport projects that aren't related to "critical airfield infrastructure," Lauren reports.

— It would speed up permitting processes under the National Environmental Policy Act to under two years, according to Alex Guillén.

— It would give states the option to skirt certain regulations if they agree to pay back federal funding, reports Tanya Snyder.

— It would deliver a win for the wireless industry as it looks to expand 5G networks across the country, John Hendel writes.

RIGHT IDEA, WRONG TIME? More money in the U.S. economy is a good thing, right? Maybe not right now, a group of economists told Ben White. They're worried because big infrastructure initiatives like the White House's $1.5 trillion package are usually targeted for moments when the economy is struggling and unemployment is high.

The big fear? Economists say an extra dose of infrastructure spending — coupled with $1.5 trillion in tax cuts and $300 billion in federal spending — could lead to faster inflation.

AGRICULTURE

THE SEEDS OF A DEAL: The big cotton-dairy provision in last week's budget deal seemed to come together at the 11th hour. But it was actually about four years in the making, as Catherine Boudreau reports for Pros.

Backstory: It started with the 2014 farm bill, in which cotton growers complained they were largely ignored. But just when the cotton industry was about to score some make-up cash in the 2017 omnibus bill, a pair of dairy-friendly Democrats demand that Congress address both cotton and dairy together.

Ignoring the offsets: The other magic ingredient in the negotiations? Congress' diminished appetite for offsets. With emergency disaster aid on the table, lobbyists say it was far easier to set aside funding for the dairy programs.

EDUCATION

REVIVING THE HOUSE CALL: The spending deal Congress passed Friday revived a $400-million-per-year federal program that helps states provide in-home educational assistance to low-income families with young children and pregnant mothers, Pro's Mel Leonor reports.

Private sector problem? Some education advocates fear that the bill, H.R. 1892 (115), creates a funding model that will yield profits for private-service providers. Instead of recycling the funds back into the program, they worry the cost-savings could wind up back in the pockets of private entities.

EARMARKS

— How the budget deal will help this New Jersey hospital. NJ Advance Media.

— Trump, GOP at new crossroads on deficit. The Hill.

— House appropriators ready to carve up budget deal. Roll Call.

— Trump's $4 trillion budget helps move deficit sharply higher. Associated Press.

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https://www.politicopro.com/newsletters/budget-appropriations/2018/02/white-house-unveils-most-complicated-budget-ever-101543

Stories from POLITICO Pro

Trump scales back request for stiff budget cuts Back

By Sarah Ferris and Jennifer Scholtes | 02/11/2018 07:20 PM EDT

The White House released a decade-long budget request Monday that lays out $3.6 trillion in deficit reduction while calling for hundreds of billions more to be pumped into the Pentagon.

The Trump administration is proposing deeper cuts to safety net programs — including Medicare, which the president on the campaign trail swore he wouldn't touch — to help fund what it calls a "more lethal" military.

But the White House's request is a jumble of mixed messages, since the Trump administration was forced to do some fast accounting after lawmakers on Friday cleared a massive two-year spending deal.

President Donald Trump's revised budget would pour more cash into domestic programs across the federal government, even calling for an increase to the State Department, which the administration proposed to slash by 27 percent in the original document.

The White House is telling Congress just how the president wants to see lawmakers divvy up the hundreds of billions of dollars in new funding authority, while at the same time encouraging them not to spend all that cash.

"These are spending caps. They are not spending floors," White House budget director Mick Mulvaney said on "Fox News Sunday." "We're going to show how you can run the government without spending all of it. That will be our 2019 budget."

The requested defense build-up appears to be the biggest single shift in Trump's budget compared to his first year, when his Pentagon proposal was panned by Congress' defense hawks, who sought much higher sums.

To help pay for it, Trump's budget office has requested scraping more from other social programs, like food stamps, and proposing changes to Medicare.

The federal health program is one of the fastest-growing drivers of the national debt. To help stem that rise, Trump's budget proposes a slew of vague reforms including improvements to "drug pricing and payment policies" and "government-imposed provider burdens."

Last year, Medicare was mentioned just 10 times in Trump's budget. This year, the program is mentioned more than 100 times.

The proposal is a victory for Mulvaney, who has begged the president to tackle entitlement spending, including Medicare, since their early days at the White House.

The budget also requests new — though vague — welfare reforms like: "Get noncustodial parents to work," which it projects to save $96 million.

The bones of the budget are largely the same as last year. The portion that does not take into account extra spending under the new budget caps would call for slashing funding for housing assistance and student aid while limiting payouts for farmers and people on disability insurance.

"Just like every American family, the Budget makes hard choices: Fund what we must, cut where we can, and reduce what we borrow," Mulvaney said in a statement.

The administration has also prioritized border security — proposing to hire roughly 1,000 more patrol agents and immigration officers than its previous budget.

Afternoon briefings are scheduled explaining proposed funding for the departments of Education, Energy and Defense, as well as NASA.

Mulvaney will then elaborate on the overall proposal during testimony before the Senate Budget Committee on Tuesday and before the House Budget Committee on Wednesday.

In a stark shift from Trump's first-year budget, Republican lawmakers are likely to embrace the plan's base recommendation for $716 billion in defense spending — the same level Congress signed into last week's budget deal.

The fiscal plan also recommends Congress buck calls for more spending on social programs, while suggesting lawmakers throw extra cash at things like infrastructure investment, "so if it does get spent, at least it gets spent in the right places," Mulvaney said.

The Trump administration has scrambled at the eleventh hour to rewrite its budget request to reflect Congress' newly sealed budget deal, essentially forced to present two visions of federal funding. OMB officials had only three days to decide how to divvy up an extra $63 billion in nondefense spending for fiscal 2019.

"This may be the most complicated budget anyone's ever going to do," Mulvaney said on Sunday.

The proposal asks for a total of $18 billion over fiscal years 2018 and 2019 for a border wall, while assuming there will be agreement on how to handle the legal status of young undocumented immigrants covered under the Deferred Action for Childhood Arrivals program.

The budget again reflects Trump's businessman-like commitment to shrinking the federal bureaucracy, for the first time making public the White House's plans for trimming staff and operations across the federal government.

Those "workforce reduction" plans — which rely on hiring freezes, buyouts and stripping protections that make it easier to fire workers — are the result of nearly a year of back-and-forth between OMB and agencies. Some departments, like Education, have already starting giving workers incentives to leave, while the Agriculture Department has made clear it will only be reorganizing, not cutting employees.

The plan is also expected to lay out a new performance bonus system for workers deemed successful, according to multiple reports. The new system would save billions, according to USA Today, by reducing automatic pay increases.

The Trump administration has dwelled most on the $200 billion the core plan requests for infrastructure investment over the next 10 years. But that proposal differs little from what the White House requested last year. And the president has conceded that the federal share of his infrastructure vision is "not a large amount" on its own.

Last year, Trump's first budget arrived with a thud on Capitol Hill, proposing the most extreme drawdown in federal spending in decades. In it, Trump asked Congress to gut programs with decades-old bipartisan support, like scientific research and education, while proposing lawmakers take an ax to safety net programs and foreign aid.

Amid crisis-to-crisis budgeting on Capitol Hill, though, there has been little fanfare in the lead up to this latest budget proposal.

"The president's budget is just a nice book," Rep. Bill Flores (R-Texas) said in an interview. "It's good to know where their priorities are, but the ones that make a difference are the ones here."

Victoria Guida contributed to this report.

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Back

Trump budget won't balance over a decade Back

By Sarah Ferris | 02/12/2018 11:56 AM EDT

President Donald Trump today released a $4 trillion budget plan that abandons a gold-standard of conservative economic policy — an attempt to eliminate the federal deficit.

Unlike previous GOP budgets, the Trump administration this year does not attempt to balance the federal budget over 10 years.

Trump's plan would still slash deeply into domestic programs, cutting a total of $3.6 trillion.

It assumes more than $1 trillion in savings from repealing and replacing Obamacare, overhauling welfare programs, limiting federal financial aid, and other cutbacks.

The budget also assumes that GOP policy, largely its tax law, would spur $814 billion in new growth.

But even with those sharp spending cuts and rosy economic projections, the federal government would still have a $445 billion deficit by the end of the decade.

Trump's first budget — which also relied on better-than-expected economic assumptions — would have created a $16 billion surplus at the end of the 10-year window.

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Back

Trump's budget targets unemployment insurance Back

By Ian Kullgren | 02/12/2018 01:04 PM EDT

President Donald Trump's budget calls for changes to state Unemployment Insurance in an apparent effort to shore up his paid parental leave proposal.

Trump's budget, released today, would require a number of new accountability measures for state UI programs, including tougher oversight and a threat to withhold federal cash from those that don't save enough in reserves. The White House's paid leave proposal would use funds from Unemployment Insurance to administer benefits.

Democrats have blasted Trump's paid leave plan, saying that cash-strapped Unemployement Insurance programs would falter under the weight of a national paid leave program. The absence of a funding increase is unlikely to persuade them otherwise.

The budget proposal includes incentives — sticks, not carrots — that the White House says will force states to be more responsible. The White House is proposing withholding federal tax credits from states that haven't rebuilt their unemployment reserves since the Great Recession. According to an OMB analysis, 26 states don't have enough money saved to weather another recession.

Trump's budget also calls for an expansion of the Reemployment Services and Eligibility Assessments, a federally funded program designed to keep unemployment recipients on track with their job search. The program targets people who are likely to have their benefits run out, helping them establish search plans and assisting them with cover letters, resumés and other tasks. Trump's budget would expand the program to cover half of all unemployment recipients in each state, which the White House estimates would save $536 per claimant.

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Back

White House budget includes funds to audit unions Back

By Andrew Hanna | 02/12/2018 12:24 PM EDT

The Trump administration's budget would increase funding for the Office of Labor-Management Standards, the DOL's union investigation division, by 25 percent.

Funds for the office have fallen by over 40 percent over the past decade, according to the White House. The revamped funds would support "more audits and investigations to uncover flawed officer elections, fraud and embezzlement."

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Back

DOL would see small bump in federal workforce Back

By Andrew Hanna | 02/12/2018 12:46 PM EDT

DOL would see a 0.3 percent increase in federal employees under the White House budget, according to an addendum document.

Other agencies took more of a hit, with the Equal Employment Opportunity Commission seeing a 0.8 decrease in its full-time employees. The NLRB would see a 7.2 percent cut in full-time employees under the White House plan. A proposal by General Counsel Peter Robb to reorganize the NLRB's regional offices system has sparked a backlash by local offices.

President Donald Trump promised "to reward good workers and to remove federal employees who undermine the public trust or fail the American people" in his State of the Union address.

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Back

Trump seeks boost in 'school choice' — at cost of popular K-12 programs Back

By Caitlin Emma | 02/12/2018 01:05 PM EDT

The Trump administration once again proposes a major investment in expanding school choice, boosting charter schools and private schools, while requesting major cuts to popular K-12 programs.

President Donald Trump's fiscal 2019 budget request seeks to pour $1.1 billion into expanding public and private school choice, compared to $1.4 billion proposed last year.

Meanwhile, the budget proposes steady levels of support for the two largest sources of federal education funding — $15.5 billion in Title I funding for poor students, and about $12.8 billion for special education funding. Last year, Trump asked for about $15.9 billion in Title I funding — $1 billion of which would be used to encourage public school choice — and about the same amount for special education funding.

Trump's budget proposal, released Monday, pitches $500 million for a new "school choice innovation program" that would "support a wide range of innovative approaches to school choice," the proposal says.

States could use that money to expand private school vouchers. And school districts participating in a new weighted-student funding pilot created by the Every Student Succeeds Act could request funds to help carry out their work.

That pilot, which Education Secretary Betsy DeVos recently indicated she'll move ahead on, would allow up to 50 school districts to consolidate federal, state and local education funding into one pot that would be allocated based on students' needs. Republican members of Congress touted it as a win for school choice, since the dollars could follow children in public school choice programs, like public charter schools. The money can't go to private schools.

Trump's budget also requests $500 million in funding for charter schools, as it did last year. And it again seeks to cut $2 billion in funding for teacher training and class-size reduction efforts, about $1.2 billion for after-school programs and $12 million for gifted and talented education.

The budget also again seeks to eliminate $400 million in Student Support and Academic Enrichment Grants, a popular pot of money created by ESSA that states can use for a number of things, such as improving access to technology or boosting programs to improve student health.

Republicans in Congress largely didn't bite last year, noting the unpopularity of some of the proposed education cuts. Nor did they express interest in a major investment in school choice.

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Back

Trump administration seeks 5.6 percent decrease in Education Department spending Back

By Kimberly Hefling | 02/12/2018 12:05 PM EDT

The Trump administration proposed a $3.8 billion cut to Education Department programs today — a 5.6 percent decrease compared to what was enacted in the 2017 fiscal year, but a far smaller cut than recommended for many other domestic priorities.

The administration had originally sought a larger cut to Education programs — $7.1 billion or a 10.5 percent decrease. But it restored $3.3 billion in an "addendum" released with the budget that reflects the additional $300 billion over two years included in last week's congressional spending deal, H.R. 1892 (115).

With that additional funding, the administration is proposing the department receive $63.1 billion for the 2019 budget year, compared to $66.9 billion in fiscal year 2017.

The White House budget document is largely a political statement, and Congress is unlikely to adopt it as written.

This is the second year in a row that the administration has sought to cut education funding overall for K-12 and higher education programs. Last year, the budget called for a $9.2 billion, or 13 percent, cut to department spending — cuts congressional appropriators largely ignored.

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Back

White House addendum adds $724M for Superfund, water SRFs Back

By Alex Guillén | 02/12/2018 12:43 PM EDT

The White House today requested an additional $724 million for EPA in an addendum to its 2019 budget proposal meant to reflect Congress's recent increase of spending caps.

The money is split between two of EPA's biggest programs.

The White House suggests an extra $327 million for the Superfund program, which would pay for further clean-ups. The primary budget asks for $762 million for Superfund clean-ups, but the addendum funds would bring it back to nearly current Superfund spending levels.

The addendum also allocates $397 million more to the Clean Water and Drinking Water State Revolving Funds. The SRFs are funded in the underlying budget at just $1.86 billion, down about $150 million from current levels. The twin funds were one of the few EPA programs last year for which the White House suggested increasing spending slightly.

With the extra $724 million, EPA's budget would total more than $6.1 billion, almost $2 billion below current levels.

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Back

Trump again calls for eliminating Chemical Safety Board Back

By Ben Lefebvre | 02/12/2018 12:45 PM EDT

The White House is again calling for eliminating the Chemical Safety and Hazard Investigation Board, according to its latest budget proposal.

The budget puts the board, an independent agency charged with investigating accidents involving hazardous materials at refineries, on the "major discretionary eliminations" list.

The administration had called for the board's elimination in its budget plan last year, though Congress ignored the request and allowed it an $11 million budget. Refinery owners and workers criticized the administration's move to phase out the CSB.

Past investigations include the 2015 explosion at the Exxon Mobil refinery in Torrance, California, and the 2010 fire at a Tesoro refinery in Washington state that led to seven fatalities.

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Back

Trump seeks boost in DOE weapons work with cuts elsewhere Back

By Darius Dixon | 02/12/2018 12:06 PM EDT

The Trump administration budget would shift funding toward the Energy Department's nuclear weapons programs and away from its research and applied energy offices, according to budget documents released today.

Overall funding for DOE would receive a slight boost to around $30.6 billion, thanks to higher budget caps Congress just approved last week.

But that masks a big divide on how DOE's missions would be funded. The National Nuclear Security Administration, would get a 17.5 percent boost, or $2.2 billion, under Trump's proposal.

The agency's other science and applied energy programs would again be in line for cuts, although slightly smaller thanks to last-minute changes. The administration initially sought to reduce those programs by nearly 19 percent, or $3.3 billion, compared to 2017. But an addendum to the budget would restore $1.5 billion, spread across DOE's science, fossil energy and renewable energy programs.

The administration's original budget had been planning to ask for $29.2 billion, which would have been a 3.4 percent cut compared to fiscal 2017, according to OMB. Now, it is asking for a slight boost over the $30.2 billion DOE received in fiscal 2017, the last time Congress passed a yearlong appropriations bill.

The White House's proposal again seeks to sell transmissions assets held by DOE power marketing administrations, restart the nuclear waste fee and rescind the borrowing authority of the Western Area Power Administration. It also seeks to sell the Tennessee Valley Authority's transmission assets, eliminate "interest payments to electric and telecommunications utilities," and reform the laws that govern how PMAs establish power rates.

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Back

White House proposes cut to Interior's budget, adds infrastructure fund Back

By Ben Lefebvre | 02/12/2018 11:53 AM EDT

The Trump administration is proposing cutting the Interior Department's budget for fiscal 2019, even as it aims to fund new infrastructure spending, according to its latest budget plan.

The proposed reduction to about $11.5 billion, which includes $339 million allotted under last week's new budget caps agreement, compares to the $13.5 billion budget enacted in 2017 and comes after Congress ignored President Donald Trump's request last year for a similar reduction.

The White House budget proposal would grant Interior a public lands infrastructure fund that would cost $6.5 billion over 10 years. The fund would start with $152 million next year and climb to $878 million by 2028. It would finance schools under the Bureau of Indian Education, as well as repair and maintenance of national parks and national wildlife refuges, a source familiar with the plan said.

Interior Secretary Ryan Zinke, like his predecessors, has complained that more money is needed to repair and maintain national parks. The fund would also dovetail with Trump's call for more infrastructure spending. The fund's cost would be partially offset by repealing annual payments of $4 million to counties to support geothermal energy projects. Further income would come from reauthorizing the Federal Land Transaction Facilitation Act, which would allow Interior to use the money it makes selling public land on conservation projects.

Under the new budget caps approved by Congress last week, the White House added $271 million to its original budget plan for the National Park Service's park management, operation and maintenance.

The budget also provides $18 million to kickstart Zinke's reorganization plans for the department, which would replace the current state-based system for regional offices to one organized around watersheds.

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Back

Fossil, nuclear cleanup up in Trump budget seeking cuts to EERE Back

By Darius Dixon | 02/12/2018 12:52 PM EDT

President Donald Trump's fiscal 2019 Energy Department budget request calls for deep cuts to many programs, but it leaves the science office intact while boosting weapons cleanup and fossil fuels, according to an agency fact sheet released today.

Trump is calling for DOE to be funded at $30.6 billion, shaving off less than 1 percent compared to what Congress appropriated for it in fiscal 2017.

DOE's National Nuclear Security Administration would see a big increase — or $2.2 billion — compared to 2017. While DOE's non-NNSA programs were slated to be slashed by $3.3 billion, an addendum meant to address the recent budget deal reached in Congress added another $1.533 billion for DOE.

The administration plugged $1.2 billion back into DOE's Science office with the new budget figures, leaving it flat with fiscal 2017.

Still, Trump's budget again proposes to ax some programs entirely, including ARPA-E, and the loan office "while maintaining monitoring of the existing loan portfolio and overseeing existing awards to completion." It also includes $120 million to restart licensing activities for the long-stalled Yucca Mountain nuclear waste repository and to initiate an interim storage program.

The budget also seeks to split DOE's electricity office in two: electricity delivery, which would focus on grid reliability, and cybersecurity. And while the proposal once again aims to cut DOE's offices of energy efficiency and renewable energy, and nuclear energy, the agency's fossil fuel operation would see an $81 million boost.

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Back

Trump budget would overhaul ports, waterways funding Back

By Annie Snider | 02/12/2018 01:14 PM EDT

The Trump administration's budget blueprint proposes a major overhaul of the funding for construction and maintenance of the country's ports and inland waterway system, a move that could fundamentally alter the costs to ship commodities like coal and corn.

The proposal would slash the Harbor Maintenance Tax, which the White House describes as "a step toward providing ports greater flexibility to finance their capital and operating costs on their own." The 0.125 percent tax on goods that pass through American ports has long been a source of controversy, since Congress rarely spends the full proceeds on their intended purpose. Lawmakers reached a deal in 2014 to ramp up spending on ports; the Trump budget documents now say the tax would be reduced to align with actual spending levels.

The budget proposal would also create an annual "per vessel" fee to increase funding for the country's aging and failing system of locks and dams. The barge industry has pushed back against similar moves in the past and successfully advocated to increase its own fuel tax to raise more funding for projects. But the White House budget documents argue that tax increase is still "insufficient" to cover industry's half of new construction and major rehabilitation projects.

Overall, the Army Corps' budget would take a more than 20 percent hit, with cuts across the agency's missions. The Trump administration would have no new construction projects begun in 2019, instead focusing dollars on finishing projects already underway.

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Back

Trump budget would slash Army Corps funding, overhaul user fees Back

By Annie Snider | 02/12/2018 12:03 PM EDT

Even as the Trump administration is pushing a major infrastructure agenda, it is proposing a more than 22 percent to the Army Corps of Engineers' budget for building and maintaining the country's ports, waterways, levees and ecosystem projects.

The White House budget blueprint would fund the Corps at $4.8 billion, down from the $6 billion the agency got for fiscal year 2017, the last time Congress approved a full year of funding.

At the same time, the Trump administration is proposing a major overhaul of how industry pays its share of the infrastructure it relies on. The budget would reduce a tax on the value of goods passing through U.S. ports, while also asking the barge industry to pay more to help maintain aging locks and dams.

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Back

Defense budget includes a 2.6 percent military pay raise Back

By Connor O'Brien | 02/12/2018 12:21 PM EDT

The Trump administration is proposing a 2.6 percent pay hike for members of the military in its fiscal 2019 budget, the highest such proposal in nearly a decade.

The proposed pay raise is equal to the increase troops are supposed to receive under current law. The Pentagon called the proposal the largest military pay increase in nine years and said it would help the armed forces compete with the private sector for personnel.

The Defense Department budget also forecast that "moderate and manageable increase in basic pay will continue in the near term and will match the growth in private-sector wages."

The Pentagon has in recent years pitched savings through lower troop pay raises, only to be overridden by Congress.

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Back

Pentagon proposes increasing size of the military Back

By Connor O'Brien | 02/12/2018 12:48 PM EDT

The Pentagon is requesting increases in the number of uniform personnel across the military branches in its fiscal 2019 budget.

The troop levels requests are an increase of 25,900 personnel above the previous fiscal 2018 budget. But Congress increased the size of the military services above the budget request in the National Defense Authorization Act, reversing a years-long drawdown in personnel.

Under the plan, the Army would increase to 487,500 active-duty troops, 4,000 more than authorized for fiscal 2018. The active-duty Navy would increase by 7,500 to 335,400 sailors. The Air Force would add 4,000 more airmen than authorized by Congress in fiscal 2018, rising to 329,100 personnel. And the Marine Corps would increase by 100 personnel to a total of 186,100.

The active-duty force would total nearly 1.4 million personnel.

The request would largely hold troop levels in the National Guard and Reserve components flat, versus what lawmakers authorized, except for a few instances. Under the budget, the Air National Guard would increase by 500, the Air Force Reserve would increase by 200 and the Navy Reserve would add 100 sailors.

The Guard and Reserve components would total 817,700 under the proposal.

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Back

Pentagon requests $12.9B for missile defense in fiscal 2019 Back

By Gregory Hellman | 02/12/2018 12:10 PM EDT

The Defense Department is requesting $12.9 billion to fund missile defense programs in fiscal 2019, according to its defense budget overview, including funding for a new interceptor field in Alaska.

The request comes as the Trump administration focuses on developing layered missile defense capabilities and confronts ballistic missile advances made by North Korea.

It includes $9.9 billion for the Missile Defense Agency.

The administration's funding request would pay for an additional missile field in Alaska and increase the number of operational Ground-Based Interceptors to 64 as early as fiscal 2023.

The fiscal 2019 request would also continue the development of the Redesigned Kill Vehicle and the a Long-Range Discrimination Radar in Alaska, a Homeland Defense Radar in Hawaii and Medium-Range Discrimination Radar in the Pacific.

It also would provide funding for hypersonic missile defeat and high-powered laser technologies.

The request comes as the Pentagon finalizes its Ballistic Missile Defense Review, which is expected to be released later this month.

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Back

Army details $21B in equipment purchases, upgrades for FY19 Back

By Wesley Morgan | 02/12/2018 12:20 PM EDT

The Army's $182 billion budget request for fiscal 2019 includes $21 billion for procurement of new vehicles and weapons and upgrade of existing vehicles.

The request includes $1.3 billion to buy 3,390 Joint Light Tactical Vehicles, which are key to the service's plan to replace one-third of its wheeled vehicle fleet by 2041. Other spending for ground vehicles includes the upgrade of 135 Abrams tanks and 210 Bradley armored fighting vehicles.

A $4.1 billion request for funds for aircraft covers 69 new helicopters — 50 Black Hawks, 12 Apaches, and 7 Chinooks — along with the remanufacture of another 48 Apaches to the AH-64E model.

The Army also plans to buy 240 Patriot missiles and 9,450 guided multiple-launch rockets.

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Pentagon requests $55.2B for aircraft, including $10.7B for F-35s Back

By Gregory Hellman | 02/12/2018 01:18 PM EDT

DoD is requesting $55.2 billion for aircraft and related systems in fiscal 2019, including $10.7 billion for 77 F-35s.

The $10.7 billion for Lockheed Martin's F-35 would include $5.2 billion for modifications and procurement, as well as additional funding for research and development and aircraft support.

The Air Force's budget request would fund 48 F-35A variants for the Air Force, 20 F-35B's for the Marine Corps and nine F-35C's for the Navy and Marines.

The Air Force's request would also continue the light-attack aircraft experiment, aimed at combating violent extremists and freeing fourth and fifth-generation aircraft to face other emerging threats, the service said in its budget overview.

The service is also requesting nearly $2 billion in fiscal 2019 for 24 Boeing F/A-18 Super Hornets, as well as for advance procurement of the fighter through the department's multiyear contract.

Additionally, the Air Force is requesting nearly $2.6 billion to buy 15 KC-46A tankers and $673 million for the Air Force One recapitalization program.

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Back

Pentagon gives up on BRAC in fiscal 19 Back

By Jacqueline Klimas | 02/12/2018 01:24 PM EDT

The Pentagon is not asking Congress for authority to close any of its facilities in the fiscal 2019 budget request, the Defense Department comptroller announced today.

David Norquist said that instead of asking lawmakers to approve a round of base closures, the military will instead try "working with Congress to find common areas where we can make reforms and changes that don't create the same types of obstacles."

The military has asked Congress to create a new Base Realignment and Closure Commission in the past several budget requests, but the proposal has faced stiff opposition.

Norquist cited the ongoing audit of the Pentagon, which is assessing the military's property and ways to improve data collection on excess infrastructure.

"There's a view of being able to take advantage of the data coming out of that process to help us make better decision making on real property," Norquist said.

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Back

Trump proposes spending $21.9B on shipbuilding in fiscal 2019 Back

By Jacqueline Klimas | 02/12/2018 01:03 PM EDT

The Trump administration's defense budget request calls for spending $21.9 billion on shipbuilding in fiscal 2019.

The budget proposes growing to a 299-ship fleet by the end of fiscal 2019, an increase of 10 ships from the expected fleet size at the end of fiscal 2018. Eleven ships will be delivered in fiscal 2019, and one nuclear attack submarine will be retired.

Also, administration's proposal would fund two Virginia-class submarines, three Arleigh Burke Class Destroyers, one Littoral Combat Ship, two Fleet Replenishment Oilers, one Towing, Salvage and Rescue Ship and one Expeditionary Sea Base.

Over the next five years, the administration would like to spend almost $120 billion on shipbuilding for 54 new ships, growing the fleet to 326 ships by fiscal 2023.

The Navy has said it needs to grow to 355 ships to meet today's threat environment.

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Back

USAF seeks $2.3B for B-2; $615M for LRSO; $280M for B-52 upgrades Back

By Wesley Morgan | 02/12/2018 12:30 PM EDT

The Air Force's $194 billion budget request for fiscal year 2019 includes $2.3 billion to continue development of the B-21 Raider, the Northrop Grumman-built bomber.

The request comes amid reports that the Air Force now plans to replace its B-1 and B-2 bomber fleets earlier than previously scheduled.

The service's research development, test and evaluation request "focuses on B-21 Raider Long Range Strike Bomber and Global Positioning System III follow on," the Air Force's budget overview says.

While the service now plans to replace its B-1s and B-2s with B-21s in the 2030s, its older B-52Hs are expected to remain in service decades longer. The fiscal 2019 request also includes $280 million for developing replacement B-52H engines.

The service is also seeking $615 million for continued development of the controversial new nuclear cruise missile known as the Long Range Standoff weapon that will be designed to be launched from the B-21.

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Back

Military plans more facilities investment to improve readiness, quality of life Back

By Jacqueline Klimas | 02/12/2018 01:52 PM EDT

The Pentagon is proposing investing $10.5 billion in facilities in fiscal 2019, a 7 percent increase from President Donald Trump's fiscal 2018 request.

Pentagon Comptroller David Norquist said today the increased investment, about $700 million more than last year's budget request, is to improve some of the facilities that were not maintained well during tight budgets.

The money will go to improve operational and training facilities like airfields and training ranges, as well schools, barracks and medical facilities to improve troops' quality of life.

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Back

Trump budget requests slight bump for TSA Back

By Stephanie Beasley | 02/12/2018 12:05 PM EDT

The White House today released a fiscal 2019 budget request proposing slightly more money for TSA than it did last year.

According to a summary released today, President Donald Trump is requesting $7.7 billion for TSA — a slight bump from the $7.5 billion requested for the previous fiscal year. Of that $71 million should be invested in new airport screening technologies such as computed tomography machines, the administration said. It does not lay out how many CT machines would be purchased with the funding.

House Homeland Security Chairman Michael McCaul recently took issue with how the administration was prioritizing investment in airport security technology. He noted at a recent hearing that the White House was preparing to slash TSA's requested number of computed tomography machines in half in its fiscal 2019 budget, but said that he is working with appropriators to make sure TSA receives enough funding to buy the equipment it needs.

The White House also released an addendum reflecting a recently enacted two-year budget deal.

The administration's documents do not break out funding for other airport security programs. Trump last year proposed several cuts to several, including VIPR canine teams, a perennial favorite of Congress.

DHS is expected to release more information later today.

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Back

Trump budget still assumes air traffic control overhaul Back

By Tanya Snyder | 02/12/2018 11:53 AM EDT

President Donald Trump's fiscal 2019 budget request still assumes that a plan to transfer the air traffic control system away from the FAA will make it through Congress, even though the measure has been stuck in the House since last year.

It also would again propose slashing DOT's discretionary budget significantly. And, as was true for his fiscal 2018 budget request, the White House proposes to cancel out funding for a variety of programs, including transit formula grants, rail line relocation and the Appalachian Development Highway System.

It also proposes major changes to the Essential Air Service program.

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Back

Trump proposal would slash DOT discretionary spending by 19 percent Back

By Tanya Snyder | 02/12/2018 12:58 PM EDT

President Donald Trump's fiscal 2019 budget request would slash DOT's discretionary funding by 19 percent to $15.6 billion, compared with what was enacted for fiscal 2018, and again proposes significant cuts to rail and transit.

FRA would face the steepest cuts under Trump's proposal, falling from $1.8 billion enacted last year to $855 million in fiscal 2019, primarily as a result of proposed cuts to Amtrak.

Grants for Amtrak's national network would be slashed from $1.2 billion enacted last year $538 million in fiscal 2019, while the Northeast Corridor would get $200 million, compared with $326 million in fiscal 2018.

The budget requests $16.1 billion for the FAA, down from $16.3 billion enacted this year. That would include $3.35 billion for the Airport Improvement Program.

Highways would receive $46 billion as authorized by the last highway and transit law. The FTA would be set at $11.2 billion, down from $12.3 billion. That includes $9.9 billion for formula grants, and $1 billion for capital investment grant funding, which would be slashed from $2.4 billion enacted last year. This is consistent with last year's budget, which also called for winding down New Starts funding for transit.

As was proposed last year, the TIGER grant program would be eliminated entirely.

Despite calls from some quarters for increased funding to deal with new oversight responsibilities related to driverless cars, NHTSA's operations and research would fall from $179 million in fiscal 2018 to $152 million in fiscal 2019.

With the extra $300 billion that Congress authorized last week in its budget deal, the administration would provide another $300 million for the Maritime Administration to procure and retrofit two used cargo ships for the State Maritime Academies.

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Back

Trump's budget proposal still squishy on details about Customs hires Back

By Stephanie Beasley | 02/12/2018 12:45 PM EDT

President Donald Trump is again seeking additional funding to help Customs and Border Protection hire more agents, without outlining any plans to fill Customs vacancies at U.S. air and sea ports.

The White House today released a fiscal 2019 budget proposal requesting $782 million to help CBP and Immigration and Customs Enforcement recruit and hire 2,750 new agents. Specifically, the budget calls for 750 additional Border Patrol agents and 2,000 more ICE law enforcement agents, according to a fact sheet. CBP would receive $14.2 billion, overall.

Like last year, it focuses heavily on the administration's plans to crack down on undocumented immigration while remaining mum on whether any of those new hires would fill Customs vacancies.

Last year, Trump called for 5,000 additional Border Patrol agents. But when he omitted details about whether any of the new funding requested would be used to fill vacant Customs posts, it stoked concerns among industry groups that the administration was ignoring ports of entry and commercial interests there because of its laser focus on illegal immigration at the U.S.-Mexico border.

CBP's acting Commissioner Kevin McAleenan told lawmakers last fall that the agency was short nearly 4,000 Customs agents. And there have been reports that some Customs screeners have been pulled from airports and sent to the Southern border.

Democrats have introduced both a House bill, H.R. 4940 (115), and Senate bill, S. 2314 (115), that would set aside money for CBP to hire an additional 500 customs agents per year until it reaches its hiring goal.

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Back

DHS official: Budget request would enable historic TSA staffing increase Back

By Stephanie Beasley | 02/12/2018 01:54 PM EDT

A senior DHS official told reporters today that the White House fiscal 2019 budget request released today would allow TSA to make a historic hiring increase.

The budget request includes $3.2 billion to help TSA hire an additional 687 transportation security agents, which would be the largest staffing boost in the agency's history, the official said during a press call today.

At the same time, the administration said in a supplemental document that it still wants to eliminate a reimbursement grant program for airports that hire state and local law enforcement — a plan that was widely rebuked by airport groups and also some lawmakers last year.

The budget also prioritizes the adoption of new aviation security technology, according to the official, who noted that TSA is asking for $74 million to purchase 145 new 3D computed tomography scanners. That figure is slightly higher than the $71 million the White House included for aviation security technology in a fiscal 2019 budget request document released earlier today.

Lawmakers have been pressuring TSA to expedite its deployment of CT technology to U.S. airports. However, TSA Administrator David Pekoske's fiscal 2019 CT scanner deployment plan called for 300 machines.

DHS did not immediately respond to a request for comment on why the CT deployment plan was slashed.

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Back

Trump budget seeks to slash funding for Essential Air Service Back

By Tanya Snyder | 02/12/2018 01:51 PM EDT

For the second year in a row, President Donald Trump is taking aim at funding for the Essential Air Service program, this time proposing to reduce its appropriations by 38 percent.

Unlike the fiscal 2018 budget request, which proposed to zero out its appropriated funding, this time it's slashing it just a little bit less, but also proposing some changes to eligibility that will inevitably shrink the program.

The budget requests $93 million for EAS, a 38 percent cut from the fiscal 2018 level of $149 million.

The administration is also proposing to adjust EAS eligibility based on driving distance to nearby airports and would prohibit EAS subsidies to most communities receiving a per-passenger subsidy of more than $250 (up from $200), unless they were more than 210 miles from the nearest large-hub or medium-hub airport. Congress had previously sets limits like this but had allowed for waivers, which the administration wants to eliminate.

Congress had also previously required allowed waivers of its requirement that each airport receiving subsidies maintain at least 10 enplanements a day, with a few exceptions. The White House now seeks to place limits on that waiver authority.

The budget notes that "EAS was designed as a temporary program nearly 40 years ago" and that "today many EAS flights are not full."

While some in Congress have pilloried EAS as a wasteful subsidy for a relatively small number of people, others have fiercely defended the program as crucial for the mobility of their rural constituents, and the economic health of rural areas.

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Back

White House proposes flood insurance overhaul in budget Back

By Zachary Warmbrodt | 02/12/2018 12:57 PM EDT

The White House wants to cut funding for the National Flood Insurance Program and shake up the way it sets rates for policyholders, according to the fiscal 2019 budget request the administration released today.

In a document outlining "major savings and reforms" across the government, the White House recommended reducing the appropriation for the NFIP's flood hazard mapping program by $78 million. The flood maps help convey flood risks to communities and determine who must purchase insurance. The mapping is funded through policy fees and congressional appropriations.

The administration said the proposed cut would "preserve resources for the Department of Homeland Security's core missions."

"Over the next year, the administration will work to improve efficiency in the flood mapping program, including incentivizing increased state and local government investments in updating flood maps to inform land use decisions and reduce risk," the White House said.

In addition, the administration proposed a "means-tested affordability program" that would determine assistance for flood insurance premium payments based on a policyholder's income or ability to repay, rather than a home's location or date of construction. The proposal is in the budget's appendix.

"Such a program would shield low-income policyholders who currently receive discounts or subsidies from substantive rate increases, while ensuring those able to pay, despite the age or location of their property, do so," the administration said. "Low-income policyholders would still be subject to standard annual adjustments to all rates, accounting for inflation and actuarial practices, however."

WHAT'S NEXT: Congress is expected to disregard much of what the White House is proposing in its latest budget request. With regard to the flood proposals, lawmakers are several months into an unresolved debate about what to do with the insurance program.

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Back

Trump budget would restrict CFPB enforcement, eliminate funding Back

By Colin Wilhelm | 02/12/2018 12:57 PM EDT

President Donald Trump's budget proposal targets the funding structure of the Consumer Financial Protection Bureau and appears to leave the door open to the elimination of the bureau in future years.

Trump's budget also calls for restrictions on the bureau's enforcement authority "to prevent actions that unduly burden the financial industry and limit consumer choice."

The proposal suggests reducing funding to the bureau for the upcoming fiscal year to the same level it received four years ago, setting the stage for a major overhaul.

The budget counts significant savings — nearly $6.5 billion over 10 years — by halting the bureau's funding through the Federal Reserve. Congressional Republicans — including former Rep. Mick Mulvaney, now Trump's budget chief and acting CFPB director — have long argued that the bureau should be brought under the regular federal appropriations process.

Beginning in fiscal year 2020 and beyond, the budget claims savings for what appears to be the entire sum of the CFPB's funding. In fiscal 2017, the bureau requested $602 million in funds from the Fed. Trump's budget estimates a savings that exceeds that figure: $610 million in fiscal 2020, and more in subsequent years.

A spokesperson for both the Office of Management and Budget and the CFPB did not immediately respond to a request for comment.

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Back

Trump embraces Obama idea for CFTC budget: User fees Back

By Patrick Temple-West | 02/12/2018 12:25 PM EDT

President Donald Trump's fiscal 2019 budget embraced an Obama-era idea that asks Congress to give the Commodity Futures Trading Commission authority to collect user fees, which has been criticized as a tax by Republicans.

In what would be a significant shift in the way the derivatives regulator is funded, the budget asks Congress to consider legislation that would allow the agency to collect $31.5 million in user fees.

Former President Barack Obama made a similar proposal in a congressional budget request, which was opposed by Republicans and derivatives companies.

Giving the CFTC authority to collect user fees would be "in line with nearly all other federal financial and banking regulators," Trump's budget says.

Obama's budgets used almost exactly the same language. Obama's fiscal year 2015 budget said: "Authorization of fees would bring the CFTC into line with nearly all other federal financial regulators."

With $31.5 million of user fees for 2019, the CFTC's budget would rise to $281.5 million. That's precisely the amount Chairman Christopher Giancarlo proposed last year in breaking with the White House, which proposed a flat $250 million budget for the agency. Obama's budgets proposed to fully fund the CFTC with user fees.

Giancarlo, a Trump appointee, appears to have warmed to the idea of user fees.

"The chairman's focus is on getting the CFTC the funds it needs to be an effective 21st century regulator and stands ready to assist Congress with their discussions on how that goal can best be met," CFTC spokeswoman Erica Elliott Richardson said in a statement.

But the idea is likely to face opposition again from derivatives companies like the CME Group. In May 2015, CME president Terry Duffy called user fees "an additional tax on the backs of America's farmers, ranchers, and other end-users who hedge commodity price risks."

"We believe it would be shortsighted for Congress to artificially tip the scale in favor of other jurisdictions by imposing a transaction tax to fund the CFTC," Duffy said, speaking before the Senate Agriculture Committee.

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Trump's budget boosts health spending to combat opioid abuse Back

By Brianna Ehley | 02/12/2018 12:16 PM EDT

President Donald Trump's 2019 budget proposal includes $10 billion in discretionary funding for HHS to fight the opioid crisis and outlines a number of policy changes in Medicare and Medicaid aimed at curbing drug abuse — part of a larger investment across government agencies to prevent and treat drug abuse.

The proposal released today, along with an addendum reflecting the new spending levels approved by Congress last week, calls for $10 billion discretionary funds for 2019 to go toward opioid abuse treatment and prevention as well as mental health care. The budget, says the HHS secretary would have authority to shift resources between health agencies — among them, the Substance Abuse and Mental Health Services Administration and the CDC.

The proposal says some of these funds will go toward a new grant program for Certified Community Behavioral Health Clinics to care for people with serious mental illness.

Trump's budget also includes proposes allowing Medicare to provide comprehensive coverage for substance abuse treatment and requiring Medicaid to cover all three FDA-approved medication assisted treatment options

including methadone, buprenorphine and Vivitrol. Currently, at least 14 states do not cover all three medication assisted therapies, according to the Kaiser Family Foundation.

The Trump administration also proposes to establish HHS reciprocity with the Drug Enforcement Administration to terminate provider prescribing authority for doctors who improperly prescribe addictive painkillers.

The budget calls for cracking down on high opioid prescribers and utilizers in Medicaid and would also require plans to participate in a program to prevent prescription drug abuse in Medicare Part D.

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Back

Trump proposes massive cuts to drug policy office Back

By Brianna Ehley | 02/12/2018 12:54 PM EDT

President Donald Trump's fiscal 2019 budget proposes decimating the White House Office of National Drug Control Policy and shifting its key grant programs to different agencies.

The proposal requests $17 million for the drug office, down from $368.6 million in Trump's fiscal 2018 budget request. Most of that drop would come from moving the High Intensity Drug Trafficking Areas grant to the Justice Department, and the Drug Free Communities Act to HHS.

Congress resisted a similar proposal floated by the administration last year.

The budget designates $254 million for the drug trafficking grant program at Justice, a slight boost from $246.5 million requested a year ago. It also calls for $220 million for Drug Free Communities support programs to be administered by the Substance Abuse and Mental Health Administration under HHS.

"This proposal will enable ONDCP to focus resources on its core mission: to reduce drug use and its consequences by leading and coordinating the development, implementation, and assessment of U.S. drug policy," the budget document says.

The budget would maintain the White House office at 65 full-time staff.

The proposed cuts come just days after Trump tapped Jim Carroll, the White House deputy chief of staff and a former OMB lawyer, to lead the drug office. Carroll will serve as acting director and deputy director as he awaits Senate confirmation.

His confirmation is likely to trigger resistance from lawmakers who have already expressed concern about any potential budget cuts to the office.

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Back

Trump budget would fold health research, occupational safety agencies into NIH Back

By Arthur Allen | 02/12/2018 12:20 PM EDT

The Trump administration's budget calls for folding the Agency for Healthcare Research and Quality, the National Institute for Occupational Safety and Health and the National Institute on Disability, Independent Living, and Rehabilitation Research into the National Institutes of Health.

AHRQ, created as a free-standing agency in 1989, funds research into the health care system, including clinical practices and health IT. The administration in 2017 also proposed folding AHRQ into NIH, but Congress, lobbied heavily by research groups, instead slashed its budget by about 10 percent while maintaining it as an independent agency.

The new AHRQ would be renamed the National Institute for Research on Safety and Quality; its budget would fall from $322 million to $256 million.

NIOSH, part of the Centers for Disease Control and Prevention, would see its budget cut from $338 million to $200 million under the administration's request. The office was targeted for a 41 percent proposed cut by the Trump administration in 2017, and a November CDC reorganization plan, first reported by POLITICO, did not include NIOSH in the agency's proposed reporting structure.

The disability institute currently forms part of the Administration for Community Living, created as an HHS agency in 2012. It would be renamed the National Institute on Disability, and its budget would fall from $103 million to $95 million.

The budget document says the administration would allow the three offices to exist initially as separate institutes at NIH but eventually would dissolve their functions into existing institutes and centers.

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Back

Trump budget would boost spending on NIH, FDA Back

By Sarah Karlin-Smith | 02/12/2018 01:10 PM EDT

Both NIH and FDA would be in line for funding boosts under the Trump administration's fiscal 2019 budget request.

NIH would get $35.5 billion, or a $1.4 billion increase over fiscal 2018 funding levels. This includes $750 million from a broader $10 billion investment throughout HHS to fight the opioid crisis and address serious mental illness.

FDA would get $5.8 billion in total resources, with about half of that — 3.25 billion — derived from taxpayer funding. That's a $473 million increase over current levels and a 17 percent increase in agency taxpayer funding.

The Trump FDA proposal also assumes an additional $190 million in new user fee funding for the agency, though that would require Congress to create new user programs, such as one for over-the-counter drugs, and increase fees in already authorized programs, which is unlikely.

FDA is slated to receive $10 million of the $10 billion in new money to combat the opioid epidemic.

The budget requests for NIH and FDA were boosted by last week's congressional spending deal. Higher discretionary spending levels led the administration to add $9.17 billion to NIH spending and $500 million to the FDA.

Last year, the White House proposed cutting NIH's budget by nearly $6 billion or about one-fifth. At that time it also proposed big cuts to FDA's taxpayer funding, instead asking Congress to raise drug and medical device user fees.

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Back

Trump document would cut ONC and OCR budgets and staff Back

By Arthur Allen | 02/12/2018 12:03 PM EDT

The White House's budget proposal would cut staffing at the Office of the National Coordinator of Health IT from 185 to 162 while slashing its budget by more than one-third to $38 million.

The Office for Civil Rights would lose five of its 152 staffers and its budget would decline from $39 million to $31 million, despite the fact that its director, Roger Severino, recently announced that he was creating a new Conscience and Religious Freedom Division.

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Back

Trump budget anticipates Mueller investigation will stretch into fiscal year 2019 Back

By Josh Gerstein and Darren Samuelsohn | 02/12/2018 01:08 PM EDT

President Donald Trump's new budget projects that special counsel Robert Mueller's office will still be in business in fiscal year 2019 — even though White House officials have repeatedly said they expect the probe to wrap up soon.

The budget projects that Mueller's team will keep spending at its current rate of about $10 million per year in the next fiscal year, which starts in October.

Mueller's prosecutors have a criminal case pending against Trump's former campaign chairman Paul Manafort and deputy Rick Gates. No trial date has been set, but the judge suggested last month that a trial could start in August or September. If it does, the trial and any appeal would almost certainly extend into the next fiscal year.

The White House has said it expects Mueller to finish soon; spokesman Raj Shah told Fox News last month that officials "believe it will end soon." But White House attorney Ty Cobb said Monday that Trump's team is not looking for Mueller's office to shut down its operations entirely, merely to resolve the parts of its investigation that focus on Trump.

"We're not looking for these guys to close up shop, but we are interested in trying to get the president's piece of this resolved quickly," Cobb told POLITICO.

A spending report released by Mueller's office in December reported direct spending of $3.2 million from the time of his appointment in May until the end of fiscal year 2017 last September. Personnel assigned to Mueller's team also cost the Justice Department about $3.5 million during that period, but officials said those expenses would have been incurred whether or not the probe was handed to a special counsel.

Deputy Attorney General Rod Rosenstein tapped Mueller, a former FBI director, to take over the investigation into Russian attempts to influence the 2016 election after Attorney General Jeff Sessions recused himself from all issues related to the election due to his prominent role in the Trump campaign.

Reached Monday, a spokesman for Mueller referred questions about the budget to officials at the Justice Department.

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Back

Trump budget would keep FCC, FTC, NTIA funding mostly unchanged Back

By John Hendel | 02/12/2018 12:33 PM EDT

The White House's fiscal 2019 budget unveiled today wouldn't significantly change funding for agencies overseeing the tech and telecom industries, though it includes some notable spectrum-related provisions.

The budget proposes $333.1 million for the FCC, up from the $322 million proposed last year. The FTC would get $309.7 million under the plan, about $3 million more than last year's request.

The Trump plan also proposes $33.6 million for the Commerce Department's NTIA, down from the $36 million requested last year, and would "authorize NTIA to negotiate leases with private entities that would expand their access to federal spectrum."

The White House included two spectrum provisions it put forward last year as part of deficit reduction efforts.

One provision calls for auctions of airwaves below 6 GHz. Another would charge fees to holders of spectrum licenses. The user fee idea is a recurrent feature of White House budget proposals going back years, and has never gained traction in Congress amid opposition from the wireless industry and broadcasters.

The White House, in its overview of the budget plan, said it backs NTIA's representation of the U.S. internationally on matters of internet governance. It also expressed support for "the commercial sector's development of next generation wireless services, including 5G and the Internet of Things, by funding NTIA's mission of evaluating and ensuring the most efficient use of spectrum resources by Government users."

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Back

FCC budget request seeks funding for IT upgrades Back

By John Hendel | 02/12/2018 01:49 PM EDT

The FCC is providing more detail about its $333.1 million fiscal year 2019 budget request, which was rolled out as part of a broader White House proposal today.

According to the agency's 144-page breakdown of its budget ask, it's seeking $8.5 million for an IT revamp, in part to move to cloud-based web services, which would reduce "security vulnerabilities" by "eliminating outdated legacy technologies," the FCC said.

The FCC is asking for $250,000 to create a Do Not Call Registry for 911 call centers. It also disclosed it's establishing an "honors" program to recruit engineering talent.

FCC spectrum plans include creating a "Post-Auction Transition" website to offer updates following the broadcast TV incentive auction.

The agency also discusses "reallocating bands made available in the Spectrum Frontiers proceeding to terrestrial wireless use and a new auction for Citizens Broadband Radio Service (CBRS) (3.5 GHz band) licenses." It also outlines a "re-auction of certain AWS-3 or other licenses; the auction of FM translator allocations; and an auction of unsold 600 MHz licenses from the broadcast incentive auction."

The FCC's overall funding request is lower than the $354.3 million the FCC operates at now but higher than the $322 million President Donald Trump requested for fiscal year 2018. The proposed budget anticipates 1,448 full-time equivalent employees, the same as last year's request.

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Back

HHS to propose shifting 340B savings to charitable hospitals Back

By Sarah Karlin-Smith | 02/09/2018 03:47 PM EDT

The Trump administration will propose transferring the money it saves by paying less for certain medicines in the 340B drug discount program to hospitals that provide charity care.

The plan, included in the fiscal 2019 budget proposal to be released Monday, alters a CMS rule that went into effect in January and lowers the Medicare Part B reimbursement rate for 340B hospitals, redirecting $1.6 billion in projected savings for other services at hospitals, regardless of whether they are covered under 340B.

The administration will propose a portion of Medicare's share of the savings goes to 340B entities that provide charity care. A smaller portion would be put into the Medicare trust fund. It is not clear how the government will determine what level of charity care a hospital must provide to qualify for some of the savings.

The move could potentially placate 340B hospitals, which have been upset about the cuts to their payments for physician administered drugs. 340B hospitals are non-profits that serve a disproportionate share of low-income and uninsured patients.

The White House Monday will also call for a change in reimbursement rates for all Medicare Part B drugs when they are first on the market.

Most Part B drugs are reimbursed using the formula average sales price plus 6 percent. But when drugs are first on the market and ASP is not available, they are reimbursed based on wholesale acquisition cost plus 6 percent. HHS plans to prose changing this to wholesale acquisition cost plus 3 percent.

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Back

Air Force set to cancel JSTARS recapitalization program Back

By Gregory Hellman | 02/10/2018 07:01 PM EDT

The Air Force plans to cancel its recapitalization of the Joint Surveillance and Target Attack Radar System, a congressional aide tells POLITICO.

The service will not request funds for the program in its fiscal 2019 budget, set to be released Monday, and will instead back a "systems-of-systems" approach linking air and ground-based assets to conduct battlefield management and command and control, the aide said.

The Air Force's move was anticipated by officials within industry and on Capitol Hill.

Georgia lawmakers, in whose state JSTARS is based, last year urged Defense Secretary Jim Mattis against scrapping the program and instead to speed it up. They argued eliminating the program would leave the military short on surveillance capability and waste money.

The fiscal 2018 National Defense Authorization Act (P.L. 115-91) required the Pentagon to outline any shortcomings in its surveillance capabilities should the Air Force scrap the program.

Defense News first reported the Air Force's plans.

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Back

Trump to propose almost $17B to fight opioid abuse Back

By Brianna Ehley | 02/11/2018 09:00 PM EDT

President Donald Trump's fiscal 2019 budget plan targets almost $17 billion to combat the opioid crisis, according to a White House document.

The set of budget details states the administration will propose $3 billion in new funding for 2018 for HHS to expand access to drug abuse prevention, treatment and recovery programs and request an additional $10 billion in new funding for the department for 2019.

It does not specify what activities or agencies the remaining $4 billion will go toward. An Office of Management and Budget spokesperson did not respond to a request for comment.

The budget marks Trump's first formal request for funding to fight the crisis, which he declared a national public health emergency in October. The administration has drawn criticism for not requesting new funding from Congress to respond to the epidemic. Lawmakers approved a budget deal last week that commits $6 billion over two years to address opioid abuse.

The president's budget was drafted before Congress raised spending caps and will include an addendum Monday laying out the administration's priorities for the new available money — including the funding to combat prescription painkiller abuse.

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Back

Defense budget to seek boost in Navy unmanned aerial tanker Back

By Connor O'Brien | 02/11/2018 04:46 PM EDT

President Donald Trump's new fiscal 2019 defense budget will seek a boost in funding for the Navy's unmanned tanker program from last year's request, according to a source who reviewed the budget documents.

The Navy is set to request $719 million for its unmanned carrier aviation program, a roughly $496 million increase from the fiscal 2018 budget proposal of over $222 million for research and development.

The program, also known as the MQ-25, had gone through several iterations before the Navy settled on an unmanned refueling platform.

The administration plans to release its fiscal 2019 defense budget Monday — totaling $716 billion across the Pentagon, its overseas war account and nuclear weapons programs.

The Pentagon also is expected to seek 10 Boeing-built P-8 Poseidon patrol aircraft, the source said, among other requests.

The Pentagon also intends to request 77 F-35 Joint Strike Fighters — 48 of the F-35A Air Force variant, 20 of the F-35B Marine Corps variant and nine of the F-35C variant for the Navy and Marines.

The budget also will propose purchasing 24 Navy F/A-18 Super Hornets. The service requested just 14 in its previous budget, but the House and Senate Armed Services Committees authorized 24, cribbing from the Navy's unfunded requirements list.

The Pentagon won't request funding for recapitalization of the E-8C Joint Surveillance and Target Attack Radar System, which the Air Force intends to cancel, but it will seek more money — about a $38 million request — in procurement and research and development for the legacy JSTARS platform.

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Back

Trump to propose boosts to veterans' health, opioid fight, border security Back

By Sarah Ferris | 02/11/2018 09:00 PM EDT

President Donald Trump's budget will propose a "ready, larger, and more lethal military" along with bigger investments in border security, anti-opioid efforts and veterans' health programs, according to a preview by the White House.

Trump also will lay out "an aggressive set of spending reforms" to reduce the deficit by $3 trillion over 10 years, the preview of the president's fiscal 2019 request says.

The budget document will be titled "Efficient, Effective, Accountable: An American Budget."

"Just like every American family, the Budget makes hard choices: fund what we must, cut where we can, and reduce what we borrow," budget director Mick Mulvaney wrote in a statement. "It's with respect for the hard work of the American people that we spend their tax dollars efficiently, effectively, and with accountability."

The budget calls for roughly $17 billion in "opioid-related spending" in fiscal 2019, $13 billion of which would go toward prevention, treatment and recovery programs.

The document also calls for $23 billion in border security programs, reinserting the White House at the center of a fierce immigration debate on Capitol Hill.

Trump is seeking $2.7 billion to allow the Immigration and Customs Enforcement agency to reach an average "daily detention capacity" of 52,000 undocumented immigrants — "the agency's highest-ever detention level."

Another $782 million would fund the hiring of 2,750 more workers at both Customs and Border Protection and ICE.

That would be separate from $18 billion that the president is seeking over two years to "build the southern border wall."

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Back

Trump launches $1.5T infrastructure sales pitch Back

By Brianna Gurciullo | 02/11/2018 05:00 PM EDT

The White House finally rolled out President Donald Trump's long-awaited infrastructure plan Monday, swinging for the fences with a $1.5 trillion initiative that is light on new federal dollars — but could inspire a wave of toll roads, ease decades-old regulations and permanently change cities' and states' expectations for assistance from Washington.

"It is time to give Americans the working, modern infrastructure they deserve," Trump said in a message to Congress accompanying his "legislative outline."

The proposal faces tough odds in Congress: Some conservative Republicans are already expressing shock at Trump's total price tag, while Democrats say the share coming from the federal government would be too little to fill the backlog of crumbling roads, bridges, railroads, tunnels and airports, along with other needs like rural broadband service, veterans' hospitals, toxic waste cleanups and drinking water.

Trump is proposing to provide $200 billion for his plan over the next 10 years — "not a large amount," he has conceded — paid for by unspecified cuts elsewhere in the budget proposal that the White House also plans to release Monday. That spending is meant to draw an additional $1.3 trillion or more in investments from cities, states, private investors and other sources.

But more fundamentally, the White House says it will finally address a dysfunctional system in which Washington calls too many of the shots, federal red tape gets in the way and some communities fail to put enough "skin in the game" — all while dire needs go unmet.

"The current system is fundamentally broken, and it's broken in two different ways," a senior administration official told reporters during a briefing Saturday. "We are underinvesting in our infrastructure, and we have a permitting process that takes so long that even when funds are adequate, it can take a decade to build critical infrastructure."

Trump's plan, the official said, offers "a permanent fix." The plan also includes specific money for rural communities, aim to encourage apprenticeships and other forms of workforce training, and pay for unspecified "transformative," "next-century-type" projects that would "lift the American spirit," the official said.

However, many infrastructure advocates believe that the real fix that's needed is a permanent new revenue stream, something Trump's plan doesn't address.

Oregon Rep. Peter DeFazio, the top Democrat on the Transportation Committee, said in an address Friday that Trump's plan would "slash the federal commitment to a national infrastructure network."

"This is not a real infrastructure plan — it's simply another scam, an attempt by this administration to privatize critical government functions, and create windfalls for their buddies on Wall Street," DeFazio said. "This fake proposal will not address the serious infrastructure needs facing this country, so our potholed roads will get worse, our bridges and transit systems will become more dangerous, and our tolls will become higher."

Sen. Ron Wyden of Oregon, the top Democrat on the Finance Committee, called the plan "another broken promise to rebuild America's aging infrastructure." He added, "$200 billion is a drop in the bucket compared to the $1.5 trillion Republicans in Congress just spent to slash taxes for multinational corporations and the donor class."

But key Republicans were quick to issue supportive statements Monday.

"Please permit us to say that President Trump hit the nail on the head when constructing this plan to rebuild America's infrastructure," House Energy and Commerce Chairman Greg Walden (R-Ore.) said in a statement issued with three of his subcommittee chairs, Fred Upton (R-Mich.), John Shimkus (R-Ill.) and Marsha Blackburn (R-Tenn.). "Improving our country's infrastructure can be a bipartisan effort, and we stand ready to strap on our work boots and pave the way for success with our colleagues across the aisle."

The plan that the White House released Monday is a statement of principles that Congress will have to translate into legislation — potentially leaving the fate of Trump's proposal in the hands of 11 House and Senate committees that oversee slices of the policies in play. The kickoff included a White House meeting Monday with state and local officials from both parties, including Louisiana Gov. John Bel Edwards, Tennessee Gov. Bill Haslam, Maine Gov. Paul LePage, New Mexico Gov. Susana Martinez, Virginia Gov. Ralph Northam, Nebraska Gov. Pete Ricketts and Wisconsin Gov. Scott Walker.

"Washington will no longer be a roadblock to progress," Trump said in brief televised remarks. "Washington will be your partner."

Administration officials said to expect an extended sales pitch from Trump and his Cabinet, who "will be talking about infrastructure all across the nation."

The woeful state of U.S. infrastructure is something Republicans and Democrats largely agree about, even if they don't agree on the solutions. The American Society of Civil Engineers has said the backlog comes to $4.59 trillion in needed investments by 2025.

But already, some lawmakers are expressing deep concerns about the administration's plan to pay for the federal share of its proposal with budget cuts instead of proposing new revenue sources. Even some Republicans, notably House Transportation Chairman Bill Shuster of Pennsylvania, are pushing for a hike in the federal gasoline tax that pays for the ailing Highway Trust Fund.

Democrats, meanwhile, are criticizing the White House's push to dramatically speed up the federal permitting process for infrastructure projects — and warning that the Senate won't go along with any effort to impose arbitrary time limits on regulatory reviews.

"There's zero appetite for that," Sen. Brian Schatz (D-Hawaii) told POLITICO last week. "There may be a handful of Democrats that would support that but they'd also lose a couple of Republicans."

The senior administration official said the White House has no intention of dismantling environmental protections — but does want to shorten the process to two years, for example by letting one agency render the final yes-or-no verdict. The White House is preparing to achieve some of this streamlining through executive action. But it also proposes changes to statutes as well, for example by eliminating the section of the Clean Air Act that requires the EPA to review other agencies' environmental impact statements.

"We're not saying you can have a bigger impact on endangered species, or the water can be dirtier or the air can be dirtier, or anything like that," the official said.

Democratic lawmakers and liberal groups like the Center for American Progress have countered that agencies have yet to follow through on recent laws that would let them streamline permitting. CAP has argued that to accelerate the process, the most effective strategy would be fully funding agencies like the Department of Transportation so they have enough staffing and technology.

The Natural Resources Defense Council denounced the plan Sunday as a "disaster" and an "unacceptable corporate giveaway," saying the proposal to speed up environmental reviews "would leave local residents all-but voiceless when it comes to the massive projects that will reshape their communities."

Another source of controversy is the plan's heavy preference for doling out money to states and communities that are willing to put up the most cash on their own. Democrats say that would cause cities and states to hike taxes and fees on their residents, and would heavily disadvantage large projects such as the multibillion-dollar effort to rebuild rail infrastructure in and around New York City.

Senate Minority Leader Chuck Schumer has warned that drivers could soon be paying "Trump tolls" because of the plan's incentives for communities to seek money from private investors.

"Hedge funds and wealthy investors will want projects that generate a profit by charging middle-class Americans hundreds of dollars a year in tolls, taxes and fees," Schumer wrote in an op-ed just before Trump's State of the Union address. "Our nation's roads, bridges and tunnels would become tools for wealthy investors to profit off the middle class rather than the job-creating public assets they ought to be."

The White House says it would be up to local communities to decide how to raise money to pay for their projects, with sources that could include property taxes, sales taxes or user fees.

But the administration's making it clear that communities looking for help from Washington have to show they're prepared to pay for their own needs.

"It's all about how do we get people to compete around in projects that they truly care about," the senior administration official said. "And how do we know they truly care about them? Well, because they've got a lot of skin in the game on the project."

Instead, the official said: "A lot of comments I've received since starting this job are people who are going, 'This is an absolutely critical project, it has to be done, it's vital to our community. Our economy will boom if we do this.' And I ask, 'How much you've invested in it?' And they're like, 'No, we're not investing in anything. We'd like you to invest in it.'"

Those comments fit in with the message of a White House budget document last spring that bemoaned what it called communities' over-reliance on federal dollars — rhetoric that drew a rebuke from the GOP-led Senate Appropriations Committee. DOT has similarly told New York state and New Jersey not to expect the federal government to pay half of a proposed $13 billion rail tunnel project across the Hudson River, despite previous assurances from the Obama administration.

The senior administration official said that contrary to what many of the critics say, the federal government pays already only about 14 percent of the nation's overall infrastructure needs. "If you go and ask the public what their preference is, they would prefer to invest locally as opposed to sending money to Washington," the official said.

Meanwhile, fiscal conservatives are already casting side-eyes at the $1.5 trillion total price tag, even though only $200 billion would come from the federal budget. That's especially true after Congress enacted tax cuts that are expected to add $1.5 trillion to the deficit in the coming decade and both parties agreed last week to boost overall spending by $300 billion over two years.

On the other hand, last week's spending deal — H.R. 1892 (115) — gives lawmakers extra cash to work with. And Trump administration officials have been scurrying since Friday to craft an addendum to its fiscal year 2019 budget proposal that will tell legislators just how the president would like to see those dollars spent.

"Take the money that the Democrats want to put to these social programs, and move it to things like infrastructure, move it to things like opioid relief, move it to things that are in line with the president's priorities, so that — if it does get spent — at least it get spent to the right places," White House budget director Mick Mulvaney said on "Fox News Sunday."

In Saturday's briefing, the senior White House official stressed that Trump's infrastructure pitch isn't "a take-it-or-leave-it proposal."

"This is the start of a negotiation — bicameral, bipartisan negotiation — to find the best solution for infrastructure in the U.S.," the official said.

The official added that Trump "is open to new sources of funding" as well. However, something as politically perilous as a gasoline tax increase isn't likely.

Half of the $200 billion would be allocated to a competitive program in which states and localities can apply for federal funding. Those who have already secured their own sources of cash would be most likely to receive federal money.

Ten percent, or $20 billion, would add to existing federal loan programs for infrastructure and broaden eligibility for tax-exempt private activity bonds. And another 10 percent would be set aside for what the Trump administration describes as "transformative" projects — a category that some people think could include Elon Musk's gee-whiz "Hyperloop," although the White House said the New York-New Jersey rail tunnel might qualify as well.

A quarter, or $50 billion, would be reserved for projects in rural parts of the country. That money would go to states as block grants with relatively few strings. It would at least partially address concerns from lawmakers who say rural infrastructure projects may be relatively unappealing to private investors — and seems tailor-made to attract support in the Senate.

The White House official indicated that governors would make the call on how to divide the rural money. In contrast, some rural lawmakers have been pushing to steer a designated portion to broadband internet service.

Five percent of the federal dollars would be used to set up a "capital financing fund."

Some component of the plan will also center on workforce training, the official said. The administration will suggest broadening eligibility for Pell grants, tweaking requirements for trade licensing and growing apprenticeships.

Before his election, Trump swore to voters that a bill to generate $1 trillion in investment would materialize in his first 100 days as president. But the administration has delayed a plan again and again as it first crusaded to repeal Obamacare and then to rework the tax code.

The number has ballooned to $1.5 trillion "because we've actually received a sort of more enthusiastic response than we anticipated from state and local governments," the White House official said.

Alex Guillén contributed to this report.

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Back

Trump infrastructure plan could sell off Reagan, Dulles airports Back

By Brianna Gurciullo and Kathryn A. Wolfe | 02/12/2018 11:06 AM EDT

The Trump administration's infrastructure plan released Monday proposes that the federal government consider selling off Ronald Reagan Washington National Airport and Washington Dulles International Airport.

The administration wants to allow federal agencies to divest assets if they "can demonstrate an increase in value from the sale would optimize the taxpayer value for federal assets," according to Trump's blueprint for an infrastructure package.

It also includes the George Washington and Baltimore Washington parkways, the Washington Aqueduct and the transmission assets of the Tennessee Valley Authority and Bonneville Power Administration on the list for "potential divestiture."

State and local agencies or the private sector may be better at managing assets currently owned by the federal government, the administration argues, and federal agencies should be able to "identify appropriate conditions under which sales would be made." They should also "delineate how proceeds would be spent."

Under the administration's proposal, federal agencies would have to complete an analysis demonstrating an "increase in value from divestiture."

Though technically owned by the federal government, both airports are operated by the Metropolitan Washington Airports Authority under a long-term lease agreement.

The statute that originally executed the lease in 1986 also created the capacity constraints that Washington National operates under — and which lawmakers from Southern and Western states routinely attempt to relax.

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Trump plan embraces tolling, rest area commercialization Back

By Lauren Gardner | 02/12/2018 10:57 AM EDT

President Donald Trump's infrastructure plan released today supports allowing states to toll on existing Interstates and to "commercialize" rest areas on those highways, both of which are currently restricted by law other than a few exceptions.

"Tolling restrictions foreclose what might otherwise serve as a major source of revenue for infrastructure investment," the White House says in the proposal. "Providing States flexibility to toll existing Interstates would generate additional revenues for States to invest in surface transportation infrastructure."

Tolling is currently permitted in limited circumstances on existing Interstates, under the principle that U.S. taxpayers pay for their upkeep via the federal gasoline tax. But as the purchasing power of that levy has dwindled, some have championed giving states the option of deciding when and where to set tolls.

The plan also embraces amending current law to let states commercialize Interstate rest areas. Doing so while "requiring the revenues to be reinvested in the corridor in which they are generated, would support new infrastructure investment," the plan says. "States would not be permitted to charge fees for essential services such as water or access to restrooms."

The proposal calls for law changes that would "provide targeted flexibility" when it comes to the application of review and approval requirements to projects where the federal share of funding is "minimal."

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Infrastructure plan urges tweaks to FAA oversight of airports Back

By Lauren Gardner | 02/12/2018 11:25 AM EDT

The White House infrastructure plan encourages Congress to change existing law to limit the FAA's power to approve and manage airport projects that aren't related to "critical airfield infrastructure."

Citing projects like access road building, hangars and terminals, the administration says the agency's current oversight role "burdens FAA to review projects other than critical airfield infrastructure, and as a result, slows project delivery."

The proposal also calls for an existing pilot program for airport privatization be amended to allow a simple majority of airlines serving a location to approve of an airport's privatization plan, rather than 65 percent. It also encourages doing away with the limitation on the number and size of participating airports; 10 are involved in the current program, and just one is a large hub.

Additionally, the blueprint backs extending an existing "streamlined" application process for passenger facility charges to small hub airports.

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White House proposes big changes to speed environmental reviews for infrastructure Back

By Alex Guillén | 02/12/2018 11:31 AM EDT

The White House's infrastructure package includes measures designed to speed up environmental reviews, although many of the proposals would require congressional approval.

To meet President Donald Trump's desired two-year deadline to complete permits, the proposal would require lead agencies to finish their reviews under the National Environmental Policy Act within 21 months, and to finish issuing the necessary permits three months after that.

Other provisions in the proposal include:

— Requiring lead agencies to conduct a single review, with a single Record of Decision. Currently, agencies typically prepare separate NEPA documents.

— Allowing agencies to accept money from "non-federal entities" to support NEPA reviews. The proposal says it would include "appropriate controls for potential conflicts of interest."

— Eliminating Section 309 of the Clean Air Act, which requires EPA to review, comment on and rate other agencies' Environmental Impact Statements.

— Making it easier for agencies to classify projects as "categorical exclusions" and thus avoid an environmental review.

— Blocking agencies from being required to consider project alternatives "outside its authority or outside the capability of the applicant."

— Limiting agencies' comments on other reviews to their areas of expertise.

— Accelerating reviews for projects "that enhance the environment through mitigation, design or other means."

— Amending the Federal Power Act to require agencies to participate at FERC's request as a cooperating agency in its NEPA reviews, while still allowing the agencies to intervene later in the proceedings before FERC or in court.

— Directing the Council on Environmental Quality to update its NEPA regulations.

WHAT'S NEXT: The White House will transmit the proposal to Congress, which may consider some of the actions in a broader infrastructure spending bill.

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Trump plan would sunset federal project regs for states that pay back money Back

By Tanya Snyder | 02/12/2018 10:51 AM EDT

A provision in the White House infrastructure plan would sunset federal requirements if states choose to pay back the federal funding that helped pay for a project.

"Projects that use of Federal-aid highway funds for the construction of a highway or bridge are constrained by Federal requirements," the plan explains. "Many of these requirements continue to apply to the facility after the project is complete. ... These perpetual Federal requirements can inhibit a State's ability to obtain value from the facility."

Currently, states can ask for a special act of Congress to pay back the federal investment in order to be free from the obligation to comply with federal restrictions on everything from tolling to high occupancy vehicle lane operations. The White House plan would grant blanket authority for states to free themselves from those rules if they pay back federal funding.

To sweeten the pie for states, the repayment wouldn't be adjusted for inflation, and states would receive an equal amount of funding under the Surface Transportation Block Grant Program.

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Trump infrastructure plan would clear regulatory path for 5G Back

By John Hendel | 02/12/2018 11:11 AM EDT

The Trump administration's new infrastructure plan would exempt the deployment of small cell equipment from environmental and historic reviews, a huge win for the wireless industry as it looks to expand 5G networks across the country.

"Small cells and Wi-Fi attachments do not have an environmental footprint, nor do they disturb the environment or historic property," the White House said in its infrastructure proposal released today. "Amending the law to expedite small cells and Wi-Fi attachments ... would eliminate unnecessary reviews without adversely affecting the environment."

Wireless companies are planning to invest billions of dollars in next-generation 5G networks, which promise speeds up to 100 times faster than today's connections, but the companies say they need regulatory clearance to place thousands of new antennas to support the service. High-frequency 5G spectrum can carry a lot of data very quickly but doesn't travel far and has trouble penetrating buildings, requiring a dense array of small cells to augment the signals.

Republican FCC Commissioner Brendan Carr, who is leading the commission's wireless infrastructure efforts, has said 5G will require a 10- to 100-fold increase in the number of small cells.

The push to clear away regulations, however, has run into resistance from mayors and other local government officials, who caution that small cells are not as small as the wireless industry has attested and present aesthetic and safety issues for their communities.

The Trump infrastructure proposal, as reported previously by POLITICO, does not include dedicated funds for broadband, something many rural lawmakers had requested.

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Economists: This is a 'bizarre time' for a big infrastructure plan Back

By Ben White | 02/12/2018 01:28 PM EDT

There is one big problem with the federal infrastructure plan that President Donald Trump rolled out Monday: Economists say this may be exactly the wrong time to pump a bunch of extra money into the U.S. economy.

The unemployment rate is already headed toward historic lows. Wages and interest rates are rising and Congress just pumped massive stimulus into the economy through a $1.5 trillion tax cut and $300 billion in new federal spending.

Typically, big infrastructure initiatives are targeted for moments when the economy is struggling and the unemployment rate is high. The concern with Trump's $1.5 trillion plan is that any new infrastructure projects it creates will just move workers from current projects into different ones rather than creating new jobs.

And the Federal Reserve, already hiking interest rates as the economy improves, may move even faster if it appears that infrastructure spending coupled with tax cuts and other federal spending are leading to faster inflation.

"If you asked every economist whether this was a time that the U.S. desperately needed this kind of fiscal stimulus, I don't think anybody would say that it is," said Megan Greene, chief U.S. economist at Manulife.

The time for a big increase in infrastructure spending, economists argue, was in 2010 or 2011 when the unemployment rate remained just below 10 percent and the economy was struggling to move into a higher gear. The backdrop now is quite different with unemployment at 4.1 percent and growth rates improving.

"It's a completely and utterly bizarre time to be doing this, and frankly it's probably not going to happen," said Ian Shepherdson of Pantheon Macroeconomics. "Unless you magically improve the labor force participation rate and get a miracle on productivity, all you will do is tighten labor markets, drive up wages and lift demand when it doesn't need lifting."

Without an increase in the size of the labor force, which has remain stuck near a 30-year low for years, or a strong uptick in productivity, the Fed would likely to be forced to hike interest rates in response to a sharp uptick in wages in order to fight inflation.

Economists note that because it typically takes months if not years for infrastructure projects like road, bridges and port repairs to be completed, any bill that Congress passed this year may not have much immediate impact on the economy.

"Even if something passes, these projects are rarely shovel ready, they generally take a number of years," Greene said.

That could be especially true given that the White House envisions turning a $200 billion federal investment — all offset by budget cuts — into $1.5 trillion in overall spending through contributions by state and local governments and the private sector.

This would require states to come up with more money than they typically provide for joint projects with the federal government. And private sector companies would have to identify infrastructure projects where the potential for profits is worth the risk of committing significant funds.

Still, even if a delay in moving ahead with infrastructure projects limits the inflationary impact, the initiative is coming at a very odd time in the economic cycle.

Following the impact of the tax cut bill and the new federal spending, the 2019 federal deficit is expected to hit $1.2 trillion or more. The Committee for a Responsible Federal Budget estimates that if provisions from the tax bill are made permanent, the deficit could soar to $2.1 trillion by 2027.

The administration itself is worried about the impact such deficits could have on interest rates. That's because when a country's fiscal position worsens, investors demand higher rates on government debt. Higher rates can make it harder for individuals and corporations to borrow and spend, slowing the economy.

White House Office of Management and Budget Director Mick Mulvaney said Sunday on Fox News that the rising deficits could lead to a "spike" in interest rates. And he called the increasing red ink "a very dangerous idea," adding that he hoped faster growth from the tax cuts would eventually generate more government revenue and reduce deficits.

Advocates of infrastructure spending have long warned that the nation's aging roads, bridges, railroads and other transportation assets are a threat to future economic growth. The American Society of Civil Engineers estimated last year that the U.S. is on track for $3.9 trillion in losses to gross domestic product and more than 2.5 million lost jobs in 2025 if it fails to make up a multitrillion-dollar backlog in unmet investments.

But even liberal economists who generally like the idea of more government spending on infrastructure warn that pumping federal dollars in now — even the relatively small amount the White House has in mind — will not create new jobs but instead just move around existing workers. And pursuing an infrastructure plan that increases deficits would not make much sense.

"I think paid-for infrastructure would make a lot of sense right now. I think unpaid-for infrastructure would not," said Jason Furman, a Harvard professor who served as chair of the Council of Economic Advisers under President Barack Obama. "There are two arguments for infrastructure: short-run stimulus to create jobs and long-run investment in being able to move goods and people more efficiently. Argument No. 1 is not operative today and has not been for several years."

The White House said it would pay for its infrastructure spending with unspecified other cuts. But Furman and other economists and even some Republicans favor a deficit-neutral approach to infrastructure with new government revenue, potentially including an increase in the federal gasoline tax, which has not been raised since 1993. The White House is not proposing such an increase.

Rick Geddes, a professor and director of the Cornell Program in Infrastructure Policy, said Washington should move away from the idea of infrastructure investments as an economic stimulus policy and instead focus on ways to give state and local governments incentives to invest in new technologies such as smart street lights that gauge vehicle and pedestrian traffic and roads that tell you when they need maintenance.

"I'd caution against thinking of it within a stimulative, macroeconomic framework," he said. "We need to improve and take care of the infrastructure we already have rather than building out any giant new networks."

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Budget deal brings 'Pay for Success' model to home visiting program Back

By Mel Leonor | 02/09/2018 03:37 PM EDT

A budget deal reached by congressional leaders this week not only reauthorizes the federal home visiting program, but also introduces it to a new funding model that could yield profits for private-service providers.

The deal, H.R. 1892 (115), reauthorizes the Maternal, Infant and Early Childhood Home Visiting Program for five years. The program, which expired in September, helps states provide in-home educational assistance to low-income families with young children and pregnant mothers. The program is funded at $400 million per year.

Under the new funding model, states are authorized to use 25 percent of their grant funds to enter into so-called Pay for Success agreements. Also known as social impact bonds, Pay for Success is a financing model where a government agency contracts with a private entity to deliver services, but only pays if the entity delivers improved outcomes that yield cost savings. Typically, for-profit or philanthropic investors are paid a rate of return, based on savings.

Patricia Cole of Zero to Three, a group that works on early education policy, said she's concerned the model could divert any cost-savings as profit for the private entities, instead of going back into the program. But, Cole added, the law's stringent requirements for measuring outcomes are encouraging.

Per the budget deal, home visiting providers will only be paid once a "rigorous, third-party evaluation" shows expected outcomes and cost-savings were achieved. It also requires states to conduct feasibility studies ahead of entering into a Pay for Success agreement, and once programs are running, they must publish annual status reports. The agreements can run as long as 10 years.

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This email was sent to woods.clinton@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Dominguez, Alexander [dominguez.alexander@epa.gov]
Sent: 3/23/2018 3:02:35 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: FW: EPA PFAS letter to Governor Walker

fyi

From: Atkinson, Emily
Sent: Friday, March 23, 2018 8:30 AM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: EPA PFAS letter to Governor Walker

Hi Preston,

Bill and Mandy could be available for this call today between 11am – 11:30am or 2 – 3pm.

Let us know what works best on your end.

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Wehrum, Bill
Sent: Thursday, March 22, 2018 5:19 PM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: EPA PFAS letter to Governor Walker

Yes, I'm sure we can find time. I've copied Josh and Emily, who should be able to help.

From: Cory, Preston (Katherine)
Sent: Thursday, March 22, 2018 4:08 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: FW: EPA PFAS letter to Governor Walker
Importance: High

Bill,

Any chance you're available?

Thanks,
Preston

K. Preston Cory
Director of Intergovernmental Relations
Office of the Administrator
U.S. Environmental Protection Agency
202-579-4281

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Thursday, March 22, 2018 4:03 PM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Lamers, Holly J - DNR <Holly.Lamers@wisconsin.gov>
Subject: FW: EPA PFAS letter to Governor Walker
Importance: High

Preston:

Our DNR hopes to schedule a call with Bill Wehrum tomorrow. I believe they have talked before. Would you mind connecting us with Mr. Wehrum?

Thanks,

Kyle

Kyle Roskam
Federal Relations Director - Washington D.C.
Office of Governor Scott Walker
(202) 624-5999
Kyle.Roskam@wisconsin.gov

From: Lamers, Holly J - DNR
Sent: Thursday, March 22, 2018 4:01 PM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: FW: EPA PFAS letter to Governor Walker
Importance: High

Hi Kyle,

Our Secretary's Office Leadership is asking for a 30-minute phone call tomorrow with Mr. Bill Wehrum of EPA Washington DC. The purpose of the call is related to Air ozone.

I am hoping you can put me in contact with Mr. Wehrum's assistant or office to help me to schedule the call.

Thanks so much!

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Holly Lamers
Office of the Secretary

Wisconsin Department of Natural Resources
101 S Webster Street, Madison, WI 53703
Phone: 608-267-7556
Cell Phone: 608-219-0048
Fax: 608-266-6983
holly.lamers@wi.gov

dnr.wi.gov

Message

From: Dolley Madison [fedsoc@fed-soc.ccsend.com]
on behalf of Dolley Madison [dolley@fedsoc.org]
Sent: 2/12/2018 3:43:46 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Teleforum Calls This Week -- February 12, 2018

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February 12, 2018

Teleforum Calls This Week

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Conscience and Religious Freedom Division

Religious Liberties Practice Group Teleforum

Monday, February 12, 2018 | *2:00 PM ET*

Roger Severino
Director
Office of Civil Rights
U.S. Department of Health and Human Services

On January 18, the Department of Health and Human Services (HHS) announced the creation of a Conscience and Religious Freedom Division in the HHS Office for Civil Rights (OCR). The next day, HHS also announced a proposed conscience regulation coming out of OCR. Roger Severino, Director of the Office for Civil Rights at HHS, will join us in this special **half-hour Teleforum** to discuss the establishment and goals of the new division and information about the proposed conscience regulation.

Courthouse Steps: *Myrick v. Warren*: Gay Marriage Conscience Protections

Religious Liberties Practice Group Teleforum
Wednesday, February 14, 2018 | 1:00 PM ET

Stephanie Barclay
Legal Counsel
The Becket Fund for Religious Liberty & Regulation

A little-known case just concluded this week, but it may have big implications for the important national dialogue about conflicts between faith and sexual identity. In *Myrick v. Warren*, a federal judge ruled that the State of North Carolina violated federal law when it forced a magistrate named Gayle Myrick to resign because of her religious beliefs about marriage. The ruling comes ahead of the Supreme Court's decision in *Masterpiece Cakeshop v. CCRC*. Both *Myrick* and *Masterpiece* raise important questions about conscience and LGBT rights. This Teleforum will address *Myrick v. Warren* and its relationship to the broader issue of LGBT rights and religious liberty.

New Developments in Wisconsin's John Doe Investigations

Free Speech & Election Law Practice Group Teleforum
Friday, February 16, 2018 | 12:00 noon ET

Edward D. Greim
Partner
Graves Garrett LLC

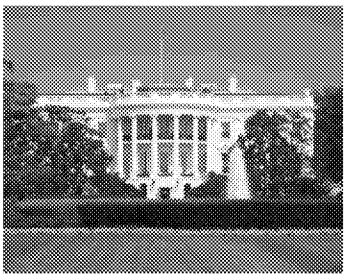
Between 2010 and 2013, a team of Wisconsin state officials assembled by the Milwaukee County District Attorney, and later involving the state's Government Accountability Board, targeted the activities of certain groups who had supported Governor Scott Walker's policy agenda. The probes seized millions of emails, bank records, hard copy documents, and other materials through a combination of electronic search warrants, subpoenas, and raids that used controversial tactics. Litigation in the Wisconsin state courts froze the John Doe investigations in early 2014. The Wisconsin Supreme Court ultimately terminated the investigations in the summer of 2015. In reaction, the Wisconsin legislature passed sweeping reforms of its campaign finance and criminal laws, eliminating the Government Accountability Board, changing John Doe rules, and fixing secrecy laws so that they restrained the prosecutors, not the targets. But there

were new developments eight weeks ago: Wisconsin Attorney General Brad Schimel issued a report following an investigation he initiated when, in September 2016, the British Guardian published approximately 1,400 pages of seized witness emails and draft court filings prepared by the prosecution team. Schimel found that a trove of evidence at the Government Accountability Board offices may have been leaked, and promised to institute contempt proceedings against prosecutors and other state officials. As a result, new individuals have learned that their materials were seized and reviewed during the original investigation. Some existing litigation may be impacted, and new litigation may occur. Find out what's next.

Previously Recorded Calls

UPDATE: Release of the Nunes Memorandum

Federalism & Separation of Powers Practice Group Teleforum



On Friday, February 2, President Trump agreed to release a memo written by the House Intelligence Committee about FBI surveillance activity of the members of the Trump campaign that occurred before the President took office. Those opposed to the release of the Nunes Memo, named for the Representative whose aids drafted the memo, argue that the release goes against intelligence protocol and is being utilized by Republicans to distract from the investigation in Russian interference in the 2016 election. Proponents of the release argue that it should be public to show the American people the actions of the FBI preceding the election. David Rivkin joins us to discuss the memo release and its possible effects.

[Listen]

After *Bristol-Meyers Squibb*

Litigation Practice Group Teleforum

In *Bristol-Myers Squibb v. Superior Court* and *BNSF Railway Co. v. Tyrrell*, the Supreme Court reiterated and clarified its tests for specific and general personal jurisdiction. In *Bristol-Myers Squibb*, the Court held that there must be a connection between the defendant's contacts with the forum state and the plaintiff's cause of action and that personal jurisdiction is-at the very least-a plaintiff-by-plaintiff analysis. In *BNSF*, the Supreme Court reiterated that a corporation is subject to general or all-purpose jurisdiction only where it is at home, and that-absent exceptional circumstances-a corporation is only at home where it is incorporated and headquartered. Just as importantly, *BNSF* emphasized that the at-home test applied to all assertions of general jurisdiction over a company-its announcement of the at-home test in *Daimler AG v. Bauman* was not limited to its specific facts.

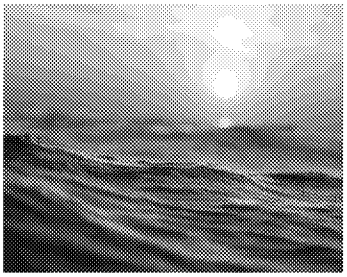
Although *Bristol-Myers Squibb* and *BNSF* will likely put an end to the worst forum-shopping abuses by plaintiffs, they leave many questions unanswered. Just how much of a connection between the forum and the claims is necessary for specific jurisdiction? What will a plaintiff-by-plaintiff approach to specific jurisdiction mean for nationwide class actions and aggregated actions? And can a company be subject to general jurisdiction anywhere other than where it is headquartered and incorporated?

Sean Marotta will discuss these and other questions, surveying the personal-jurisdiction landscape after *Bristol-Myers Squibb* and *BNSF*.

[Listen]

Courthouse Steps Decision: *National Association of Manufacturers v. DOD*

Environmental Law & Property Rights Practice Group Teleforum



Multiple legal challenges to the Army Corps of Engineers and the Environmental Protection Agency's controversial rule redefining "waters of the United States" (WOTUS) raise important questions. In *National Association of Manufacturers v. DOD*, the Supreme Court addressed which is the proper venue for challenging a rule like WOTUS - the federal district courts or the federal courts of appeals.

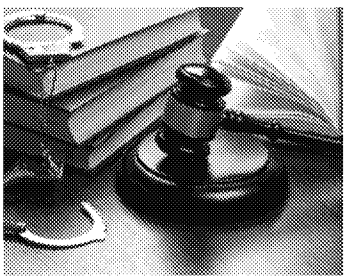
The Supreme Court heard oral argument in this case last October. The issue is important because it is unclear where and when regulated parties can challenge certain types of federal rules interpreting the Clean Water Act. Filing a claim in the wrong court can result in losing the right to challenge the rule at all. Under a plain reading of Act, affected parties have six years to challenge the WOTUS rule or any subsequent rule defining the agency's general jurisdiction under the Act in a federal district court. But under the EPA's reading of the Act, affected parties would have only six months to challenge the rule in a federal court of appeals. Various State, industry, and landowner groups urge the High Court to rely on a plain reading of the Act to maximize the opportunity for the regulated public to challenge rules that define the scope of the Act.

On January 22, the Supreme Court released a unanimous decision authored by Justice Sotomayor holding that any challenges to WOTUS must be filed in federal district courts.

[Listen]

False Claims Act Granston Memo

Criminal Law and Procedure Practice Group Teleforum



On January 10th, Michael Granston, the Director of the Commercial Litigation Branch within the United States Department of Justice's Fraud Section, issued a memo that establishes an outline for DOJ attorneys to utilize

when deciding whether or not to dismiss a False Claims Act qui tam case.

The memo affirms statements Granston made at a health care compliance conference in 2017, in which Granston indicated the DOJ might start dismissing qui tam causes of action brought by False Claims Act relators when it is determined the actions lack merit. 31 U.S.C. § 3730(c)(2)(A) provides that the government has a right to dismiss a qui tam action "notwithstanding the objections of the person initiating the action" by filing a motion with the court and provided the relator has had an opportunity to be heard. This ability in the past has been rarely used, and this memo could signify a significant shift in future DOJ practices.

Brandon J. Moss joins us to discuss the memo and its implications.

[Listen]

Courthouse Steps Decision: *District of Columbia v. Wesby*

Criminal Law and Procedure Practice Group Teleforum

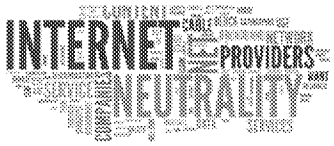
On January 22th, the Supreme Court handed down a decision for *District of Columbia v. Wesby*. In this case, law enforcement officers responded to noise complaints of a party going on in a home where the owner was not present. The officers removed partiers from the premises though the partiers thought that their host, a renter, had attained permission for the party. The case seeks to answer two questions: First, whether officers have probable cause to arrest for unlawful entry under D.C. law despite a claim of good-faith entry? Second, whether the law was sufficiently clearly established to justify the denial of immunity to the officers?

Bryan Weir joins us to discuss the implications of the decision.

[Listen]

The Aftermath of Restoring Internet Freedom: Lessons from Foreign Jurisdictions

Criminal Law and Procedure Practice Group Teleforum



In the recent Restoring Internet Freedom order, the Federal Communications Commission, led by Chairman Ajit Pai, voted to repeal the Obama administration's network neutrality rules and restore the historical classification of broadband Internet as a lightly-regulated information service. A fierce public debate has emerged on the rulemaking's implications for investment, innovation, competition, and consumer access to online content. In predicting the future Internet landscape, advocates on both sides have focused on the experiences of foreign jurisdictions in regulating both ISPs and edge providers, and how sanctions on content prioritization have affected consumers abroad.

This Teleforum features a distinguished panel with expertise in European, African, Asian, Latin American, and Canadian telecommunications law, and considers lessons from foreign regulators' attempts to police the Internet ecosystem.

[Listen]

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1776 I Street, NW
Suite 300
Washington, DC 20006

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SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. BOX 7863
MADISON, WI 53707

February 28, 2018

Administrator Pruitt
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC 20004

Dear Administrator Pruitt,

Thank you for the opportunity to address you on the important issue of ozone attainment in Wisconsin. Cooperative federalism between the states and the Environmental Protection Agency (EPA) should be a guide when implementing the Clean Air Act. The act gives states the authority to recommend designations and provide information for EPA to consider in the designation process.

Unfortunately, nine counties in Wisconsin have been proposed as full or partial non-attainment. My administration has long held that the entire state of Wisconsin should be designated as being in attainment. If that is not possible then the EPA should use data and science to determine the narrowest boundary for any nonattainment area.

Wisconsin has cut emissions of nitrogen oxides and volatile organic compounds in half since 2002. Wisconsin's nonattainment areas are caused by emissions occurring outside of our state that are transported along Lake Michigan. The potential nonattainment designations impose a heavy regulatory load on businesses and industry, and as such, the manufacturers, employers, and citizens of Wisconsin should not be unfairly burdened by this unnecessary regulation.

EPA's intended designations threaten the well-being of the state's economy for little to no environmental benefit. In fact, the Department of Natural Resources has used data and modeling to show that the vast majority of emissions leading to nonattainment come from out-of-state.

Attainment designation is an important issue to both existing businesses and future development in the State of Wisconsin, along the entire Lake Michigan shoreline. We have made great progress in reducing ozone levels and expect that ozone levels will continue to decrease. The EPA should consider the data and science that the Wisconsin Department of Natural Resources has compiled, the state's decreasing emissions, and the impact that a nonattainment designation will have on the economy.

The EPA should designate all of Wisconsin as attainment for the 2015 ozone standard. If, contrary to this recommendation, the EPA designates a portion of the state as

nonattainment, the area so designated should be the smallest possible based on data and science.

Thank you

Scott Walker

OFFICE OF THE GOVERNOR
P.O. BOX 7863
MADISON, WI 53707
608-266-1212

Message

From: POLITICO Pro Budget and Appropriations [politicoemail@politicopro.com]
Sent: 10/16/2018 7:49:12 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Budget & Appropriations: Trump's 'winners and winners' budget deal — McConnell makes case against holiday shutdown — Pelosi holds the line against border wall funding

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BUDGET & APPROPRIATIONS

10/16/2018 03:47 PM EDT

By SARAH FERRIS (sferris@politico.com; @sarahnferris), JENNIFER SCHOLTES (jscholtes@politico.com; @JAscholtes)

'YOU GET A BILLION! YOU GET A BILLION!' It's an open secret on Capitol Hill: The real reason Congress accomplished so much appropriations work this year is the extra $153 billion pumped into spending bills.

Greased with cash: The budget deal this spring, H.R. 1892 (115) , unleashed a torrent of new spending flexibility that delighted both defense hawks and domestic funding advocates. Those tactics virtually guaranteed easy floor votes ahead of the midterms, with both parties declaring themselves "winners." The only losers, you might say, are the deficit hawks bemoaning the new reality of trillion-dollar deficits (despite the solid economy).

The real costs: As Sarah explains today, that deluge of spending has resulted in the largest federal credit card tab in six years, with heightened chances of a debt crisis down the road. It also carries political consequences as Capitol Hill leaders prepare to set off on the next round of budget talks that could follow the same pricey precedent.

'Plus one, plus one': Spending under President Donald Trump has been a total reversal of the Obama-era budget trade-offs, when Republicans and Democrats bickered over adding

small amounts of defense and non-defense dollars. (Back then, you'll recall, the talks also produced a slew of pay-fors to lessen the financial load). Budget hawks, like Maya MacGuineas of the Committee for a Responsible Federal Budget, say Trump's GOP has created new budget math: "Instead of 'plus one, minus one,' it became 'plus one, plus one.'"

How we got here : Think back to the mid-winter negotiations. GOP leaders were pushing a plan to increase defense funding by $54 billion and increase non-defense spending by $37 billion for fiscal 2019. That would wipe out the effects of sequestration, but go no higher. But the White House's military budget request kept going up, and so did the Democrats' bargaining price. By the end, negotiators settled on a deal that delivered an extra $68 billion more for non-defense and $85 billion for defense.

GOOD TUESDAY AFTERNOON! Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

POLITICO is partnering with the Milken Institute to bring a special edition of the POLITICO Pulse newsletter to the Milken Institute Future of Health Summit. Written by Dan Diamond, the newsletter will take readers inside one of the most influential gatherings of global health industry leaders and innovators as they tackle today's most pressing health challenges. The newsletter will run Oct. 23-24. Sign up today to begin receiving exclusive coverage on Day One of the summit.

DOC OF THE DAY

Twenty-eight business groups, including the Chamber of Commerce, are asking Congress to provide low-interest loans to struggling pension plans, Ian Kullgren reports. The idea would cost roughly $34 billion over a decade, according to CBO.

#DAILYBUDGETFACT

OPM says the number of federal employees who filed for retirement increased 24 percent in fiscal 2018 over the previous year, Government Executive reports.

QUOTE DU JOUR

"It's disappointing but it's not a Republican problem," Senate Majority Leader Mitch McConnell said of the $779 billion budget deficit for fiscal 2018 in an interview with Bloomberg News.

TOP TWEET

Trump tweeted this morning: "The United States has strongly informed the President of Honduras that if the large Caravan of people heading to the U.S. is not stopped and brought back to Honduras, no more money or aid will be given to Honduras, effective immediately!" More from Matthew Choi.

Trump says a red wave is coming on Election Day. Is he right, or will the tide turn blue? Compete against the nation's top political minds in the POLITICO Playbook Election Challenge, by correctly picking the winning candidates in some of the most competitive House, Senate and gubernatorial races in the country. Win awesome prizes and eternal bragging rights. Sign up today! Visit politico.com/playbookelectionchallenge to play.

APPROPRIATIONS

FOLKSY IDIOMS FROM A 76-YEAR-OLD KENTUCKIAN: "There's no education in a second kick of the mule," McConnell tells Bloomberg about the idea of a December shutdown. While the Senate majority leader didn't say there won't be a year-end lapse, he has been clear that he doesn't think it's some miracle maneuver that will get Democrats to agree to more funding for the border wall. "We invented this back in the 1990s, and it didn't work well for us. Chuck Schumer tried it last January over DACA, and he caved within a day and a half," McConnell said. "How many times do we have to figure out this isn't going to work, whether it's a Democrat-inspired shutdown or a Republican-inspired shutdown?"

DEMOCRATS HOLD THE LINE: "I don't see any of us voting for wall funding," House Minority Leader Nancy Pelosi tells Playbook. "We have a responsibility to secure our borders. There are ways to do that that are consistent with civilization, humanitarianism and who we are as a nation. We have to remove all doubt about that."

SAFETY NET

OHHH, SNAP: Sen. Chuck Grassley told reporters today that he thinks farm bill negotiations are "at a standstill," reiterating that work requirements for SNAP recipients in the House version of the bill, H.R. 2 (115), are not going to fly in the Senate, Helena Bottemiller Evich reports . "So they're going to have to give up on that or find a workable compromise," he said, noting that he has not heard of any bargaining being done to that end.

Calling out cotton growers: The Iowa Republican also suggested that cotton growers should have been satisfied with the $1 billion they got in the fiscal 2018 omnibus, H.R. 1625 (115). "You can't ever seem to satisfy cotton," he said.

SMALL SLICE OF THE PIE: A new Brookings report suggests that GOP efforts to toughen work requirements for SNAP recipients may have a more limited effect than supporters expect. Roughly 55 percent of the 3.8 million SNAP beneficiaries who said they weren't working cited health or disability issues, and another 40 percent cited work-related issues. Only about 90,000 list a lack of interest or early retirement as their reason for not working.

'DIRECT EXPRESS' UNDER DURESS: Sen. Elizabeth Warren (D-Mass.) fired off letters today asking the VA and Social Security Administration to divulge how much money was stolen from benefits recipients this year through the Direct Express electronic payment system the feds contract out to Texas banking company Comerica, Zachary Warmbrodt reports . Warren wants answers by month's end to six questions, including what percentage of benefit recipients have received their money back after it was taken by fraudsters.

The letters: To Secretary of Veterans Affairs Robert Wilkie | To Social Security acting Administrator Nancy Berryhill.

EDUCATION

PELL GRANTS, ON PLASTIC: The Trump administration took the first official step today in achieving the dream of delivering Pell Grant and student loan cash on payment cards, Michael Stratford reports. In a Federal Register notice , the Education Department has invited companies to put in for a chance to run the pilot program, without any reimbursement from the government or fees to students. So what's in it for the private sector? The company (or companies) that run the pilot will be allowed to use Education Department branding and will have access to a trove of student information for marketing.

ENERGY

COAL BAILOUT FLOUNDERS: Energy Secretary Rick Perry had a plan to help rescue cash-strapped coal companies with the assistance of a little-used national security statute. But that much-hyped proposal, once heartily backed by Trump, has been shelved by critics within the administration, Eric Wolff and Darius Dixon scoop today. One of Perry's biggest problems, they explain, was figuring out where to get the cash. One of the leading ideas was to simply charge electricity customers more money to cover the costs, which would have jacked up rates across the country.

STATES

HURRY UP AND WAIT ON WORK REQUIREMENTS: Federal officials in Wisconsin say Gov. Scott Walker is slow-walking implementation of Medicaid work rules for fear the

changes he has long sought will actually doom his already-ailing reelection bid, Dan Diamond reports.

AGRICULTURE

FARMER-AID, THE THIRST QUENCHER: Rep. Ralph Abraham (R-La.) says he plans to introduce an emergency spending bill when Congress returns to address an ag "crisis" from retaliatory tariffs and other factors that have been hurting American farmers of late. As Ryan McCrimmon reported this week in Morning Agriculture, the Louisiana Republican says he's talked about plans for that farmer-aid package with USDA and state officials, and that it could be paired with additional cash for hurricane relief. "We're going to put together a very broad, but exact, plan to Band-Aid this thing until we can find a long-term solution," Abraham said. "We've got to work as a Congress very, very quickly to do something in the short term to allow these farmers just literally to survive."

READ UP!

— The national debt and the federal deficit are skyrocketing. How it impacts you. USA Today.

— Trump promises to seek disaster aid as he tours parts of Florida and Georgia devastated by Hurricane Michael. Washington Post.

— Government spends millions to guard Confederate cemeteries. Associated Press.

— State education chiefs on the ballot spar over school funding. POLITICO Pro.

— In between tangling with Trump, Mattis attempts to reshape the U.S. military. Washington Post.

— The great American health care panic. POLITICO Magazine.

WE'RE COUNTING

Government funding runs out in 52 days (Dec. 7) for the departments of State, Homeland Security, Commerce, Agriculture, Transportation, Interior, Justice and HUD, as well as science programs, foreign operations and agencies like the IRS and EPA. Funding runs out in 349 days (Sept. 30) for the departments of Education, Energy, Labor, Defense, Veterans Affairs and HHS, plus water projects, the Legislative Branch and military construction. The National Flood Insurance Program expires in 43 days (Nov. 30).

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Message

From: E&E News [ealerts@eenews.net]
Sent: 11/7/2018 1:28:47 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: November 7 -- Climatewire is ready

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AN E&E NEWS PUBLICATION

CAMPAIGN 2018

Last minute questions on the 2018 midterms?
Find E&E News campaign coverage by state, race and issue here.

CLIMATEWIRE — Wed., November 7, 2018

READ FULL EDITION

1. CAMPAIGN 2018:
Clashes on climate expected after big win by Democrats

The U.S. Capitol could boil with pitched political battles over the environment for the next two years after Democrats captured control of the House in yesterday's midterm elections but missed seizing the Senate.

CAMPAIGN 2018

2. CONGRESS:
Democratic gains deflate climate caucus

3. BATTLEGROUND:
Scott Walker denied 3rd term as Trump hits Rust Belt wall

4. STATES:
Wash. carbon fee goes down in setback to greens nationally

5. ON LOCATION:
GOP carbon tax supporter barely holds on in Pa.

STATES

6. CALIFORNIA:
Gov.-elect Newsom will inherit ambitious climate policies

INTERNATIONAL

7. AUSTRALIA:

In land of wonders, cheap power can trump climate risks

8. BRITAIN:

Nation has more green capacity than any other power source

9. RENEWABLES:

China's solar bailout won't counter global glut — analysts

CLIMATE IMPACTS

10. ADAPTATION:

Experts warn Puerto Rico at risk amid lack of disaster plan

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Message

From: Atkinson, Emily [Atkinson.Emily@epa.gov]
Sent: 3/23/2018 1:51:58 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Fwd: EPA PFAS letter to Governor Walker

FYI

Sent from my iPhone

Begin forwarded message:

From: "Atkinson, Emily" <Atkinson.Emily@epa.gov>
Date: March 23, 2018 at 8:29:37 AM EDT
To: "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>
Cc: "Lewis, Josh" <Lewis.Josh@epa.gov>, "Dominguez, Alexander" <dominguez.alexander@epa.gov>
Subject: RE: EPA PFAS letter to Governor Walker

Hi Preston,

Bill and Mandy could be available for this call today between 11am – 11:30am or 2 – 3pm.

Let us know what works best on your end.

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Wehrum, Bill
Sent: Thursday, March 22, 2018 5:19 PM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: EPA PFAS letter to Governor Walker

Yes, I'm sure we can find time. I've copied Josh and Emily, who should be able to help.

From: Cory, Preston (Katherine)
Sent: Thursday, March 22, 2018 4:08 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: FW: EPA PFAS letter to Governor Walker
Importance: High

Bill,

Any chance you're available?

Thanks,
Preston

K. Preston Cory
Director of Intergovernmental Relations
Office of the Administrator
U.S. Environmental Protection Agency
202-579-4281

From: Roskam, Kyle - GOV [mailto:Kyle.Roskam@wisconsin.gov]
Sent: Thursday, March 22, 2018 4:03 PM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Lamers, Holly J - DNR <Holly.Lamers@wisconsin.gov>
Subject: FW: EPA PFAS letter to Governor Walker
Importance: High

Preston:

Our DNR hopes to schedule a call with Bill Wehrum tomorrow. I believe they have talked before. Would you mind connecting us with Mr. Wehrum?

Thanks,

Kyle

<!--[if !vml]--><!--[endif]-->

Kyle Roskam
Federal Relations Director - Washington D.C.
Office of Governor Scott Walker
(202) 624-5999
Kyle.Roskam@wisconsin.gov

From: Lamers, Holly J - DNR
Sent: Thursday, March 22, 2018 4:01 PM
To: Roskam, Kyle - GOV <Kyle.Roskam@wisconsin.gov>
Subject: FW: EPA PFAS letter to Governor Walker
Importance: High

Hi Kyle,

Our Secretary's Office Leadership is asking for a 30-minute phone call tomorrow with Mr. Bill Wehrum of EPA Washington DC. The purpose of the call is related to Air ozone.

I am hoping you can put me in contact with Mr. Wehrum's assistant or office to help me to schedule the call.

Thanks so much!

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Holly Lamers
Office of the Secretary
Wisconsin Department of Natural Resources
101 S Webster Street, Madison, WI 53703
Phone: 608-267-7556
Cell Phone: 608-219-0048
Fax: 608-266-6983
holly.lamers@wi.gov

dnr.wi.gov

Message

From: Bloomberg Environment - Environment & Energy Report [bloomberg@bna.com]
Sent: 5/1/2018 8:31:15 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Environment & Energy Report Highlights

Bloomberg Environment

Environment & Energy

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Highlights

LEADING THE NEWS

Foxconn's Wisconsin Plant Dodges New EPA Air Pollution Mandates

By Jennifer Lu

The Wisconsin county where Foxconn plans to build a $10 billion flat screen manufacturing plant won't need to take any new steps to keep the air clear.

51 Areas in Country Don't Meet 2015 Ozone Standards, EPA Says

By Jennifer Lu

Fifty-one areas in the country don't meet 2015 ozone standards, the EPA announced May 1.

Pruitt's Top Superfund Adviser to Resign From EPA

By Sylvia Carignan

EPA Administrator Scott Pruitt is losing his chief Superfund adviser who had spearheaded efforts to speed the cleanup and redevelopment of toxic sites, a top agency priority.

Peabody Energy, Hopi Tribe, Union Sue to Keep Arizona Plant Open

By Stephen Lee

Peabody Energy Corp.— the nation's biggest coal producer— is joining an Indian tribe and a miners' union in suing the Arizona water authority to keep a massive coal-fired power plant up and running.

Undersea Robots Find Oxygen-Starved Waters Nearing Oman Coast

By Matthew Kalman

Undersea robots dispatched for eight months to explore an oxygen-starved area of the Arabian Sea found a massive zone with little marine life continuing to expand, threatening local fish stocks off Oman.

PODCAST: They Want to Mine Bitcoins Where?

By David Schultz

One of the nice things about bitcoins is that you can mine them almost anywhere — even on a toxic Superfund site.

TODAY'S NEWS

EPA Could Face Legal Minefield With Open Data Rule

By David Schultz

The EPA has no margin for error when crafting a new open data policy if it wants to prevent this policy from being swiftly overturned in court, attorneys and observers told Bloomberg Environment.

Drillers' Wastewater Gets EPA Eye; More Disposal Options Coming? (1)

By Amena H. Saiyid

Oil and gas companies may be able to discharge fracking and conventional drilling wastewater into local waterways nationwide if they can show the EPA they have systems to adequately treat it.

Pebble Mine Investor Again Needs Time to Finish Deal

By Stephen Lee

The backer of an Alaska copper and gold mine project said May 1 it needs another month to finish an agreement with the mine's owner.

Union Wins Approval at Safety Agency Trump Sought to Close

By Sam Pearson

Workers at a 40-person agency that investigates industrial accidents will form a union after a majority of eligible employees voted to affiliate with the American Federation of Government Employees May 1.

Two Top Pruitt Aides Leave EPA Amid Scrutiny on Ethics, Spending

By Jennifer A. Dlouhy

Two top aides are leaving the Environmental Protection Agency amid intensifying scrutiny of Administrator Scott Pruitt's spending and travel.

Tesla's the 'Biggest' Reason Why Rooftop-Solar Leasing Is Fading

By Brian Eckhouse

One Elon Musk company popularized the solar lease. Another Musk company is the main reason why it's fading.

California Challenges Trump's EPA Over Auto Emissions Rollback

By Kartikay Mehrotra and Jennifer A. Dlouhy

California isn't rolling over as the Trump administration moves to toss Obama-era vehicle emission standards.

Marathon's Andeavor Deal Gives Stealth Access to Cheap U.S. Oil

By Laura Blewitt

Inside the largest refiner merger of all time is a hidden pipeline grab.

Fast Fashion Goes Green with Mushrooms, Lumber Scraps, Algae

By Anna Hirtenstein

In a factory the size of an airport terminal, laser cutters zip across long sheets of cotton, slicing out sleeves for Zara jackets. Until last year, the scraps that spill out into wire baskets were repurposed into stuffing for furniture or hauled off to a landfill near the plant in the northern Spanish town of Arteixo.

Climate Benefits Touted in Minnesota's 20 Percent Biodiesel Mandate

By Stephen Joyce

A new Minnesota biodiesel requirement is likely to drive up the cost of diesel fuel for the state's truckers, but the decrease in greenhouse gases will benefit every state resident, a soybean farmers' group said.

VW to Pay West Virginia $2.65 Million Over Emissions Scandal

By Andrew M. Ballard

Volkswagen Group of America will pay West Virginia $2.65 million to resolve allegations that it used illegal emissions cheating technology in diesel vehicles.

FedEx Rolls Out First Hydrogen-Fueled Delivery Van in New York

By Christopher Martin

FedEx Corp. began delivering packages in upstate New York with its first hydrogen-powered van in North America.

FMC Corp. May Have to Pay Cleanup Costs After New York Ruling (1)

By Gerald B. Silverman

FMC Corp. could be on the hook for cleanup costs related to its 103-acre pesticide plant near Niagara Falls, N.Y., under a May 1 decision from New York's highest court.

Chile Environment Court Gives Dominga Mine Project Second Chance

By Tom Azzopardi

A Chilean court ordered authorities to take a second look at the Andes Iron SpA's $2.5 billion Dominga iron-ore project after the miner appealed its rejected application for an environmental license.

EU Grain Farmers May Focus on Quality to Compete in Tough Market

By Agnieszka de Sousa

Europe's grain farmers may have to focus on quality over quantity to better tackle fierce competition from the likes of Russia.

Japan's Old School Utilities Face Nuke Threat from Their Own

By Stephen Stapczynski

Japan's traditional regional utilities, already defending their territory against nimbler new entrants, face a fresh threat: one of their own is now stealing customers thanks to cheaper nuclear-powered electricity rates.

MONDAY NIGHT WRAPUP

Permits for Harming Species' Habitat Not Always Needed: Interior

By Alan Kovski

Permits for unintentional harm to endangered wildlife species are not necessarily required for private-sector projects that may damage a species' habitat, according to a new guidance issued to the U.S. Fish and Wildlife Service.

Trump Pro-Drilling Policies Threaten Sage Grouse, Lawsuit Says

By Tripp Baltz

The Trump administration's focus on fossil fuel development as the dominant use of public land is gutting protections for the imperiled greater sage grouse, environmentalists said in a lawsuit.

FirstEnergy Challenges Grid Operator Findings on Nuclear Units

By Mark Chediak

FirstEnergy Corp. challenged a regional grid operator's findings that the company's three nuclear power plants aren't needed to keep the lights on in the Northeastern parts of the U.S.

Businesses Are Buying More Renewable Power Than Ever Before

By Brian Eckhouse

Companies are buying renewable power at a record pace.

Former Boehner Aide Said to Be Eyed for Oil Trade Group CEO

By Jennifer A. Dlouhy and Ari Natter

The American Petroleum Institute is recruiting a former top Republican congressional staffer with financial-sector expertise to lead the oil industry trade group, according to people familiar with the hiring deliberations.

Pennsylvania Natural Gas Tax Plan to Smother Growth: Industry

By Leslie A. Pappas

Pennsylvania Gov. Tom Wolf (D) is calling for a tax on natural-gas extraction, but an energy industry official says it should go the way of previous failed efforts to obtain money from gas exploration.

$332M Creek Cleanup Proposed for Polluted N.J. Site

By John Herzfeld

A wetlands cleanup at a New Jersey industrial site contaminated with mercury and other pollutants will cost an estimated $332 million but could be finished in less than four years, the EPA said April 30.

Tennessee Poised to Take Primacy on Mining Oversight

By Andrew M. Ballard and Stephen Lee

Tennessee is taking back oversight of state mining from federal regulators, a move that could allow coal companies to conduct mountaintop removal mining without having to restore the land to its original shape.

Carbon Pricing Best Hope for Canada to Cut Emissions: Regulator

By James Munson

Canada estimates its carbon pricing law will reduce greenhouse gas emissions by 80 million to 90 million metric tons by 2022.

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Subject: First Move: Dairy State Dems Target Walker • California Climate Gathering in D.C. • Chile Rediscovers Cobalt

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Dairy State Dems Target Walker • California Climate Gathering in D.C. • Chile Rediscovers Cobalt

By Chuck McCutcheon

Wisconsin GOP Gov. Scott Walker's energy and environmental stances have come under fire from Democrats running in the gubernatorial primary, one of several closely watched contests occurring today in four states.

Eight Democrats are running for the chance to compete against Walker. All have made an issue of the governor's decision to provide economic incentives to lure a flat-screen manufacturing plant by Taiwan's Foxconn to the state, with some citing concerns about the plant's impact on the Great Lakes.

Most of the Democrats have called for raising the state's gas tax, an idea that Walker has long opposed. And some have criticized the governor for altering or dropping text blaming human activity as a chief culprit for climate change.

In Minnesota, which also holds primaries today, Democratic Senate candidate Richard Painter—a former Republican—has made one of his main issues his

opposition to PolyMet Mining Inc.'s planned copper-nickel mine in northern Minnesota.

In the state's northeastern 8th District, Democratic hopeful Kirsten Hagen Kennedy has joined other progressives nationally in embracing a "Green New Deal" that includes phasing out fossil-fuel cars by 2030, while in the Minneapolis-based 5th District, Democratic former Minnesota House Speaker Margaret Anderson Kelliher has played up her role in guiding the state's renewable-energy standard into law.

Environment also continues to be an issue in Vermont, where four Democrats are vying to run against GOP Gov. Phil Scott. The Democrats have blasted Scott's veto of a bill that would have made it easier for the state to ban or require labeling of children's products containing potentially harmful chemicals.

One of the Democratic aspirants is Christine Hallquist, who—if she wins—would become the first U.S. transgender gubernatorial candidate from a major political party. Hallquist is the former CEO of the Vermont Electric Co-Operative. Bloomberg Government is following.

CALIFORNIA CLIMATE: Climate scientists, city and state officials, and others are meeting in Washington, D.C., to discuss California's fourth climate assessment, slated to be released by year's end.

The two-day conference, hosted by the National Academy of Sciences, will include an overview of climate's impacts on the Golden State, technical sessions on climate science, and discussions on climate assessments being conducted by other states and cities.

On the speakers' list: California Energy Commission Chair Robert Weisenmiller, California Public Utility Commission senior policy analyst Kristin Ralff-Douglas, and Fourth National Climate Assessment Director David Reidmiller. Abby Smith is tracking.

CHILE AND COBALT: Germans mined tons of cobalt in Chile until 1941, presumably to make military equipment in World War II.

Commercial activity has ceased since then. But the global hunt for cobalt—an important commodity in the electric-vehicle revolution because it helps prevent batteries from overheating—is rousing a sleepy community on the edge of Chile's northern desert.

The metal mostly has been mined in the Democratic Republic of the Congo. That country's political instability has led companies to start looking elsewhere.

Bloomberg News' Laura Millan Lombrana has more details in a story out today.

OTHER STORIES WE'RE COVERING

- A court order to ban all uses of a decades-old chemical insecticide could open the door for newer, potentially less toxic pest-killers to replace it—and at least one U.S. company is hoping to profit from the switch. Tiffany Stecker explains further in a story out today.
- Arizona's public utilities commission discusses the future of the Navajo Generating Station at a meeting in Phoenix. The coal-fired power plant is slated to close in December 2019, when the current lease expires. Stephen Lee is covering.
- Arizona regulators also are expected to talk about the 80 percent clean energy goal by 2050 and other provisions of an energy modernization plan. Brenna Goth is covering.

QUOTE OF THE DAY

PG&E Corp. CEO Geisha Williams speaks during the 2018 CERAWeek by IHS Markit conference in Houston in March.
Photographer: F. Carter Smith/Bloomberg via Getty Images

"Climate change is no longer coming, it's here. And we are living with it every day."
—Geisha Williams, chief executive officer of PG&E Corp., discussing how climate change has produced unusually hot, dry conditions that spawn more frequent and intense fires.

AROUND THE WEB

- As Michigan voters went to the polls last week, a candidate for a state House seat was in jail on an asbestos-pollution charge. He lost his race.

- Open urinals are ticking off Parisians, but their manufacturer says they're environmentally friendly.
- Program funding, and in many cases staffing, are big concerns for municipal stormwater programs across the country.

TODAY'S EVENTS

- **All Day • PFAS** • EPA holds its latest community engagement session on per- and polyfluoroalkyl substances, also known as PFAS, in Fayetteville, N.C.
- **Algae** • Florida GOP Rep. Francis Rooney and representatives from the EPA, Interior, and Army Corps of Engineers will tour parts of southern Florida affected by toxic algae.
- **12 p.m. • Kavanaugh** • Heritage Foundation holds forum on some of Supreme Court nominee Brett Kavanaugh's most significant rulings.
- **2 p.m. • Greenhouse Gases** • NOAA's Science Seminar series holds a webinar on "Greenhouse Gas Emissions from Plastics in the Environment."

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Message

From: POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]
Sent: 5/1/2018 7:53:15 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: EPA ozone designations hand win to Foxconn

By Annie Snider

05/01/2018 03:51 PM EDT

EPA says the Wisconsin county where a major new Foxconn Technology Group manufacturing plant is planned has met tough new ozone standards, a reversal from its own earlier recommendation and a major win for the company.

Racine County, where Foxconn plans to begin construction on a $10 billion flat-screen plant within weeks, was not among the 51 areas in the U.S. that the agency today said failed to meet the 2015 ozone standard of 70 parts per billion. Areas in nonattainment face additional requirements to reduce pollution from sources like cars, power plants and industrial sites — requirements that could have added major expenses for the technology firm, which was wooed to Wisconsin by President Donald Trump, House Speaker Paul Ryan and Gov. Scott Walker with a $4 billion incentive package and promises of environmental exemptions.

In December, EPA said it planned to find several counties in Wisconsin, including Racine, in violation of the ozone requirements, but Walker asked EPA to reverse or revise its finding, according to the Milwaukee Journal Sentinel. EPA's Region 5 Administrator Cathy Stepp, who previously ran Wisconsin's Department of Natural Resources, was recused from working on the issue, according to an ethics agreement.

EPA did not immediately reply to a request for comment.

The decision is a partial win for Walker, who had wanted his entire state designated as in attainment. While EPA classified Racine and two other nearby counties as in attainment, it deemed parts of other counties as being in nonattainment.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2018/05/epa-ozone-designations-hand-win-to-foxconn-1141471

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Sent: 1/29/2018 2:18:15 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Morning Consult Energy: EPA Suspends Effort to Lift Restrictions on Alaska Mining Project

Morning Consult Energy: EPA Suspends Effort to Lift Restrictions on Alaska Mining Project

By Sei Chong

Top Stories

- The Environmental Protection Agency said that it was suspending its effort to remove protections for the Bristol Bay watershed in Alaska that were first proposed in 2014 and that it would gather more information on a proposed mine's impact on fish and natural resources. After the EPA began last year a review of the Obama-era determination, Pebble Limited Partnership applied for a permit in December for a mine in the region, but EPA Administrator Scott

Pruitt said Friday that the proposed mine may pose an "unacceptable" risk to the fisheries in the Bristol Bay watershed. (NPR News)

- In an interview, President Donald Trump expressed skepticism about climate change science even as he reiterated that he would be open to rejoining the Paris climate accord if it were "a good deal" for the United States. The ice caps were supposed to be "gone by now, but now they're setting records," Trump told Piers Morgan on the British network ITV, without citing the data behind his statement. (The Guardian)

- After news reports about German automakers' tests on humans and monkeys to measure the effect of diesel fumes, the companies involved - Volkswagen AG, Daimler AG and BMW AG - distanced themselves from the studies, with Daimler and Volkswagen also promising to investigate. The revelations are likely to put pressure on politicians to "act on diesel," according one automotive management expert in Germany. (Bloomberg)

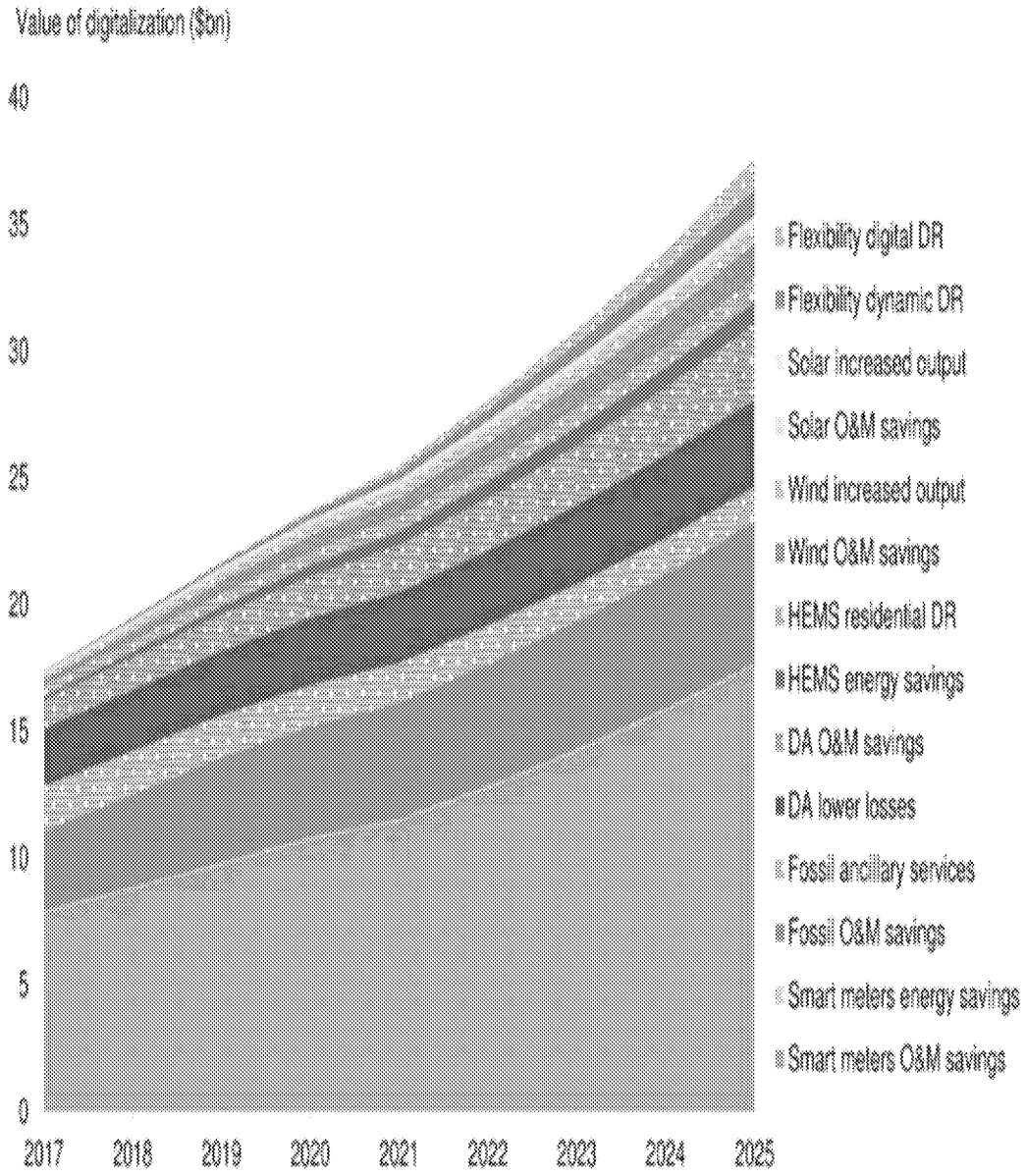
- Natural Resources Defense Council President Rhea Suh called on the organization's supporters to increase their donations to help bolster the NRDC's plans to "file suits on dozens of fronts in the year ahead" against the EPA. Suh said in a note to donors that the NRDC's priorities include blocking actions to approve certain chemicals such as neonicotinoid pesticides, which have been linked to the deaths of bees and other pollinating insects. (Washington Examiner)

- California Gov. Jerry Brown (D) signed an executive order that set a goal of putting 5 million zero-emission cars on the roads by 2030. The state currently has about 350,000 zero-emission vehicles, including electric cars, according to the California Air Resources Board. (The Wall Street Journal)

Chart Review

Digitalization Could Provide $38 Billion in Benefits to Energy
Bloomberg New Energy Finance

Annual value of the benefits of digitalization to utilities, consumers



Source: Bloomberg New Energy Finance. Note: DR is demand response, O&M is operations and maintenance, HEMS is home energy management systems, DA is distribution automation.

Events Calendar (All Times Local)

MONDAY

University of Texas Energy Week	12:30 p.m.

TUESDAY

University of Texas Energy Week	7:30 a.m.
Senate Energy Committee business meeting to consider nominations for Energy and Interior posts	10 a.m.
Senate Energy Committee hearing on natural hazards	10 a.m.
Senate Environment and Public Works Commitee oversight hearing with EPA Administrator Scott Pruitt	10 a.m.
House Science, Space and Technology Committee hearing on Energy Department's management and priorities	10 a.m.
World Resources Institute discussion on energy sector reform and political economy of energy access	12:30 p.m.
Power and Gas M&A Symposium	1 p.m.
Utility Dive's annual State of the Electric Utility webinar	2 p.m.
Marcellus-Utica Midstream conference	5 p.m.

WEDNESDAY

University of Texas Energy Week	7:30 a.m.
Marcellus-Utica Midstream conference	7:30 a.m.
Power and Gas M&A Symposium	9 a.m.

MIT panel discussion on water management for future climate scenarios	3:30 p.m.
GWU's Sustainability Collaborative and Goethe Institut discussion: "Creating the Paris Path on Climate Change"	6 p.m.

THURSDAY

Marcellus-Utica Midstream conference	7:30 a.m.
Columbia Energy Symposium	8:30 a.m.
University of Texas Energy Week	9 a.m.
Power and Gas M&A Symposium	9 a.m.

FRIDAY

Bloomberg New Energy Finance's Future of Mobility Summit	7 a.m.
Columbia Energy Symposium	8 a.m.
George Mason University's Journal of Law, Economics and Policy Symposium on regulatory reform	8 a.m.
University of Texas Energy Week	9 a.m.
Tufts Energy Conference	12:30 p.m.

The Most Polarizing Brands in America

From the NFL to CNN, here are the brands that divide Democrats and Republicans the most.

General

In Reversal, EPA Suspends Alaska Mining Proposal To Preserve Watershed Protections
Daysha Eaton, NPR News

The Environmental Protection Agency said in a surprise announcement Friday that it was suspending its effort to withdraw proposed protections for a southwest Alaska watershed to make room for a new mine. The proposed Pebble Mine is located about 200 miles southwest of Anchorage and roughly 100 miles upstream from the Bristol Bay watershed, one of the world's most important sockeye salmon fisheries.

German Carmakers Take Another Hit With Diesel Testing on Humans
Elisabeth Behrmann, Bloomberg

The reputation of Germany's auto industry took a fresh hit from revelations it sponsored tests that exposed humans as well as monkeys to diesel exhaust fumes, which can cause respiratory illness and cancer.

Big green readies dozens of lawsuits as only 'antidote' for Trump EPA
John Siciliano, Washington Examiner

The president of a major environmental group says there is only one "antidote" for President Trump's Environmental Protection Agency, which is the federal court system and an endless stream of lawsuits. "It's a new year, but EPA Administrator Scott Pruitt wants to roll back the clock on environmental protections and drag us back decades," said Natural Resources Defense Council president Rhea Suh in a note to supporters Saturday.

U.S. Oil's Spread to Brent Narrows to Lowest in Five Months
Alex Longley, Bloomberg

U.S. oil strengthened against the global Brent benchmark, reducing the gap to the lowest in five months, amid declining stockpiles.

Oil and Natural Gas

Russian gas defies U.S. sanctions to reach New England
Ben Lefebvre, Politico

As the Trump administration slaps fresh sanctions on Russian energy companies, a cargo of Russian gas is set to power homes near Boston.

Aramco IPO Stalled by Indecision Over Where to List
Maureen Farrell et al., The Wall Street Journal

Two years after Crown Prince Mohammed bin Salman announced his intention to turn Saudi Arabia's state-owned oil producer into the world's largest public company, the kingdom and its advisers remain stuck on the crucial question of where to list the shares.

Oil Boom Gives the U.S. a New Edge in Energy and Diplomacy
Clifford Krauss, The New York Times

A substantial rise in oil prices in recent months has led to a resurgence in American oil production, enabling the country to challenge the dominance of Saudi Arabia and dampen price pressures at the pump.

Trump gears up for $1 trillion infrastructure plan, but GOP lawmakers push back on the idea of a gas tax
Ylan Mui, CNBC

President Donald Trump's massive infrastructure package just hit a major roadblock. Prominent Republican lawmakers are already coming out against raising the federal gas tax to pay for the president's promised $1 trillion investment in infrastructure.

North Sea oil has a middle-aged renaissance
Sylvia Pfeifer, Financial Times

This time last year, Phil Kirk put his name to the deal of a lifetime when he agreed to pay $3.8bn for a package of North Sea oil and gas assets from major Royal Dutch Shell. The deal transformed Mr Kirk's company, Chrysaor, overnight into the largest independent operator in the North Sea.

Tillerson opposes pipeline that would connect Russia and Germany
Josh Delk, The Hill

Secretary of State Rex Tillerson has come out in opposition to a gas pipeline that would connect Russia and Germany, saying Saturday that the plan would hinder U.S. and European goals in the region. The Nord Stream 2 pipeline would provide Germany and central Europe with Russia's gas supply.

Canada's Oil Producers, in Standoff With Railways, Sit Out Oil-Price Rally
Vipal Monga and David George-Cosh, The Wall Street Journal

Hard-nosed negotiating by railway companies is keeping Canadian oil producers from cashing in on a world-wide oil price rally. Oil producers such as Imperial Oil Ltd., Suncor Energy Inc. and Cenovus Energy Inc. have few avenues to ship their oil to the U.S., their primary market.

Utilities and Infrastructure

Digitalization Could Provide $38 Billion in Benefits to Energy
Bloomberg New Energy Finance

Industrial giants GE and Siemens, along with innovative utilities like Enel and Engie have recently announced large investments in digitalization. However, there is little information on the value digital tech provides to the energy industry.

Renewables

California Gov. Jerry Brown Calls for Five Million Zero-Emission Cars by 2030
Alejandro Lazo, The Wall Street Journal

California will aim to put five million zero-emission cars on its roads by 2030 under an executive order signed Friday by Democratic Gov. Jerry Brown.

Maine Bans New Wind Farms First, Seeks Supporting Data Later
Jim Efstathiou Jr., Bloomberg

When Maine Governor Paul LePage issued a moratorium on new wind farms, he cited a need to protect the state's tourism industry. It may be a solution in search of a problem.

Investing like it's 1999: Inside BP's return to renewables
Amy Harder, Axios

After investing billions of dollars into renewables 20 years ago and then mostly bailing after big losses, oil giant BP is ramping back up in this space.

Pedestrian deaths and environmental concerns threaten Florida's high-speed train project
Richard Luscombe, The Guardian

It launched to a fanfare two weeks ago: the first privately funded US express passenger railway in decades, a new start for long delayed plans, and a "green" alternative to Florida's increasingly congested highways. Yet for executives of Brightline, an ambitious $3bn venture that will eventually ferry travellers from the theme parks of Orlando to the beaches of Miami in just three hours, the champagne moment soon lost its fizz.

Why iPhones Are Being Recycled and Bottles Aren't
Eric Roston, Bloomberg

Recycling, we hardly recognize you. Nearly a half-century after the first Earth Day, big companies are now among the biggest boosters of recycling in hopes of pleasing socially responsible investors and planet-conscious consumers.

Here's One Thing That's Going Right for General Electric. Really
Brandon Kochkodin and Rick Clough, Bloomberg

Not much is going right for General Electric Co. these days. Except, that is, renewable energy.

Alibaba, Foxconn lead $350 million funding in electric car startup
Cate Cadell, Reuters

Alibaba Group Holding Ltd and Foxconn Technology Co Ltd have led a 2.2 billion yuan ($347.74 million) funding round in Chinese electric car maker Xiaopeng Motors as competition escalates in the new energy vehicle (NEV) market.

Coal

The U.S. May Back a Vietnam Coal Plant. Russia Is Already Helping.
Mike Ives, The New York Times

The towering lattice of blue steel girders rising above banana and lemongrass crops near Vietnam's southern coast stands as public testament to the country's drive to burn coal. With help from a Kremlin-

connected Russian bank, Vietnam is building a coal-fired power plant called Long Phu 1 that will produce an estimated 5.4 million tons of carbon dioxide a year, generating enough electricity to power millions of homes.

Nuclear

Nevada raises new concerns about Yucca Mountain licensing plan

Gary Martin, Las Vegas Review-Journal

Nevada has detailed fresh concerns about plans to expedite licensing of Yucca Mountain as a nuclear repository in a report that was delivered Friday by the state's congressional delegation to key House members. Rep. Dina Titus, D-Nev., distributed the state's report to lawmakers on the House Energy and Commerce and the House Appropriation committees asking that they review it before moving forward on the Nuclear Waste Policy Amendments Act.

Westinghouse expands Ukraine presence with new nuclear fuel deal

Natalia Zinets and Pavel Polityuk, Reuters

Westinghouse Electric Co signed an agreement to deliver nuclear fuel to seven of Ukraine's fifteen nuclear power reactors between 2021-2025, and will source some fuel components locally, Westinghouse said on Monday.

Climate

Donald Trump says he might sign back up to a revamped Paris accord

Guardian staff and agencies

President Donald Trump would be willing to sign the US back up to the Paris climate accord, but only if the treaty undergoes major change, he has said in comments published on Sunday. Trump was met with global condemnation when he announced in June 2017 that the United States was pulling out of the Paris climate agreement, painting it a "bad deal" for the US economy.

Reckoning with climate change will demand ugly tradeoffs from environmentalists - and everyone else
David Roberts, Vox

Climate change is a crisis. Serious damages are already underway, there's enough carbon dioxide in the atmosphere to ensure more damages to come, and if carbon emissions continue unchecked, species-threatening damages become a non-trivial risk.

Blue chips act to cut supply chain greenhouse gas emissions
Michael Pooler, Financial Times

The number of large companies taking serious action to tackle greenhouse gas emissions in their supply chains has doubled, according to research by an environmental charity. Well-known brands including Rolls-Royce, Nestlé and Panasonic were among 58 corporations credited with taking an "industry-leading" approach on the issue by CDP, a not-for-profit that collected data on behalf of 99 of the world's largest purchasing organisations.

Opinions, Editorials and Perspectives

Fixing the wildfire funding problem starts with prevention
Former Sen. Dr. William Frist (R-Tenn.), The Hill

Heart surgeons don't want to perform surgery if we don't have to. Whenever possible, the smart approach is to invest first in keeping a heart healthy enough to avoid the risk and cost of surgery.

Are We There Yet, OPEC?
Julian Lee, Bloomberg

We've learned two things on the oil policy of OPEC and friends from meetings in Muscat, Oman and Davos. They don't know the destination, but they know they haven't got there.

How the Trump Administration Distorts Analysis of Key Environmental Rules
Matthew Kotchen, Yale Environment 360

In its zeal to roll back protections, the EPA under Scott Pruitt is abandoning long-standing standard methods of evaluating the costs and

benefits of regulations. This unprecedented shift could damage the long-term credibility of the EPA and other government agencies.

Research Reports

Recruiting Approaches Helped Industry Hire Operators, but Additional EPA Guidance Could Help Identify Future Needs
Government Accountability Office

Water utilities need qualified employees to safely maintain the nation's drinking water and wastewater facilities, and some utilities are having difficulty hiring certified operators-key to running the plants-as well as other skilled workers. Utilities also face an upcoming wave of retiring baby boomers. Federal agencies offer utilities help addressing hiring needs.

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AN E&E NEWS PUBLICATION

E&E DAILY — Wed., September 26, 2018

READ FULL EDITION

1. CAMPAIGN 2018:
Wis. greens hope fourth time the charm against Scott Walker

The Wisconsin gubernatorial race has quietly become a top priority for the environmental community, which sees the Democratic candidate's chances as promising.

TOP STORIES

2. APPROPRIATIONS:
Interior-EPA funding will likely wait until after midterms

3. SUPREME COURT:
Push for Kavanaugh vote could mean weekend session

4. FEDERAL AGENCIES:
Republicans rush government reorganization bill

ON THE HILL

5. AIR POLLUTION:
Ill. Dems seek answers on EPA website document removal

6. TECHNOLOGY:
Murkowski touts potential 'breakthrough' in energy

7. AGENDA:
Members introduce lead, parks bills

IN THE HOUSE

8. ENERGY POLICY:
Petroleum reserve, nuclear fee bills pass

9. NATURAL RESOURCES:

Seashore management bill opposed by greens passes

10. POLLINATORS:

Lawmakers aim to boost awareness of monarch butterfly decline

UPCOMING HEARINGS AND MARKUPS

11. CALENDAR:

Activity for September 24 - September 30, 2018

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Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 1/23/2019 1:24:18 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: Draft responses to QFRs -- clean version
Attachments: CLEAN 2019.01.23 - PROGRAM OFFICE DESIGNATED - ALL QFRs Wheeler 01.16.2019 cw2 5.07.docx

Attached is a clean version of the draft responses. The RLSO was getting to be too unwieldy to work with, I thought (although I do have an RLSO version of the attached document).

The attached clean version reflects my having added Mandy's responses to the RFS questions. Specifically, I have included draft responses to Q. 55 (Carper), Q. 88 and 90 (Duckworth), and Q. 128 and 129 (Merkley).

There still appears to be problems in this area, however. We seem to missing responses for a number of Senators. Missing are responses for:

Q. 76 (Boozman)

Q. 78 (Braun)

Q. 89. (Duckworth) Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Q. 93 (Ernst)
Q. 94 (Ernst)
Q. 95 (Ernst)
Q. 96 (Ernst)

Q. 143 (Rounds)

Q. 181 (Whitehouse)
Q. 182 (Whitehouse)

Again, maybe it's me, but I didn't see answers to these in any of the emails we've gotten from Mandy. All of the RFS-related questions were emailed to her this past Friday (emails sent at 7:39 p.m. and 8:05 p.m.). Something may have fallen through the cracks, I don't know.

* * * *

Also, we're missing an answer for Q. 159 (Shelby), which is related to biomass. That's on me. I think Clint and I discussed this one at one point, and I was supposed to supply it. I will do so now.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
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202-564-1233
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Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 1/23/2019 12:22:51 AM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]
Subject: Revised draft of answers to QFRs
Attachments: dshcwRLSO2019.01.22 - PROGRAM OFFICE DESIGNATED - ALL QFRs Wheeler 01.16.2019 cw2 5.07.docx

All,

Attached is the latest draft of the QFR responses. It is in the form of an RLSO that reflects all of the changes made to the document that Clint had circulated earlier today, incorporating those revisions made by Bill, Clint, Justin, and Sarah. We'll be adding responses to the RFS-related questions tomorrow.

David S. Harlow
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From: The Washington Post [email@washingtonpost.com]
Sent: 5/29/2019 12:12:39 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: The Energy 202: Democrats ramp up calls for live primary debate on climate change

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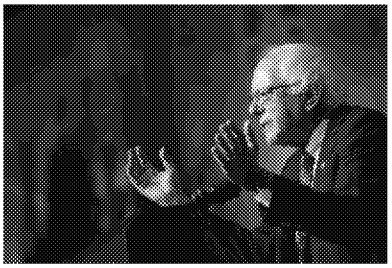
Democrats ramp up calls for live primary debate on climate change

BY DINO GRANDONI
with Paulina Firozi

THE LIGHTBULB



Sen. Bernie Sanders (I-Vt.). (AP Photo/John Locher)

Democrats are talking a lot more about climate change compared to past presidential campaigns.

And increasingly, they have a new demand: They want the chance to do it in front of a national network audience.

A growing number of Democratic politicians and environmental activists are demanding a live televised primary debate dedicated to climate change. The calls are coming as Democratic voters — especially young ones who stand to see significant global warming in their lifetimes — are increasingly revved up about the foreboding environmental crisis.

Such a debate, in which White House hopefuls would try to outdo each other in their commitments to tackle climate change, would also be a way for Democrats as a group to further

distinguish themselves from their main opponent, President Trump, who often dismisses climate change as a hoax.

But those pushing for a climate-centric debate have yet to convince one key group — the Democratic National Committee, which officially sets the terms of the party's dozen primary debates.

Still, at least 11 of the presidential candidates who could participate in those debates have endorsed, to varying degrees, the notion of a climate-centric debate. That group include front-of-the-pack candidates such as Sen. Bernie Sanders (I-Vt.) and Elizabeth Warren (D-Mass.) and long shots such as entrepreneur Andrew Yang and former senator from Alaska Mike Gravel.

"We don't just want a sound bite," said Karla Stephan, a 14-year-old activist from Bethesda, Md., with the U.S. Youth Climate Strike, one of the environmental groups pushing candidates to support a debate. "We want to hear actual solutions."

The pressure for them to do talk about climate change is coming from both the bottom up and top down within the Democratic Party.

A petition on MoveOn.org calling for some sort of debate or forum on the issue has garnered 53,000 signatures. And on the campaign trail, activists with the U.S. Youth Climate Strike have hounded candidates to support a climate debate.

"The answer is yes," said Sanders when asked by activists whether he supported a debate. "There are very few issues more important than the survival of our planet."

US Youth Climate Strike
@usclimatestrike

When asked if he supports a climate debate and our petition, @BernieSanders was very straight forward.

"The answer is yes... there are very few issues more important than the survival of our planet."

Thank you for supporting the movement Senator Sanders!

4,142 6:37 PM - May 6, 2019 · Des Moines, IA

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And when former congressman Beto O'Rourke (D-Tex.) was similarly cornered in Nevada by activists, he said: "We want to look at the details of the debate that you propose, but I like that idea . . . I can't see why we wouldn't want to participate in that."

US Youth Climate Strike
@usclimatestrike

Breaking! @BetoORourke is asked by one of our national organizers if he would support a #climatedebate!

His response: "I like that idea... I can't see why we wouldn't want to participate!"

Thanks Beto! We hope you come out in full support!

241 4:39 PM - May 6, 2019

66 people are talking about this

And the Sunrise Movement, the grassroots group that brought the idea of a Green New Deal to the fore in Washington only to see Senate Republicans force a vote to defeat the progressive measure, is turning its attention toward getting presidential candidates to pledge their support for a climate debate by the end of July.

Meanwhile on Capitol Hill, three Democratic senators not running for president want to see a climate debate even sooner. Brian Schatz of Hawaii, Sheldon Whitehouse of Rhode Island and Martin Heinrich of New Mexico wrote to the chairman of NBC News, Andrew Lack, asking him to make a pair of back-to-back debates happen in late June in Miami — parts of which already regularly flood even on sunny days — that would be focused on climate change.

"Voters deserve a vigorous debate with an informed moderator that can press candidates for detailed answers and hold them accountable," the trio of senators wrote in their letter last week.

The senators, and others, make their case for a climate-centric debate with the 2016 election in mind. During that contest, not one question about climate change was asked of either Donald Trump or Hillary Clinton during the three general-election debates. The omission still rankles climate activists.

"Big fat zero," Sunrise Movement Executive Director Varshini Prakash told a crowd of activists at Howard University this month. "And that is not okay, because what gets talked about in these presidential debates defines what's the priority for the next administration."

But NBC News has given no indication it will heed their call. The news bureau has not replied to the letter, Whitehouse's office said. NBC News did not reply to a request for comment from The Washington Post.

The DNC, which sets the rules for the Democratic debate across all networks, has been noncommittal, as well. "The DNC is currently ironing out the details for all 12 debates and will

work with the networks to ensure that Democrats have a platform to discuss these issues directly with the American people," DNC spokeswoman Xochitl Hinojosa said in an emailed statement.

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POWER PLAYS

Rep. Massie blocks $19 billion disaster aid bill

— **Yet another GOP congressman blocks disaster relief:** This time it was Rep. Thomas Massie. The Kentucky Republican objected to the bill due to how it would add to the national debt and didn't fund Trump's border wall, The Post's Jeff Stein reports. Rep. Chip Roy (R-Tex.) made a similar argument when striking down the aid funding last week. For the past week, House leaders have tried to pass the disaster bill during a "pro forma" session — that is, without a full House vote — a move Massie derided as “legislative malpractice."

President Donald Trump, center, along with Wisconsin Gov. Scott Walker, left, and Foxconn Chairman Terry Gou participate in a groundbreaking event for the new Foxconn facility in Mt. Pleasant, Wis. (AP Photo/Evan Vucci, File)

— **"I am still in disbelief":** The Trump administration overruled its own scientists on pollution requirements at the site of Foxconn's $10 billion flat-screen manufacturing facility in Wisconsin, according to documents newly released by the Sierra Club and reported by Bloomberg News. That move allowed Taiwan-based electronics maker to forgo installing expensive pollution-control equipment. "The decision followed weeks of objections from EPA career staff, who said they saw no technical basis to justify it, according to correspondence released under a public records request," Bloomberg News says. As one EPA employee wrote in an email, “I am still in disbelief."

Cooling towers of the Three Mile Island nuclear power plant in Middletown, Pa. The owner of Three Mile Island says it is unlikely to get a financial rescue from Pennsylvania and says it plans to go through with a shutdown starting June 1. (AP Photo/Carolyn Kaster, File)

— **The decline of nuclear energy threatens climate progress:** That's the conclusion of a new report from the International Energy Agency. Right now, nuclear reactors are the second biggest source of low-carbon power in the world. But that fleet of reactions is aging — especially in the United States and Europe — meaning as many power stations go offline they will be replaced by natural-gas generation. "Without an important contribution from nuclear power, the global energy transition will be that much harder," Fatih Birol, IEA's executive director, said in a statement.

Mexico issues arrest warrant for former head of state-run oil company

The arrest of Emilio Lozoya on corruption charges would be the biggest of López Obrador's anti-graft campaign.

Kevin Sieff • Read more »

DAYBOOK

Coming up:

- Energy Secretary Rick Perry is scheduled to speak at the Governor's Energy Summit on Thursday.
- The Nuclear Regulatory Commission holds a briefing on the Nuclear Regulatory Research program on Thursday.
- The Carbon Utilization Research Council, the Global CCS Institute, and the Carbon Capture Coalition continue briefings on carbon capture on Friday.
- EPA administrator Andrew Wheeler speaks at the National Press Club on June 3.
- The Center for Strategic and International Studies holds an event on climate preparedness on June 5.
- Sen. Ted Cruz (R-Tex.) is scheduled to give the keynote address at the 5th Washington Oil & Gas Forum, which will be held on June 5 and 6.

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The Washington Post

Democracy Dies in Darkness

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 1/22/2019 9:07:47 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: RLSO of draft QFR responses
Attachments: dshRLSO2019.01.22 - PROGRAM OFFICE DESIGNATED - ALL QFRs Wheeler 01.16.2019 cw.docx

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Message

From: Energy In Depth [energyindepth@energyindepth.org]
Sent: 1/22/2019 2:43:44 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: Energy In Depth Morning News 1/22/2019

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NEWS CLIPS

Tues., January 22, 2019

- **EID-Climate:** Municipalities suing energy companies could get burned by their own lawyers (1/18)
- **EID-Mtn. States:** Let's take a closer look at the Boulder air quality study (1/18)

NATIONAL

US oil and gas firms are ready to spend as confidence grows, survey says. CNBC. Executives in the U.S. oil and gas industry are said to be much more optimistic about growth in the sector, compared to last year. In its annual study, DNV GL, claimed that 85 percent of American executives questioned believed there were reasons to expect an increase in drilling in 2019. In the corresponding figure for 2018, the figure was 60 percent. U.S. oil and gas executives appeared to be more bullish than the global average of positive voices which DNV GL recorded at 76 percent. The group, which acts as a technical advisor to the oil and gas sector, added that almost half of U.S. companies were preparing for "significant increases" in spending on projects over the coming months. "There are brighter prospects for activity and investment across the value chain this year and beyond," DNV GL's Americas Regional Manager Frank Ketelaars said in a press release.

Volatile economy will determine oil's fate in 2019. E&E News. Uncertainty over global economic growth could hinder oil and gas business activity this year, in particular mergers and acquisitions, industry analysts predict in new reports. They see, at best, 2019 M&A activity matching last year's, with neither significant growth nor contraction, though risks to the business outlook remain on the downside. Others are more pessimistic and see the industry stepping back from major reorganization this year as companies deal with weaker commodity prices instead. The industry's appetite for mergers and acquisitions is seen as a barometer for confidence in future business performance. "As we saw several years ago, low energy prices might make for reluctant sellers as they wait for higher prices again," writes Joshua Davidson, a partner in the corporate practice of Baker Botts, in a look-ahead note to clients. "That said, we do expect further consolidation in the energy

industry given the need for efficiencies and deleveraging and the challenges of a maturing shale industry." Analysts at Wood Mackenzie noticed the slowdown, too, and predict there's more to come.

Record production of natural gas to continue through 2020, Energy Department projects. Houston Chronicle. The U.S. natural gas market will continue full speed ahead through 2020, delivering low prices and booming exports, the Energy Department predicts in its Short-Term Energy Outlook. Planned capacity additions for natural gas will continue to replace coal-fired plants coming offline in 2019. Natural gas will continue as the primary source of U.S. electricity, the report states, increasing from 35 percent of domestic electricity generation in 2018 to 37 percent by 2020. Coal-fired electricity is expected to fall to 24 percent of generation by 2020. The U.S. is expected to continue to be a net exporter of natural gas as production outpaces domestic consumption. The increase in exports will be driven by additional liquefied natural gas capacity additions at the Cameron LNG and Freeport LNG facilities along the Gulf Coast, the report states.

Oil steadies near 2-month high as U.S. drilling slows. E&E News. Oil steadied near a two-month high in New York amid a pullback in U.S. drilling activity, while ongoing U.S.-China trade talks left an uncertain outlook for demand. Futures rose 0.3 percent after surging 3.3 percent on Friday. The number of rigs drilling for oil in the U.S. fell to the lowest since May, according to Baker Hughes data. China and America, the world's biggest oil consumers, have made little progress in talks on intellectual property, a major sticking point as they pursue a deal to end a tariff battle, according to people familiar with the discussions. "The price volatility seen over the latter part of last year certainly appears to have made producers hesitant to pick up drilling activity," said Warren Patterson, senior commodities strategist at ING Bank NV. Oil is off to its best start to a year since 2001 after plunging almost 40 percent last quarter on fears of a global supply glut and weaker consumption. To counter those worries, OPEC and its partners have started to cut production to balance the market while the International Energy Agency expects relatively strong demand this year. Still, concerns persist after China's economy expanded at the slowest annual pace since 1990.

Oil majors join talks over 'big' LNG project. E&E News. Top Alaska officials have begun talks with the state's three major oil companies in hopes of renewing their joint venture to build a multibillion-dollar natural gas pipeline and export project. Alaska Department of Revenue Commissioner Bruce Tangeman said the state is reconnecting with BP Alaska, ConocoPhillips Alaska Inc. and Exxon Mobil Corp. to determine if they're again willing to take a significant role in building the ambitious Alaska liquefied natural gas project. "We'll be talking with them to see what is the [economic] climate now: Is there an appetite to re-engage and see if we can move forward as a partnership again?" Tangeman explained last week at the annual Alaska Support Industry Alliance conference in Anchorage. He said the Alaska Gasline Development Corp. (AGDC), the state agency in charge of the gas line project, is also doing a stage-gate analysis of the project's status, scrapping the deadline-driven approach that has been in place for the last two years. Under former Gov. Bill Walker (I), the gas line agency intended to begin construction of the LNG export project late this year. But Tangeman indicated that current Gov. Mike Dunleavy (R) doesn't plan to make a final investment decision on the project in the next year.

Economic prosperity or a clean environment? Why not both? News-Herald. Opinion. In the recent midterms, voters across the country rejected ballot initiatives that would have imposed punishing restrictions on oil and natural gas producers.By defeating these ballot initiatives, voters sent a message to their political leaders. They don't want to choose between a clean planet and abundant, affordable energy. They want both. And thanks to recent advances in drilling technologies, they can get their wish. Fracking, horizontal drilling, and other innovative drilling techniques have enabled a breathtaking expansion of

domestic energy production. Since 1990, U.S. natural gas output has spiked 50 percent. Back in 2009, we surpassed Russia as the world's leading natural gas producer. And just this September, we unseated Russia to become the top oil producer, pumping out 11 million barrels a day — nearly double the daily total just two decades ago. This expansion has generated immense economic rewards. Today, oil and gas support over 10 million jobs. And the industry annually adds $1.3 trillion to the national economy.

US shale's full impact still hasn't hit oil markets, IEA director says. CNBC. Shale oil's impact will have "huge implications" for global energy markets for many years, Fatih Birol, executive director at the International Energy Agency, told CNBC on Tuesday. Oil prices have been trading sharply lower amid growing concerns that an economic slowdown in China could temper demand. And even as some producers cut their output, prices have been put under further pressure by a growing supply from the United States. "(If) anybody thinks we have seen the full impact of the shale revolution in the United States, then he or she is making a big mistake," Birol told CNBC's Steve Sedgwick at the World Economic Forum in Davos, Switzerland. "A huge amount of pipeline capacity is coming in the Permian, 66 percent growth compared to previous years, so the U.S. oil industry's ability to react to the market is much faster and bolder now," he said

INTERNATIONAL

An effort to bring fracking to Britain hits pause. New York Times. Last fall an energy company began a hydraulic fracturing operation in northwest England that it hoped would be a milestone in creating a new, domestic source of natural gas for Britain — in much the same way that fracking has taken hold in the United States. Three months later, after regularly causing earthquakes, the fracking has stopped, and the company has begun pulling some equipment from the site. Cuadrilla said in an email that it was shifting its focus from fracking to testing how much gas can be coaxed from the well. Such flow rates are important in determining whether shale gas drilling is commercially viable. The company said it was returning equipment that was not needed for this purpose. At the same time, the company has been lobbying the government to lift the limits on earth tremors so it can speed up the fracking process and, possibly, permit more powerful pumping.

Mexico pipeline explosion tests new president. New York Times. Word spread quickly: free gasoline. It was spewing from a pipeline, through a hole punched by fuel thieves. But just as quickly, the apparent windfall on Friday turned to disaster when the pipeline exploded in flames, killing at least 89 and wounding scores more. Some have insisted that the victims had only themselves to blame: They were breaking the law and had put themselves in harm's way. But the man steering the nation's response to the incident, President Andrés Manuel López Obrador, has rejected that view, arguing that the people were compelled to participate by the poverty and unemployment caused by past government policies.

Experts say it's safe to treble limit for tremors at Britain's fracking sites. Reuters. Britain could safely raise the limit for tremors at gas fracking sites to three times their current level, two seismologists said on Tuesday. Fracking at Cuadrilla's Preston New Road site in Lancashire, northwest England was halted several times last year after seismic activity exceeded limits put in place under Britain's traffic light regulation system. "Existing regulations are quite conservative and are set at a level that is unlikely to be felt," Brian Baptie, head of Seismology at the British Geological Survey, said at a briefing with journalists. He said the limit could safely be raised to magnitude 1.5 since this is a level similar to vibrations caused by a heavy bin lorry going past, and would not pose a risk to buildings or people. The seismologists warned that raising the limit could lead to higher magnitude so called trailing events, which can occur after fracking has stopped, but said these would still likely be too small to cause any damage.

APPALACHIA

Natural gas can help us make environmental gains. The Intelligencer. Opinion. Clean, local natural gas is the fundamental driver behind reducing greenhouse gas emissions and curbing climate change — a critical fact often missing from the ongoing climate debate. As the nation's second largest natural gas producer, Pennsylvania is at the forefront of leveraging this clean fuel source to enhance air quality and stimulate enormous economic growth. The United States is the world's largest oil and natural gas producer and the global leader in reducing carbon emissions, according to the EPA. In Pennsylvania, the responsible development of the Marcellus and Utica shale resources is opening environmental doors that were unimaginable a decade ago. More than a dozen natural gas power plants are planned, under construction or have recently gone online in the state, representing $12.6 billion in new investment. With this expansion of clean natural gas in power generation, emissions of six key pollutants, harmful to the environment and public health, have dropped 73 percent from 1990 to 2017, according to the Pennsylvania Department of Environmental Protection. Methane emissions have also continued their downward trend in 2017, while natural gas production increased to meet rising energy demand.

PA lawmakers green light hearing on climate change and fracking. TAP Into. The House Democratic Policy Committee announced they will hold a public hearing in Havertown at 10 a.m. on Thursday, Jan. 24 to discuss the impact of methane leakage from Pennsylvania's oil and gas industry on climate change. Producing and transporting natural gas as an energy resource releases methane, a greenhouse gas. An increased rate in methane leakage is one of the biggest problems affecting the natural gas industry, and consequently the state of Pennsylvania that has fast risen as one of the country's leading natural gas resources. The Environmental Defense Fund elected to examine Pennsylvania's methane leaks, as the state is anticipated to issue new rules in March in an attempt to reduce methane leaks from new oil and gas sites. The hearing on Jan. 24 is being organized by state Rep. Greg Vitali, and will take place at the Haverford Township Administration Building (located at 1014 Darby Road, Havertown) in the commissioners meeting room.

How Trump could burn West Virginia, causing it to lose an $84 billion gas deal with China. Forbes. West Virginia may personify the trade war with China — a state with $84 billion on the line and money that would transform the state. In November 2017, China Energy Investment Corp. signed a non-binding trade agreement with the state of West Virginia that would pump billions into the state's economy. In return, China would get access to the plethora of shale gas that rest below the state's land, all to feed its own chemical and manufacturing base. "The Chinese are right at our doorsteps," West Virginia Governor Jim Justice said at a press event. "As are the people from Qatar. As are other foreign investments coupled with U.S. investment. They are truly friends. But they are working through this tariff stuff and trade imbalance. They can't pull the trigger until this done. It will be settled. We will not get in an all-out trade war with China."

MIDCONTINENT

'Science is back': New governor aims for renewable boom. E&E News. As Democratic Gov. Tony Evers emerged from behind a curtain at Renew Wisconsin's annual summit, his presence in the convention hall ballroom was more meaningful than the substance of his keynote speech. For eight years, renewable and environmental advocates in Wisconsin wrangled with Gov. Scott Walker (R) in their efforts to accelerate the state's energy transition and tackle climate change. Now they have an ally. Evers, the former superintendent of schools in Wisconsin, is just two weeks into his term and has yet to lay out a specific agenda on energy. But he made clear that advancing renewable energy is

part of a broader plan to grow the state's economy. "We are far behind in this race," Evers noted, adding that Wisconsin's retail electric rates also rank among the highest in the country. What's more, Evers said advancing clean energy was a key to the state's efforts to combat climate change — an issue his predecessor had ignored and required state agencies to delete references to the term from websites. "For too long we've been kicking the can down the road," Evers said, adding: "Science is back in Wisconsin." The line drew booming applause from an audience of about 400 people and signaled change for a state where wind and solar development have lagged its Midwest neighbors. But amid the new optimism, questions remain about just how Evers will shape an energy transition that made big strides on its own last year.

NEW MEXICO

Oil and gas industry on edge. Albuquerque Journal. New Mexico's oil and gas industry is facing significant regulatory reforms under the state's new Democratic-dominated government, and it's got producers on edge. That includes potential legislative amendments to New Mexico's Oil and Gas Act to let the state Oil Conservation Division directly impose penalties and fines on operators who violate environmental laws, plus statutory changes in leasing policies to allow royalty rates for production on state lands to rise from 20 percent to 25 percent. The state's first rules and regulations to control methane emissions in oil and gas operations are also on the horizon. "Folks down here are worried about the direction things could take," said Raye Miller, president of Regeneration Energy Corp. in Artesia. "…I hope officials are cognizant of how much our industry contributes to the state economy. With punitive policies, capital will flow across state lines into Texas."

MOUNTAIN STATES

State debates future sources for power generation. E&E News. Renewable energy and fossil fuel advocates made their case to Montana regulators Friday for how to boost the state's electricity generation to make up for an expected drop in the region's power supply as coal-fired plants are shut down in the coming years. The Montana Public Service Commission held a crowded public hearing in the state Capitol and heard the state's largest electricity supplier say it plans to add 725 megawatts of power generation by 2025. NorthWestern Energy intends within two weeks to submit a draft of its Electricity Supply Resource Procurement Plan for the commission's consideration, company Vice President John Hines said. He presented a draft summary of the plan that made the case for the company's need to increase its power generation but didn't include details on power sources. More than 3,500 MW of coal-fired electricity is expected to go offline in the Northwest in the coming years, company officials estimate. NorthWestern won't be able to depend on buying electricity on the open market to make up for what it expects will be a 725 MW shortfall during peak customer demand using its current power facilities, Hines said.

Colorado Supreme Court makes right decision in oil and gas case. Greeley Tribune. Opinion. One of the most important industries in Colorado and Weld County received a significant victory last week. It came when the Colorado Supreme Court reversed a Court of Appeals ruling that would have required the state to consider public health and the environment before issuing drilling permits. The Supreme Court ruled Monday the COGCC was right not to consider such a rule. "This case has dragged on for over five years, and it's time to focus on uniting to encourage energy development in the United States, and, specifically, in Colorado," said Colorado Oil and Gas Association spokeswoman Tracee Bentley. "We are confident in Colorado's energy future and the ability of the Colorado natural gas and oil industry's ability to continue to reshape the global energy balance, fueling an American manufacturing revival and leading the world in environmental progress."

CALIFORNIA

SLO passes resolution against new oil pipeline, oil trucks through SLO County. San Louis Obispo Tribune. Doubling down on its commitment to advocate against the expansion of oil extraction, the San Luis Obispo City Council has passed a resolution opposing new proposals to truck and pipe crude oil from offshore platforms through San Luis Obispo County. “We need to keep fossil fuels in the ground,” Mayor Heidi Harmon said Monday in an interview with The Tribune. Citing health and safety, environmental and climate concerns, the council voted unanimously on Jan. 15 to oppose the projects that would enable ExxonMobil to reopen offshore oil platforms that were closed when the Plains All American Pipeline ruptured and spilled crude off Refugio State Beach in 2015. To make reopening offshore platforms viable, permits need to be approved to transport the crude across Santa Barbara, San Luis Obispo and Kern counties to processing facilities in Santa Maria and Maricopa.

FLORIDA

Sen. Bill Montford seeks to ban fracking and have it declared a threat to Florida's aquifer. Tallahassee Democrat. Sen. Bill Montford seeks to ban fracking by having the controversial practice declared a threat to the state's drinking water supply. The legislative proposal filed this week has buoyed environmentalists and academics anxious to see fracking outlawed to protect the aquifer. Unlike other bills to ban fracking – a procedure that injects water and chemicals into the ground to exploit oil and gas formations – Montford's SB-314 pushes to include language that would raise the bar for proponents of fracking. In a legislative finding, Montford would have the Legislature declare as a matter of fact fracking is a threat to Florida’s water supply and therefore must be prohibited. A handful of bills has been introduced for the March legislative session to ban the procedure. Montford’s is the only one that moves the assertion that fracking poses a danger from opinion to fact.

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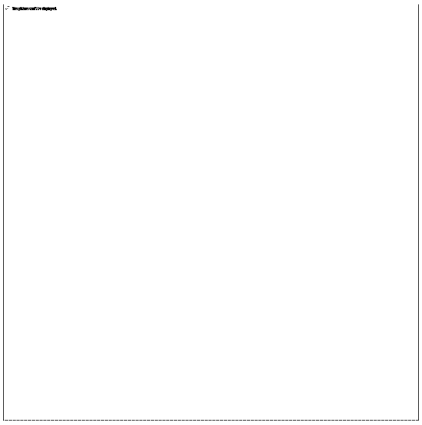

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Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 1/21/2019 3:42:43 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: RE: Initial drafting
Attachments: dsh2019.01.18 - PROGRAM OFFICE DESIGNATED - ALL QFRs Wheeler 01.16.2019.docx

Flag: Flag for follow up

Clint,

Ex. 5 Deliberative Process (DP)

As you'll see, I've skipped around a bit here. But I did go through the list to the end this first go-around.

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Harlow.David@epa.gov

From: Woods, Clint
Sent: Sunday, January 20, 2019 8:42 PM
To: Harlow, David <harlow.david@epa.gov>
Subject: Re: Initial drafting

David,

That sound great - Planning to get started at around 10 tomorrow and devote a good chunk of the day. Thanks!

Clint

On Jan 20, 2019, at 8:39 PM, Harlow, David <harlow.david@epa.gov> wrote:

Clint,

Ex. 5 Deliberative Process (DP)

When I return to it at some point tomorrow morning, I'll email you a Word document that reflects what I've done to the moment.

Given the number and breadth of the questions directed to the other offices, I remain skeptical that the end-of-the-week deadline, much less the internal deadlines, are achievable.

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Message

From: Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]
Sent: 4/4/2018 1:43:50 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]
Subject: FYI - Sheyboygan

Topic: Equitable and Accurate Ozone Attainment Designation

Background:
The EPA is due to issue its final ozone attainment designations by April 30, which could impact Kohler Company, located in Sheboygan County Wisconsin. The EPA issued a draft on December 20, 2017 that outlined the proposed lines for Sheboygan County.

The area extends approximately 3 to 5 miles inland from the lakeshore. Specifically, the portion of Sheboygan County inclusive and east of the following roadways with the boundary starting from north to south: Union Road which turns into County Road Y which turns into Highland Drive, to Lower Road which turns into Monroe Street, to Broadway/Main Street to Highway 32 which turns into Giddings Avenue to County Road W to County Road KW.

Governor Scott Walker and the Wisconsin Department of Natural Resources submitted their plan to the EPA on February 28, 2018 where Governor Walker calls for the entire state of Wisconsin to be placed in attainment. However the Governor and WDNR also recognize that if this cannot be done, the best solution based on sound science is to create a line 2.3 miles in from the shores of Lake Michigan in Sheboygan County.

Kohler supports the WDNR's position of drawing a 2.3 miles line.

Attendees:
Buddy Robinson Sr. Vice President, General Counsel, Corporate Secretary & Business Development, Kohler
Natalie Maciolek Lead Attorney - Kohler
Mike Cassidy - Manager- EHS Technical Resources - Kohler
Tom Schreibel Michael Best Strategies

About Kohler:
Kohler Company is one of the largest privately operated firms in the United States. Kohler has always been owned and run by a circle of family members who descended from the founder. One of Wisconsin's largest employers, Kohler is best known for its line of baths, sinks, toilets, and other bathroom fixtures. The company is also a leading producer of electric generators and small engines, owns two distinguished furniture manufacturers, and operates successful hospitality and real estate businesses in Kohler, Wisconsin, where it has its corporate headquarters and largest manufacturing facilities.

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Office of Air and Radiation, U.S. EPA
202.564.6562

From: Dominguez, Alexander
Sent: Wednesday, April 4, 2018 9:35 AM
To: Brown, Byron <brown.byron@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: Meeting Request: Kohler Company

Thanks Byron – Adding Clint and Emily as this is most likely one Clint will want to take.

From: Brown, Byron
Sent: Tuesday, April 3, 2018 5:07 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: FW: Meeting Request: Kohler Company

Mandy – adding Alex. This is probably best left for OAR, but let me know if you need assistance from me.

From: Swanson, Kevin O (59578) [mailto:koswanson@michaelbeststrategies.com]
Sent: Tuesday, April 3, 2018 12:53 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Schreibel, Thomas B (57936) <tbschreibel@michaelbeststrategies.com>; Burton, Tamika <burton.tamika@epa.gov>
Subject: RE: Meeting Request: Kohler Company

Hi Mandy and Byron:

I was hoping to follow up on Kohler's request to meet with you or the appropriate person from the Office of Air and Radiation regarding the ozone attainment designation for Wisconsin. Kohler's senior leadership would appreciate the opportunity to meet and discuss the importance of the designation. The best dates of availability for Kohler are April 10th and the 16th.

If there is someone else that you would recommend reaching out to, we would gladly welcome your suggestion.

Thank you for your consideration of this request.

Best regards,

Kevin O. Swanson
Senior Associate
T 202.747.9578 | michaelbeststrategies.com
Michael Best Strategies

From: Swanson, Kevin O (59578)
Sent: Wednesday, March 28, 2018 11:23 AM
To: 'gunasekara.mandy@epa.gov'; 'Byron R. Brown (brown.byron@epa.gov)'
Cc: Schreibel, Thomas B (57936); burton.tamika@epa.gov
Subject: RE: Meeting Request: Kohler Company

Hello Byron and Mandy:

I was hoping to follow up on this request on behalf of the Kohler Company. Is there a chance you and Assistant Administrator Wehrum would be available April 10th or the 16th?

Thank you for your consideration.

Best regards,

Kevin O. Swanson
Senior Associate
T 202.747.9578 | michaelbeststrategies.com
Michael Best Strategies

From: Swanson, Kevin O (59578)
Sent: Thursday, March 15, 2018 4:53 PM
To: 'gunasekara.mandy@epa.gov'; Byron R. Brown (brown.byron@epa.gov)
Cc: Schreibel, Thomas B (57936)
Subject: Meeting Request: Kohler Company

Hello Mandy and Byron:

I am reaching out to you on behalf of the Kohler Company with a request to meet with the appropriate person from the Administrator's office and the Office of Air and Radiation regarding EPA's upcoming ozone attainment designation for Wisconsin. We would appreciate the opportunity to meet with you or Assistant Administrator Wehrum on this critical issue. The essential details of the issue are below and we thank you for any advice or insight you could provide on the best way to convene a conversation. The best dates of availability for Kohler are April 10th and the 16th.

Topic: Equitable and Accurate Ozone Attainment Designation

Background:
The EPA is due to issue its final ozone attainment designations by April 30, which could impact Kohler Company, located in Sheboygan County Wisconsin. The EPA issued a draft on December 20, 2017 that outlined the proposed lines for Sheboygan County.

The area extends approximately 3 to 5 miles inland from the lakeshore. Specifically, the portion of Sheboygan County inclusive and east of the following roadways with the boundary starting from north to south: Union Road which turns into County Road Y which turns into Highland Drive, to Lower Road which turns into Monroe Street, to Broadway/Main Street to Highway 32 which turns into Giddings Avenue to County Road W to County Road KW.

Governor Scott Walker and the Wisconsin Department of Natural Resources submitted their plan to the EPA on February 28, 2018 where Governor Walker calls for the entire state of Wisconsin to be placed in attainment. However the Governor and WDNR also recognize that if this cannot be done, the best solution based on sound science is to create a line 2.3 miles in from the shores of Lake Michigan in Sheboygan County.

Kohler supports the WDNR's position of drawing a 2.3 miles line.

Attendees:
Buddy Robinson Sr. Vice President, General Counsel, Corporate Secretary & Business Development, Kohler
Natalie Maciolek Lead Attorney - Kohler
Mike Cassidy - Manager- EHS Technical Resources - Kohler
Tom Schreibel Michael Best Strategies

About Kohler:
Kohler Company is one of the largest privately operated firms in the United States. Kohler has always been owned and run by a circle of family members who descended from the founder. One of Wisconsin's largest employers, Kohler is best known for its line of baths, sinks, toilets, and other bathroom fixtures. The company is also a leading producer of electric generators and small engines, owns two distinguished furniture manufacturers, and operates successful hospitality and real estate businesses in Kohler, Wisconsin, where it has its corporate headquarters and largest manufacturing facilities.

Thank you for your consideration of this request.

Best regards,

Kevin O. Swanson
Senior Associate

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Michael Best Strategies

my bio | our firm | vCard

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