

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 10/13/2017 9:42:19 AM
Subject: Morning Energy, presented by ExxonMobil: Ryan heads to Puerto Rico amid latest Trump dustup — Is Perry abandoning free market principles? — Trump taps climate skeptic White to run CEO

By Anthony Adragna | 10/13/2017 05:40 AM EDT

With help from Alex Guillén

DIRE SITUATION IN PUERTO RICO GETTING HELP: Amid the latest controversy over President Donald Trump's tweets about the devastation in Puerto Rico, Congress is stressing its commitment to helping the nearly 3.5 million U.S. citizens still in dire need of assistance. Speaker [Paul Ryan](#) leads a bipartisan delegation to tour the devastated island today, a day after the House [overwhelmingly passed](#) a bill [H.R. 2266 \(115\)](#) that would aid Florida, Texas, Puerto Rico, the U.S. Virgin Islands and other sites of recent severe weather. All 69 lawmakers [voting against the bill](#) were Republicans. Senate leaders plan to take up the measure once they finish work on a budget resolution.

Meanwhile, the administration sought to walk back Trump's suggestions he might [pull the plug on aid](#) to the island. "Our country will stand with those American cities in Puerto Rico until the job is done," Chief of Staff John Kelly said in a press conference. And a FEMA spokeswoman, Eileen Lainez, [tweeted](#): ".@fema will be w/Puerto Rico, USVI, every state, territory impacted by a disaster every day, supporting throughout their response & recovery."

Democrats condemned Trump's comments: "Mr. President, do not send a message to any American that we will turn our backs on them. That is not fair; it's not right; and you ought to correct the statement you made this morning," House Minority Whip [Steny Hoyer](#) said on the floor. The island's governor, Ricardo Rossello, took a more measured tone: "The U.S. citizens in Puerto Rico are requesting the support that any of our fellow citizens would receive across our Nation," he [tweeted](#). Meanwhile, two House Democrats — [Nydia Velazquez](#) and [Bennie Thompson](#) — [asked DHS](#) to investigate whether the death toll of 45 currently associated with Hurricane Maria is far lower than the actual toll.

Situation on the ground: Amid reports residents were trying to drink from wells on Superfund sites, EPA said in a status update that it sent crews to Dorado, Caguas, and San Germán to post signs and attempt to ensure water truck deliveries to those neighborhoods. More than three weeks after the hurricane arrived, 83 percent of the island lacks electricity and 36 percent of residents lack potable drinking water, according to [government figures](#).

Meanwhile, California continues to battle wildfires that have devastated wine country and claimed at least 29 lives. Smoke from the fires has resulted in the production of as much as pollution in two days as all of the state's cars produce in a year, according to [USA Today](#), and the Bay Area has experienced its [worst air quality week](#) in recorded history.

TGIF EVERYBODY! I'm your host Anthony Adragna, and FERC's Joe McClelland was first to identify Rep. [John Moolenaar](#) as the only chemist currently serving in Congress. For today: Who

is the tallest U.S. senator in history? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

WHAT ARE YOU THINKING? A rising chorus of conservative voices are accusing Energy Secretary Rick Perry of betraying free market principles that have long been a GOP hallmark as he presses FERC to fast-track a new regulation that would directly benefit coal and nuclear power plants, Pro's Darius Dixon [reports](#). "This is inconsistent with a longstanding policy of fiscal responsibility and open markets that have always been espoused by what I thought of as the Republican Party. I'm not sure that we're in the same place today," said former Republican FERC commissioner Nora Mead Brownell, adding that Perry's plan "undoes 20 to 25 years of really hard work."

Republicans have long bashed the Obama administration's Clean Power Plan as an example of the government picking winners and losers, but many conservatives are finding it hard to celebrate that regulation's rescission this week as Perry plots a new government intervention. "There is no free market, but you don't fight intervention with intervention," said Tom Pyle, president of the pro-market Institute for Energy Research who led Trump's DOE transition team. "He's recognized the symptoms but he's not proposing the right cure."

Perry defended his proposal Thursday before a House Energy and Commerce Subcommittee, arguing the federal government had provided financial support to various sectors for a long time and that power markets were never really fair. "We have subsidized the energy industry for a long time. I, frankly, don't have a problem with that," he said. Asked about the cost of his proposal on consumers, Perry also shot back that the issue was crucial for the nation's security: "What's the cost of freedom? What does it cost to build a system to keep America free?"

WHITE ON SCHEDULE: The White House announced late Thursday night that Kathleen Hartnett White, an outspoken critic of climate change science, will be nominated as chair of the Council on Environmental Quality. That shouldn't shock Pros who recall the April [story](#) from POLITICO's Alex Guillén and Andrew Restuccia previewing her nomination. Expect White to have one of the more contentious nominations of the year as Senate Democrats assail her longtime attacks on climate change science. "Carbon dioxide is not a pollutant," White wrote in an op-ed last year, a major departure from established climate science. She also called for a government commission to review climate science, something Pruitt is carrying out at EPA. ME would also not be surprised if Democrats bring up the 2014 piece in which White argued fossil fuels helped end slavery.

Plus: The White House said Alex Beehler will be nominated to be assistant secretary of the Army for energy, installations and environment. Beehler, a senior Defense Department official during the Bush administration, now runs his own energy consultancy. He worked at Koch Industries from 2000 to 2003 as director of environmental and regulatory affairs, according to his [LinkedIn profile](#).

NOAA PICK CAUSES A STORM: Barry Myers' push to place restrictions on the information on the National Weather Service releases as CEO of AccuWeather is raising concerns for how

he'd approach such matters as the head of NOAA, POLITICO's Andrew Restuccia [reports](#). "There seems to be a huge conflict of interest considering his business background and belief system," Daniel Sobien, the president of the National Weather Service Employees Organization, said. Sens. [Bill Nelson](#) and [Brian Schatz](#) are among the Democrats who've also expressed concerns with the pick.

HOUSE READY FOR A PRUITT APPEARANCE: Energy and Commerce Republicans are getting antsy for EPA Administrator Scott Pruitt to make his first appearance before their committee. "There's a lot of interest in him coming," Rep. [John Shimkus](#), who chairs the Environment Subcommittee, tells ME. "[Chairman [Greg Walden](#)] is now convinced that it's time the administrator try to make time for us in his schedule." A committee aide said the panel was "currently working" to determine Pruitt's availability, a standard line for the last month.

CONGRESS TO GOVERNOR: DID YOU LIE UNDER OATH? The top House Oversight Republican and Democrat formally asked Michigan Gov. Rick Snyder in a [letter](#) Thursday whether he lied to them under oath about when he learned of an outbreak of Legionnaires' disease connected to the Flint water crisis. "If necessary, you may also choose to amend or supplement your testimony," [Trey Gowdy](#) and [Elijah Cummings](#) wrote. But Snyder shot back with his [own letter](#) shortly afterward defending his testimony as "truthful."

EXPANDED WHISTLEBLOWER PROTECTIONS PASS: The House unanimously — by a 420-0 vote — sent legislation [S. 585 \(115\)](#) expanding whistleblower protections for federal workers to the White House. It would also provide training to employees so they're aware of their rights. The chamber [rejected a push](#) from Democrats to expand the measure to include employees who call out superiors for "improper use of air transportation" after the resignation of former HHS Secretary Tom Price.

CASE STUDY IN WATER INFRASTRUCTURE WOES: Dilapidated infrastructure has forced the closure of a key lock on the Ohio River in southern Illinois that's led to a 57-mile backup of 51 towboats and 564 barges waiting to pass, Pro's Eric Wolff and Tanya Snyder [report](#) . The closure of Lock 52 highlights the need for the major cash infusion that Trump promised during a speech along the banks of the same river earlier this year. Deb Calhoun, a spokeswoman for the Waterways Council, said the advocacy group for water infrastructure would "hold the administration's feet to the fire," noting "the president said we need to fix it."

Situational awareness: Eric and Tanya note Trump himself hasn't spoken much about his infrastructure package recently — and that the fall timeline for Congress to craft a legislative infrastructure package has slipped away.

BACK IN THE DEEP SOUTH: Pruitt was in Mississippi Thursday where he met with Gov. Phil Bryant and held a roundtable to discuss the agency's recent proposal to pull back the Obama-era Waters of the U.S. regulation. "Our job at EPA is not to look at folks in Mississippi as adversaries, but as partners," Pruitt said in a statement. ME would note Pruitt does not appear to have held anything resembling this type of meeting in either the Northeast or Pacific Northwest to date.

MAIL CALL! THEY FOUND SOME BEEF: Four top House Democrats — [Peter DeFazio](#), [Betty McCollum](#), [Frank Pallone](#) and [Elijah Cummings](#) — sent a [letter](#) Thursday asking GAO to investigate whether EPA violated the Antideficiency Act and other federal laws when Pruitt appeared in National Cattlemen's Beef Association video urging members' to speak up as the agency considered whether to repeal WOTUS. "We request that GAO provide a legal opinion that addresses whether the Administrator's appearance in the promotional NCBA video in connection with the hyperlinked material on the NCBA website complies with the relevant limitations on the use of appropriated funds for lobbying and publicity or propaganda purposes and the Antideficiency Act," they wrote.

CONCERNED OVER SCIENTIFIC INTEGRITY: Two senior House Science Republicans — [Lamar Smith](#) and [Andy Biggs](#) — sent a [letter](#) to Pruitt on Thursday seeking a briefing, documents and other information about EPA's Integrated Risk Information System program, which establishes a federal database of the risks of various chemicals. "The Committee is concerned about persistent issues regarding the difficulty to correct IRIS assessments that appear to use low-quality science to justify results," they wrote.

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FROM THE DEPARTMENT OF GOOD LUCK WITH THAT: Sen. [Dianne Feinstein](#) sent a [letter](#) to Pruitt Thursday asking him to reconsider his move to rescind the Clean Power Plan. "Your decision to begin repealing the Clean Power Plan not only endangers the lives of Americans, it also undermines America's international credibility," she wrote.

GAMEPLAN FOR TACKLING SEXUAL HARASSMENT: Interior Secretary Ryan Zinke and National Park Service acting Director Mike Reynolds will today announce a strategy for eliminating sexual harassment, discrimination and intimidation during an all-employee meeting at the Grand Canyon National Park. Zinke's opening remarks will be public, though an employee question and answer session will be closed.

DEMOCRATIC CONSERVATION GROUP LAUNCHES: A new grassroots organization, [Democratic Conservation Alliance](#), launches today with the goal of electing and defending Democratic politicians who will fight against anti-conservation policies. "On behalf of America's public land owners, the Democratic Conservation Alliance will help kick anti-park politicians out of office and replace them with champions of conservation who will make Teddy Roosevelt proud," Matt Lee-Ashley, a board member, said in a statement.

AU REVOIR? All fossil fuel powered vehicles would be off the streets of Paris by 2030 under a plan the city unveiled Thursday, POLITICO Europe's Marion Sollety [reports](#). "The target is by no means written as a 'ban' by 2030 in the climate plan, but rather as a trajectory which seems both credible and tenable," a press release said. Mayor Anne Hidalgo wants diesel cars off the street by 2024 and gasoline cars gone by 2030.

COULD BE INTERESTING: Harvard's T.H. Chan School of Public Health examines public and private sector responses to climate change today at noon with a panel featuring former EPA chief Gina McCarthy and Washington Gov. Jay Inslee. Watch [here](#).

MOVERS, SHAKERS: Jennifer Y. Brown is leaving her role as chief of staff for the House Science, Space and Technology Committee. The panel's current deputy chief of staff, Mark Marin, will replace her.

GOT PLANS FOR UNITED NATIONS FOOD DAY? Celebrate on Monday with our Pro Agriculture colleagues, who are hosting a high-level conversation on the future of the global food supply. The event, "Greening the Food Supply: Carrots and Sticks that Work," will explore success stories in sustainable agriculture and consider the challenges involved in achieving a sustainable global food supply. Eastern Market is the place: North Hall, 225 7th St., SE. The time is 11:30 a.m. RSVP: [here](#).

QUICK HITS

- The Grandfather Of Alt-Science. [FiveThirtyEight](#).
- Grassley says public could sway EPA rules. [Iowa Farmer Today](#).
- The U.S. solar industry's new growth region: Trump country. [Reuters](#).
- Canada aligning with U.K. to fight global growth in coal-fired electricity. [CBC](#).
- North Dakota landowners' lawsuit against pipeline dismissed. [AP](#).
- Oil Prices Fall on Concerns Over Rising U.S. Production. [Wall Street Journal](#).
- Where's Zinke? The Interior secretary's special flag offers clues. [Washington Post](#).

HAPPENING TODAY

9 a.m. — House Natural Resources Energy and Mineral Resources Subcommittee holds [hearing](#) on onshore energy policy discussion draft, Longworth 1334

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Stories from POLITICO Pro

House passes second massive disaster package [Back](#)

By Sarah Ferris | 10/12/2017 03:29 PM EDT

The House overwhelmingly passed a \$36.5 billion emergency funding package Thursday intended to aid hurricane recovery in Puerto Rico and several mainland states, as well as wildfire response efforts in California.

In approving (353-69) their second tranche of hurricane aid in less than five weeks, House lawmakers agreed to the largest disaster package since Hurricane Sandy. But members from both parties describe the latest infusion as a down payment for a much more costly and comprehensive response.

"We've had some incredible tragedies and natural disasters," House Appropriations Chairman [Rodney Frelinghuysen](#) (R-N.J.) said on the House floor Thursday. "We must act quickly to make sure the federal government fulfills its duties to millions of people in need."

The legislation ([H.R. 2266 \(115\)](#)) now heads to the Senate, where leaders plan to take it up once the chamber has finished work on a budget resolution.

In the wake of three deadly hurricanes that pounded the U.S. this season, the aid bill would send another \$18.7 billion to replenish the Federal Emergency Management Agency's disaster relief fund. That money is used for urgent recovery efforts like power restoration and debris removal, as well as individual needs like housing and child care assistance.

The measure also includes \$4.9 billion in loans to help Puerto Rico's government make payroll for emergency services like police and fire departments.

The federal government has declared a dozen major disasters since August, from the hurricane-battered Florida coastline to California wine country.

More than three weeks after Hurricane Maria hit, Puerto Rico and the U.S. Virgin Islands are still reeling from their most devastating disaster in decades and could remain largely without power through the end of the year.

The bill mostly mirrors the White House's [request](#), including a contentious \$16 billion to partially wipe out the National Flood Insurance Program's debt.

Several House Republicans, particularly on the Financial Services Committee, [balked](#) at the idea of backing a longtime Democratic priority. Other conservatives, fueled by criticism from groups like [Heritage Action](#) and [Club for Growth](#), condemned the idea of including a flood program "bailout" in an emergency spending bill without reforms to help reach long-term solvency.

The GOP opposition was not enough to endanger the bill, however. Leadership ultimately fast-tracked the legislation, using a process for non-controversial bills that requires the support of two-thirds of those voting to achieve passage.

Hours before the House began debate, the disaster relief bill took on fresh urgency as President Donald Trump threatened to pull back federal resources from Puerto Rico. "We cannot keep FEMA, the Military & the First Responders, who have been amazing (under the most difficult circumstances) in P.R. forever!" he tweeted.

Using their debate time to condemn those remarks, several House Democrats were warned by the presiding officer not to barrage the president on the floor of the House.

"Mr. President, do not send a message to any American that we will turn our backs on them," the House's No. 2 Democrat, Rep. Steny Hoyer (D-Md.), said before the passage vote. "That is not fair, that is not right, and you ought to correct the statement you made."

Rep. Nita Lowey (D-N.Y.), the top Democrat on the House Appropriations Committee, called the president's outburst "reckless" at a time when "Americans are suffering and simply trying to survive." And Rep. Debbie Wasserman Schultz (D-Fla.) accused Trump of "indifference and soft bigotry."

Congress has already enacted \$15 billion in emergency aid for hurricane-battered states like Florida and Texas — a bill (H.R. 601 (115)) signed more than a week before Maria made landfall in Puerto Rico.

Democrats have for weeks demanded another cash infusion for the Caribbean territory, where the Trump administration has been accused of responding too slowly.

GOP leaders initially argued that manpower — not cash — was FEMA's most essential resource in the immediate wake of Maria. And a formal funding request was not expected until mid-to-late October.

But as public pressure mounted, the White House ultimately sped up its timeline and submitted a request last week.

Adding to that wish list on Tuesday, the Trump administration called for \$4.9 billion to stave off what Puerto Rico Gov. Ricardo Rosselló warned could become a "liquidity crisis."

Lawmakers from both parties, including the full 38-member Texas delegation, have pressed for funding beyond FEMA aid and debt relief for the flood insurance program. Local lawmakers say they desperately need cash for other rebuilding tools, like the Community Development Block Grant program and the Army Corps of Engineers.

House appropriators have said those programs will likely see boosts in a future aid package, while the current bill is intended for the most urgent, life-saving efforts.

"This is the second step. This is not going to be the last one. We are going to need a lot of more help in the coming months," Resident Commissioner [Jenniffer González-Colón](#), who represents Puerto Rico, said on the floor. "It will take a lot of resources, a lot of money and a lot of commitment of U.S. citizens like we are."

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[Back](#)

Trump sparks new backlash after threatening Puerto Rico aid [Back](#)

By Matthew Nussbaum and Louis Nelson | 10/12/2017 07:57 AM EDT

President Donald Trump on Thursday suggested that U.S. citizens on the hurricane-ravaged island of Puerto Rico shouldn't get used to assistance from the federal government — a statement that sparked new outrage and left the White House on the defensive.

"Electric and all infrastructure was disaster before hurricanes," Trump wrote on Twitter in a series of posts. "Congress to decide how much to spend. We cannot keep FEMA, the Military & the First Responders, who have been amazing (under the most difficult circumstances) in P.R. forever!"

Trump has come under fire for appearing to blame Puerto Rico for neglecting its infrastructure and financial health in recent years, while sparring with local officials and initially giving the U.S. territory less attention than hurricane victims in Texas and Florida.

The tweets on Thursday — which landed as nearly 90 percent of the island was still without power and nearly 40 percent of residents lack access to clean drinking water — particularly touched a nerve.

"It is not that you do not get it; you are incapable of fulfilling the moral imperative to help the people of PR. Shame on you.![sic]" Carmen Yulín Cruz, the mayor of San Juan, wrote on Twitter. In recent weeks, she has been a target of severe criticism from Trump, who dismissed her and other critics as "politically motivated ingrates."

Puerto Rico's governor, Ricardo Rosselló, sought a less fiery path, writing on Twitter: "The U.S. citizens in Puerto Rico are requesting the support that any of our fellow citizens would receive across our Nation."

House Minority Leader Nancy Pelosi (D-Calif.) said at a news conference that Trump's broadside "is heartbreaking and it lacks knowledge."

Two other Democrats, Reps. Nydia Velazquez (D-N.Y.) and Bennie Thompson (D-Miss.), even asked the Department of Homeland Security to investigate the possible underreporting of deaths

caused by Hurricane Maria in Puerto Rico.

The concern was not contained to Democrats. House Speaker Paul Ryan echoed Trump's comment that the island needs fiscal reforms, but suggested now was not the time for that debate.

"At the moment, and it's why I'm going down there tomorrow, there's a humanitarian crisis that needs to be attended to and this is an area where the federal government has a responsibility, and we're acting on it," Ryan said.

The White House sought to clean up the comments later on Thursday, with chief of staff John Kelly telling reporters later that "the U.S. military and FEMA can't be there forever."

"The minute you go anywhere as a first responder, and this would apply certainly to the military, you are trying very hard to work yourself out of a job," Kelly said during a surprise appearance at the White House briefing, adding that FEMA and the military can be withdrawn "hopefully sooner rather than later."

He said he had spoken with Rosselló earlier Thursday and that the White House enjoys a "great relationship" with the governor. "Our country will stand with those American cities in Puerto Rico until the job is done," Kelly added.

The White House also released a statement from press secretary Sarah Sanders on Thursday afternoon.

"Our job in any disaster affected location is to help the community respond and recover from that disaster. We continue to do so with the full force of the U.S. government and its resources in Texas, Florida, Puerto Rico and the US Virgin Islands and other affected areas," Sanders said. "Successful recoveries do not last forever; they should be as swift as possible to help people resume their normal lives. We are committed to helping Puerto Rico. Our Administration is working with Governor Rossello and Congress to identify the best fiscally responsible path forward."

And a White House official stressed that Puerto Rico's debt crisis would be addressed independently of the disaster relief process.

Trump's morning warning came after White House officials had stressed for weeks their intention to work with Puerto Rico throughout the recovery process. And Trump himself had said last month that "we will not rest ... until the people of Puerto Rico are safe."

"These are great people. We want them to be safe and sound and secure, and we will be there every day until that happens," Trump said at a manufacturing event on Sept. 29.

Puerto Rico has struggled with the devastation from a particularly heavy hurricane season, one that included a direct hit from Hurricane Maria late last month that devastated large swaths of the island. The official death toll from the storm has risen to 45, CNN reported Wednesday, and at least 113 people are unaccounted for.

Reports of desperation are piling up, including from federal government officials. The Environmental Protection Agency on Wednesday warned Puerto Rican residents against breaking into industrial waste sites in search of drinking water. And The New York Times reported that medical care remains a challenge on the island, with just 43 of the island's 72 open hospitals currently operating with power.

Still, Trump has asserted that his administration's handling of the storm has been a great success, and he has rejected any criticism of the effort as "fake news."

Even as the president has continued to rail against the territory, Congress on Thursday moved forward on hurricane relief funds, which the White House has also advocated for.

The U.S. House passed a \$36.5 billion aid package, much of it targeted at Puerto Rico, by a vote of 353-69. The legislation marks the largest disaster package since the one provided for Hurricane Sandy victims in 2013.

The money would replenish the Federal Emergency Management Agency's coffers by roughly \$18 billion, which lawmakers say is enough to last for several more weeks. That includes \$4.9 billion in emergency loans to ensure the cash-strapped island government can pay its workers and other debts.

But GOP leaders have been clear that another installment of aid will be needed before the end of this year. Emergency responders from all federal agencies, from FEMA to the Defense Department, have been going quickly through their cash reserves in Puerto Rico's worst disaster in decades.

And Democrats are saying that Trump's rhetoric is not helping.

"The President of the United States' most solemn duty is to protect the safety and the security of the American people. By suggesting he might abdicate this responsibility for our fellow citizens in Puerto Rico, Mr. Trump has called into question his ability to lead," Velázquez said in a statement.

Sarah Ferris, Colin Wilhelm, Rachael Bade and Heather Caygle contributed to this report.

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[Back](#)

Conservatives fret Perry's grid rule runs counter to market goals [Back](#)

By Darius Dixon | 10/12/2017 05:24 PM EDT

Energy Secretary Rick Perry hardened his position Thursday calling for changes to electricity

markets to support coal-fired power plants, even as a rising chorus of conservative voices accused him of abandoning the free market principles that have been a cornerstone of the Republican Party.

Testifying before a House Energy and Commerce subcommittee, Perry rejected the notion that power markets were fair, and he pointed to financial support that has been doled out to other energy sources for years.

"I don't think that you have this perfect free-market world," Perry told lawmakers. "We subsidize a lot of different energy sources. We subsidize wind energy. We subsidize ethanol. We subsidize solar. We subsidize oil and gas. The question is how do you make it as fair as you can?"

Perry's proposal, made public late last month, directed FERC to fast-track a new regulation in power markets overseen by the agency that would allow full cost recovery for power plants that keep 90 days' worth of fuel on-site, a threshold that would only include coal and nuclear power plants.

"We have subsidized the energy industry for a long time. I, frankly, don't have a problem with that," he said.

Perry's plan quickly drew opposition from the renewable energy industry and many power generators, as well as the oil and natural gas sector, which has been the biggest competitor for coal in recent years. Market advocates have also criticized Perry, saying that he has turned his back on the market mechanisms that have been at the heart of Republican economic policies — and that his home state of Texas implemented under former Gov. George W. Bush.

"This is inconsistent with a longstanding policy of fiscal responsibility and open markets that have always been espoused by what I thought of as the Republican Party. I'm not sure that we're in the same place today," said former Republican FERC commissioner Nora Mead Brownell. "This doesn't feel like draining the swamp to me. It feels like the swamp is expanding and oozing, and now is tinged with coal dust."

Perry's proposal "undoes 20 to 25 years of really hard work," she said.

Republican Rob Powelson, a new FERC commissioner, told a gathering of state regulators last week that he didn't "sign up to blow up the markets," according to S&P Global Market Intelligence. He later added in an email to POLITICO that the agency was "looking to address some of these market issues but not looking to [undo] the organized markets by picking winners and losers or creating moral hazards in the marketplace."

Critics contend that if FERC adopted Perry's proposal, the electricity markets that dictate prices for tens of millions of Americans from New Jersey to Illinois would be fundamentally altered to anchor coal and nuclear plants to the electric grid at great cost without a clear guarantee that they wouldn't lose power when the next natural disaster swings through.

But Perry has cast the issue as critical for ensuring the security of the country.

"What's the cost of freedom? What does it cost to build a system to keep America free?" Perry asked Rep. [Paul Tonko](#) (D-N.Y.), who had pressed him on whether DOE had considered how much his recent proposal to aid coal and nuclear power might cost consumers.

Coal is the nation's most abundant power-plant fuel, but a combination of environmental regulations, huge surges in natural gas and renewable-energy production and slumping demand for electricity have prompted power companies to shutter many coal-burning plants over the past decade. As recently as 2007, coal provided more than half the electric power sector's net electricity generation — but as of this summer, that share had fallen to less than a third.

Still, other members of the administration are still using free-market arguments to attack former President Barack Obama's climate change policies. At a Monday event in Kentucky's coal country with Senate Majority Leader [Mitch McConnell](#), EPA chief Scott Pruitt stuck to complaints Republicans have long used to bash the Obama EPA's Clean Power Plan, decrying it as something that "really was about picking winners and losers."

But for many conservatives, it's hard to savor the victory of dismantling Obama's Clean Power Plan when the Trump administration is standing up a new government intervention.

"It certainly came out of left field for me," Nick Loris, an energy and environment fellow for The Heritage Foundation, said of Perry's proposal. "When I think about what 'all of the above' energy looks like, it shouldn't mean subsidize all of the above. And this DOE regulation is pushing us down that pathway, and not to limited government."

Loris was also unhappy with DOE's recent decision to increase federal loan guarantees for over-budget Vogtle nuclear reactors in Georgia by \$3.7 billion.

"For an administration that is intent on wanting to drain the swamp, this is certainly not helping," Loris said.

Perry, who President Donald Trump has pressed to keep Ohio coal-fired power plants open, has said he was interested in a "conversation" about how to increase the resilience of the grid, but he emphasized on Thursday it was imperative that FERC take quick action.

"We can have a conversation and I think [FERC] must move. I think they must act. We've kicked this can down the road," he told lawmakers.

But some conservatives say even though U.S. energy markets are far from perfect, Perry's approach is the wrong one.

"There is no free market, but you don't fight intervention with intervention," said Tom Pyle, president of the pro-market Institute for Energy Research who led Trump's DOE transition team. "He's recognized the symptoms but he's not proposing the right cure."

Other critics pointed to the irony of a Texan seeking to undermine the power markets, since the

Lone Star state runs perhaps the most free-wheeling electricity system in the country.

"If you've just joined the conversation today, I think you'd be knocked over by the irony of a Republican — indeed a Texas Republican — advocating for getting in the way of market competition and directly imposing a winner-picking outcome," said Joe Goffman, a senior EPA air adviser under Obama.

"To say that there's no free market in electricity is so beside the point as to border on the disingenuous," he added. "Nobody's arguing that there's a free market. What people are arguing for is an unrigged market."

Even other conservatives find Perry's position particularly awkward.

"There's no free market for electricity, but the one example you could find that might actually call that into question is the state of Texas," said Travis Kavulla, a Republican who is a vice chairman of Montana's utility regulator. "It's certainly dissonant with both his reputation, but also the policies of his state, which is really unique among the states and has an extremely vibrant and competitive wholesale and retail market for electricity."

Perry had the power to fast-track the issue but the proposal's fate decision will ultimately fall to five commissioners at FERC, an agency made up largely of technocrats that has long sought to safeguard the energy markets. But a DOE official said that the proposal was not shared with federal regulators before it was filed but also emphasized that DOE expects — and is almost counting on — FERC to make major changes to the proposal.

"It is impossible to actually foresee this being implemented as-written," Kavulla said. "It's inconceivable that FERC would adopt this. In some ways, this is just DOE lighting a firecracker and throwing it in FERC's direction and saying, 'These coal people have really been on our case. Do something about it!'"

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[Back](#)

Trump eyes climate skeptic for key White House environmental post [Back](#)

By Alex Guillén and Andrew Restuccia | 04/12/2017 06:00 PM EDT

President Donald Trump may tap a vocal critic of climate change science to serve as the highest-ranking environmental official in the White House.

Kathleen Hartnett White, who says carbon emissions are harmless and should not be regulated, is a top contender to run the Council on Environmental Quality, the White House's in-house environmental policy shop, sources close to the administration told POLITICO.

White House officials brought White in for an interview late last month, according to a person familiar with the hiring process, and Trump met with White at Trump Tower in November when she was under consideration to lead the Environmental Protection Agency.

Adding White to the administration would be a major win for Steve Bannon, Trump's chief strategist, and other hard-line conservatives in the White House, who have been feuding behind the scenes for weeks with the more moderate forces in the West Wing over issues like climate change. And her nomination could appease Trump's climate skeptic supporters, who have criticized EPA Administrator Scott Pruitt for hesitating to revisit his agency's conclusion that global warming threatens public health.

Trump administration officials are divided over whether White is the best person for the job, and they are also considering other candidates to lead CEQ, sources said. A White House spokeswoman declined to comment, saying, "We will let you know when we have an announcement."

Like Pruitt, the former Oklahoma attorney general and fossil fuel ally, White would be another voice from a large oil and gas producing state in charge of climate change and environmental policy.

White is a former chairwoman of the Texas Commission on Environmental Quality who now works for a conservative think tank in the Lone Star State. Energy Secretary Rick Perry, a former Texas governor, is said to be advocating on White's candidacy behind the scenes.

Tapping White would only deepen environmentalists' fears that the new administration will implement a wholesale reversal of former President Barack Obama's approach to climate change as a serious, long-term threat to the environment and national security.

White sat on Trump's economic advisory council during his campaign and since 2008 has worked at the Austin-based conservative think tank Texas Public Policy Foundation, which has received funding from Koch Industries, ExxonMobil, Chevron, ConocoPhillips, Devon Energy and other energy companies and utilities. White, who was a registered lobbyist with the group until Nov. 29, has long been a major voice in the niche industry of public figures who question climate science data or downplay the risks of global warming.

"Carbon dioxide is not a pollutant, and carbon is certainly not a poison. Carbon is the chemical basis of all life on earth. Our bones and blood are made out of carbon," White wrote in a June op-ed. She added that CO₂ is the "gas of life" because it is a nutrient used by plants — an argument frequently raised by climate skeptics that most scientists say distracts from the climate-changing components of the gas.

White's position contrasts sharply with established climate science. In its most recent comprehensive report, the United Nations' Intergovernmental Panel on Climate Change, the leading scientific body on global warming, concluded that the Earth is warming because of human-generated emissions — and that time is running short to stave off the worst risks of climate change, including increased temperatures, more extreme weather, sea level rise and

ocean acidification.

Similar findings have been reached by U.S. authorities, including EPA, NASA and NOAA — all agencies that would be subject to guidance White would issue as CEQ chair, if she were confirmed by the Senate.

In an interview with POLITICO in September, White proposed establishing a "blue ribbon commission" to relitigate climate science, underscoring her unorthodox belief that the science showing human-induced climate change is unsettled.

The commission, she said, would develop an "alternative scientific methodology" to the IPCC, whose usefulness she said has "reached its peak."

If nominated, White would likely be an advocate within the administration of reopening the foundation of Obama's climate change agenda: EPA's 2009 "endangerment finding," a scientific conclusion that greenhouse gases constitute a threat to public health or welfare.

Trump told an industry-backed think tank last year that he will "review" the endangerment finding, a potentially difficult task given the scientific consensus on the issue. Any withdrawal of the finding would be challenged by environmentalists in court.

Pruitt has so far declined to reopen the endangerment finding, a decision that has infuriated some of Trump's conservative supporters.

White would be able to play a key role in shaping the Trump administration's overall approach to climate change, and she has been clear that she does not think the issue should be addressed by EPA. In 2015, she argued that Obama's rules to limit carbon emissions from power plants marked "an unprecedented expansion of federal administrative power" with "no measurable climate benefits." And last May, she urged House Speaker Paul Ryan to pass a bill that would block EPA from regulating carbon dioxide, methane, hydrofluorocarbons or other greenhouse gases.

At CEQ, White could direct other agencies to turn their attention away from climate change, and she would be in charge of implementing recent executive orders on energy development and regulatory streamlining. Last month, Trump ordered the council to revoke recently issued guidance directing all federal agencies to consider climate change when they conduct environmental reviews under the National Environmental Policy Act, a decision that would be difficult to challenge in court. And in January, the president told CEQ to come up with a plan to expedite environmental reviews for major infrastructure projects.

While environmentalists have long accused GOP officials of dragging their feet on climate change, White is by far the most outspoken critic of the underlying science — and the most ardent defender of fossil fuels — that Trump has considered to serve in his administration.

In a 2014 blog post, White took aim at an article in The Nation by MSNBC host Chris Hayes, whose "recommendation to avert global warming, like most warmist policies, toys with the

greatest advance made by mankind," she wrote. In White's view, there is a connection between "the abolition of slavery and humanity's first widespread use of energy from fossil fuels." The rise of coal and oil, she argued, provided economic incentive to end the practice of slavery in the U.S. and elsewhere. (One critic [fired back](#) that the industrial revolution actually "exacerbated" slavery by increasing the demands for slave-produced goods such as cotton.)

Putting a permanent CEQ chair in place would also raise the question of where Trump wants decision-making on environmental issues to happen — in the White House or at agencies.

The Obama administration shifted major environmental responsibilities from CEQ to EPA and some other agencies as it sought aggressive action on climate change. It remains unclear whether Trump's CEQ will continue in that vein or have a greater role in policymaking, though outside Republicans have encouraged Trump aides to grant the council wide latitude.

The council was run from 2015 through the end of Obama's term by Christy Goldfuss, an unconfirmed managing director. Obama never nominated a replacement for his first CEQ chair, Nancy Sutley, who left in 2014.

White's criticisms of Obama environmental regulations go beyond climate change.

She [said](#) in 2015 that EPA's Waters of the U.S. rule, which determines which bodies of water are subject to federal oversight, "is about amending the definitions of well understood words into tortured versions of themselves so that the EPA can seize control of dry land where water may flow after heavy rains."

She also [criticized](#) the new ozone standard of 70 parts per billion, calling the rule's scientific conclusions "a statistical house of cards" and predicting it "may be the straw that breaks the back of our struggling economy."

White, who received her bachelor's and master's degrees from Stanford University, was a commissioner at the Texas Commission on Environmental Quality from 2001 to 2007, serving as chairman for the last four years of that term. She previously sat on the Texas Water Development Board.

Environmentalists do give White some credit for advances made during her tenure at TCEQ.

Luke Metzger, director of Environment Texas, told POLITICO that she helped implement a legislative order to create an online reporting system for major emissions events, which is still used by green activists to track noncompliance by major energy companies. Metzger also credited her with a "slightly improved" enforcement policy, though he noted that she blocked an effort by a fellow TCEQ commissioner in 2006 to boost penalties.

In 2008, White joined the Texas Public Policy Foundation, where she directs its Armstrong Center for Energy & the Environment.

To view online [click here](#).

[Back](#)

Trump's pick for NOAA chief causes a storm [Back](#)

By Andrew Restuccia | 10/12/2017 07:52 PM EDT

As a top executive at AccuWeather, Barry Myers has pushed for limits on the kinds of products that the National Weather Service offers to the public, saying they offered unfair competition to his industry.

Now, President Donald Trump's nomination of Myers to lead the weather service's parent agency could allow him to make those kinds of restrictions mandatory — to the benefit of his family-run forecasting company.

The AccuWeather CEO's nomination to head the National Oceanic and Atmospheric Administration is stirring criticism from people who worry he would hobble the weather service, which provoked an industry backlash more than a decade ago by making hour-by-hour forecasts, cellphone alerts and other consumer-friendly data widely available online. A [bill](#) that Myers supported 12 years ago, sponsored by then-Sen. Rick Santorum, would have prohibited the agency from competing with private providers in most circumstances.

Myers, who has served as a NOAA adviser, has more recently [spoken of cooperation](#) with the agency, including industry's advocacy for Congress to fund its budget. But his critics expressed misgivings nonetheless.

"I fear that he'll do irreparable harm to an agency whose primary mission is to save lives," said Daniel Sobien, the president of the National Weather Service Employees Organization, which strongly opposes Myers' nomination. "There seems to be a huge conflict of interest considering his business background and belief system."

Sen. [Brian Schatz](#) (D-Hawaii) agreed, calling Myers a "questionable" choice.

"As the CEO of AccuWeather, Barry Myers views NOAA as a direct competitor that provides high-quality forecasts for free," Schatz said in a statement Thursday. He added that "Mr. Myers will have to work very hard to persuade me that he will run NOAA for the public good."

Myers' defenders say they hope he'll use his long experience running a major weather enterprise to modernize NOAA, which also oversees fisheries, marine sanctuaries, endangered species, climate research, satellite data and its own [uniformed officer corps](#).

"In past decade, AccuWeather has embraced 'Big Data' and become an advertising & digital innovation behemoth under Myers' leadership," wrote Ryan Maue, the chief operations officer at the website Weather.us, in a [post](#) on Twitter. Maue separately told POLITICO: "I expect Myers to bring that same vision to NOAA and enhance collaboration with the private sector especially

in the role of space-based remote sensing and satellites."

Myers did not return a call to his office Thursday, and a lobbyist who works with AccuWeather did not respond to emails seeking comment.

Myers, whose brother Joel founded AccuWeather in 1962, would join a roster of other business leaders whom Trump has installed atop his agencies — many of them bringing considerable potential conflicts of interest to the job. He has degrees in law and business, not the science and math degrees that Bush's and President Barack Obama's NOAA chiefs had.

Richard Painter, who served as the top ethics official for President George W. Bush, said Myers can probably meet the legal requirements to separate himself from his business. But, he added: "The appearances are awful. He should recuse from any matter that could have a financial impact on the company. And he should sell the stock."

Myers indeed "will be liquidating all of his private sector holdings," said a spokesman for NOAA's parent agency, the Commerce Department, adding that he'll "be subject to the same ethics and recusal requirements as any federal official."

The spokesman also rejected suggestions that Myers would clamp down on the weather service's public offerings. He said Commerce Secretary Wilbur Ross, who chose Myers for the job, "sees the provision of timely, accurate data to the public as one of the Department's core missions. This includes weather data provided by the NWS, so there is no risk that Myers will restrict NWS provision of data to the public."

"Myers has also been a strong proponent of free and open weather data to the public," the spokesman added.

But in 2005, Myers supported Santorum's widely panned bill, which would have prohibited the weather service from offering a product or service "that is or could be provided by the private sector" — a provision that would have benefited companies like AccuWeather.

The bill made some exceptions, including information needed to protect life and property, but weather entrepreneurs, hobbyists, airline pilots and open-government advocates said it would have choked off a wealth of data that the National Weather Service had begun making widely available. The legislation would have countered a 2004 policy change by the Bush administration that had eased restrictions on the weather service's ability to offer new products and services.

"It is not an easy prospect for a business to attract advertisers, subscribers, or investors when the government is providing similar products and services for free," Santorum said when introducing his bill. Critics, including Sen. Bill Nelson (D-Fla.), noted that taxpayers had already paid for the weather service's data.

Myers told The Palm Beach Post at the time that he wanted the weather service to return to its "core mission ... which is protecting other people's lives and property," rather than spending

"hundreds of millions of dollars a year, every day, producing forecasts of 'warm and sunny.'"

"We work hard every day competing with other companies and we also have to compete with the government," he told ABC News a month later.

Myers had donated \$1,000 to Santorum's Senate campaign in 2004 and 2005, though the executive also has a track record of donating to both Democratic and Republican politicians, including Trump, Hillary Clinton and Mitt Romney. Santorum and Myers are both prominent alumni of Penn State University, and AccuWeather is based near the school's main campus in State College, Pa.

Santorum's bill went nowhere, however — an outcome that Maue said turned out to be "the best thing that could have happened for Accuweather as they were on the ground floor of the digital/smart phone App revolution for weather apps."

More recently, Myers testified to the House Science Committee last year about the need for "embracing free and open data in all situations," while maintaining that "the best public facing forecasts and information comes from the weather industry." Still, he said government, industry and academia each bring their own strengths to the relationship, adding that "NWS need not do everything to keep Americans safe. Others can share the load."

Myers estimated that cooperation among the federal government, the private weather industry and academic researchers had saved 1 million to 2 million lives since the late 1950s.

But Sobien, the union chief, expressed skepticism about the kind of partnership Myers envisions.

"In the past, he has supported proposals that essentially made it so the National Weather Service's only function was to provide data to companies like AccuWeather who would then repackaging that data and sell them," Sobien said.

AccuWeather, which says its forecasts appear on more than 200 major television stations, 900 radio stations and 180,000 websites, has also been aggressive over the years in criticizing the weather service for what it sees as its shortcomings. Among other incidents, the company complained that the weather service had underestimated the strength of Hurricane Claudette before it hit Texas in 2003, and it said the federal agency was late to issue warnings about a 2015 tornado in Oklahoma.

As recently as February, AccuWeather's website highlighted an incident in which some of NOAA's weather data suffered a "significant outage," while noting that "AccuWeather-produced services remained available and reliable."

AccuWeather's sharp-elbowed approach also extends to competition with its rival The Weather Channel, which it replaced two years ago on Verizon's FiOS television lineup. AccuWeather's website has also inspired eye-rolling among some in the weather community by offering 90-day forecasts, which one meteorologist blogging for the American Geophysical Union dismissed as "scientifically indefensible" and "even worse than the Farmer's Almanac."

Members of the small community of weather watchers, who never forgot AccuWeather's support for Santorum's bill, contend it will be nearly impossible for Myers to fully eliminate his conflicts of interest.

Myers' brother Joel still serves as the company's president and chairman of the board. Their brother Evan is the chief operating officer.

"His family owns the business and he knows the decisions he makes are going to affect the business for years and potentially decades to come," said Andrew Rosenberg, director of the Union of Concerned Scientists' Center for Science and Democracy. He added, "My biggest concern is not that somebody has a business background, but do they genuinely recognize that a job in government is a fundamentally different one from managing and running a private business for profit."

Others are reserving judgment.

David Titley, a former NOAA official during the Obama administration, said he prefers not to comment on personnel decisions. "We will all have to wait & see in what direction Barry wants to take NOAA," he said in an email.

To view online [click here](#).

[Back](#)

Dems move to shield whistleblowers who report pricey travel [Back](#)

By Kyle Cheney | 10/12/2017 03:08 PM EDT

House Democrats on Thursday sought to expand whistleblower protections for federal workers who call out superiors for "improper use of air transportation," following the mounting questions about Trump administration officials' use of expensive forms of travel.

Lawmakers offered the proposal as part of a debate over broader whistleblower protection. It was rejected by Republicans, as expected, but forced GOP lawmakers to vote on an issue that has drawn increasing scrutiny, as several Trump Cabinet members have faced criticism for regular use of chartered or military jets.

Health and Human Services Secretary Tom Price resigned last month after a POLITICO investigation revealed he took hundreds of thousands of dollars' worth of chartered flights, sometimes to go short distances. And other Cabinet members — including Treasury Secretary Steve Mnuchin and Interior Secretary Ryan Zinke — have faced questions about expensive travel at taxpayer expense.

A bill under consideration — the Chris Kirkpatrick Whistleblower Protection Act — would

prohibit federal employees from accessing medical records of job applicants or subordinates and includes punishment for supervisors who retaliate against whistleblowers. The bill also offers more training to supervisors about whistleblower protections.

Democrats offered their proposal as a "motion to recommit," which would have sent the bill back to the House Committee on Oversight and Government Reform to be changed to include their proposed amendment.

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[Back](#)

Ohio River jam highlights absence of Trump's infrastructure plan [Back](#)

By Eric Wolff and Tanya Snyder | 10/12/2017 06:59 PM EDT

Shipments of coal and grain are paralyzed at a critical chokepoint on the Ohio River due to dilapidated infrastructure, highlighting the need for the kind of major capital investment that President Donald Trump promised, in a speech along the banks of the same river, three months ago.

Lock 52 on the Ohio River in southern Illinois closed Oct. 9 because its infrastructure is too decrepit to function effectively in high water, and it could be several more days before the U.S. Army Corps of Engineers reopens it. The closure has created a 57-mile backup of 51 towboats and 564 barges waiting to pass, according to the Waterways Council, an advocacy group for water infrastructure.

Trump visited this key inland waterway in June, emphasizing the importance of waterways and promising investment. But Trump's fiscal 2018 budget proposal called for cuts to civil works spending. And his campaign promise of \$1 trillion for infrastructure is so far unrealized, even as the New Deal-era locks and dams on the Ohio River degrade and unscheduled delays balloon.

That's left commodities producers, who depend on waterways for bulk transportation, in the lurch. In 2015, companies shipped 575 million tons of commodities worth \$302 billion via waterways. Of that total, coal makes up the largest single industry at 23 percent, with grains following at 15 percent.

Waterways infrastructure, much of which was built in the 1920s and 1930s and some as part of President Franklin Roosevelt's public works programs, is long past its expected lifespan. The Waterways Council says unscheduled delays have grown by 700 percent over the last decade. The closure of a single lock on the Mississippi River during harvest season could cost \$933 million, according to a University of Tennessee [study](#).

Carol Labashosky, a spokeswoman for the Louisville district of the Army Corps of Engineers, said having to close Lock 52 isn't unique historically, but there have been frequent intermittent

closures at this lock as well as another one downriver throughout September and October. "This fall we've had quite a few closures," Labashosky said. "Some of them have only been a couple of days or one day, but this is a lengthy delay."

Labashosky said they'll reopen the lock "as soon as the river cooperates," which she estimated would happen Friday or Saturday. Others are betting on Oct. 15 or 16.

Industries reliant on waterways are looking to Trump's promises of infrastructure investment to help modernize and update the locks and dams. The Waterways Council agrees. Deb Calhoun, a spokeswoman for the group, said they want to "hold the administration's feet to the fire.

"The president said we need to fix it," she said.

In June, Trump spoke on the banks of the Ohio River, in front of a barge filled with West Virginia coal, to proclaim that "America must have the best, fastest and most reliable infrastructure anywhere in the world." Noting the "dilapidated system of locks and dams that are more than half a century old" and the "\$8.7 billion maintenance backlog that is only getting bigger and getting worse," Trump declared: "We cannot accept these conditions any longer."

But in May the administration released a fiscal 2018 budget that proposed to cut the Corps' civil works budget by about 17 percent. The amount proposed would fund only a small number of the 25 congressionally authorized priority projects, which have a combined portfolio value of \$8.8 billion.

Calhoun said they are "trying to move forward and not stop and go backwards," and observed that the budget came out when Trump was "pretty new on the job."

Trump's budget did address the urgent bottleneck at Locks and Dams 52 and 53. Though it proposed to shut down work on four ongoing Corps waterways projects, it requested \$26 million out of the Inland Waterways Trust Fund for the Olmsted Locks and Dam project, which was supposed to solve the problems at Locks and Dams 52 and 53 years ago, but has been mired in delays due to a misguided attempt at a new dam-building method.

The Olmsted project, authorized in 1988, was supposed to be finished in 10 years for \$775 million. The Corps claims it will be done next summer, nearly 30 years later — with a final cost close to \$3 billion.

For the remainder of the 25 projects Congress wants to see built, industries are waiting on the infrastructure package Trump promised during the campaign.

Trump himself hasn't spoken much about his infrastructure package since proposing that \$1 trillion in spending could be leveraged by \$200 billion from the federal government. In fact, he has since indicated he may be souring on public-private partnerships, which administration officials and Republican lawmakers had long said would fund 80 percent of the plan. The battle over health care has pushed back the promised tax overhaul, which is not expected to be quick business either. The fall timeline for Congress to craft a legislative infrastructure package has

slipped away, and no one knows to when.

Ohio-based coal producer Murray Energy depends on inland waterways to move its product, and is calling for more spending.

"We certainly support President Trump's commitment to rebuild America's infrastructure, particularly the locks and dams along the Ohio, Monongahela and Mississippi Rivers," spokesman Gary Broadbent told POLITICO.

Even if the Olmsted Locks and Dam opens on time next summer, the project won't be finished until 2022, when the existing Lock 52 and 53 are finally pulled out of the river.

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[Back](#)

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