

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Hadas Gold - POLITICO Media
Sent: Thur 8/10/2017 10:19:10 AM
Subject: Morning Media: Scaramucci launches media redemption tour -- Eric Bolling initiates lawsuit against Yashar Ali -- Fox CEO 'confident' Sky deal will be approved

By Hadas Gold | 08/10/2017 06:15 AM EDT

With Cristiano Lima and Alex Weprin

ERIC BOLLING INITIATES LAWSUIT AGAINST YASHAR ALI OVER SEXTING

STORY: Ali, who wrote a freelance article for HuffPost [he also writes for New York magazine and Mother Jones] reported that two women had received explicit photo messages from Bolling several years ago lead to the Fox News host's suspension over the weekend while an outside law firm investigations. Bolling's lawyer has said he "recalls no such inappropriate communications" and that the article is "is false, defamatory, and obviously intended to destroy this good man's career and family." Bolling himself took to Twitter recently to proclaim that he was going to clear his name.

-- **This "summons with notice" is the first step in a lawsuit.** The summons says Bolling is suing for \$50 million in damages over the article, but only names Ali, not HuffPost. However, HuffPost on Wednesday evening announced that even though Ali was under a freelance contract they stand by him and are willing to financially back him up through the legal process. Ali said in a statement "I stand by my reporting and will protect my sources, especially the victims, at all costs."

-- **By issuing the summons, Bolling is essentially making sure Ali preserves** any records he may have. But continuing on with the case could open Bolling up to discovery. According to the New York Supreme Court, "after a summons with notice is served, the defendant [Ali] will demand that the plaintiff serve a complaint. The plaintiff [Bolling] must then have the complaint served within 20 days after being served with the demand, or the case may be dismissed." On Twitter, Ali has suggested that Bolling shouldn't continue the suit and lead it to discovery.

-- **Of note:** Bolling's lawyer is from the same firm, Kasowitz Benson Torres that represented former Fox News host Bill O'Reilly, and previously represented President Donald Trump.

FOX CEO 'CONFIDENT' SKY TAKEOVER WILL BE APPROVED, by Alex Weprin:

21st Century Fox CEO James Murdoch told shareholders on Wednesday that the company was "confident" that the U.K. would grant government approval to its proposed takeover of Sky in 2018. "We remain confident our transaction will be approved, but more likely in the first half of 2018 than before the end of this calendar year," Murdoch said on the company's earnings call.

-- **Murdoch, in an email to staff at the company, wrote that "culture is critical,"** and emphasized the company's diversity and inclusion efforts.

-- **Despite the troubles stemming from harassment allegations,** Fox News was the financial bright spot for 21st Century Fox, helping offset lower revenues from Fox's film division and

broadcast unit. [Variety has more.](#)

--Former Fox News anchor Greta Van Susteren weighed in on the channel's problems in a [Facebook post](#). "The bottom line? A network should never be defined by a handful with bad behavior (or even alleged bad behavior) who get lots of attention for their conduct (real or not) but by the thousands who every day work really hard to do a good job...maybe not a perfect job...but always trying to do a good job."

--And speaking of former Fox News stars, Bill O'Reilly teased the unveiling of new behind-the-paywall content for paid subscribers of his independent website last night, writing on Twitter that on Wednesday, "Premium Members will see a new prototype production of my No Spin News analysis." The former top Fox anchor said a public version of the rollout is set for today.

Good morning and welcome to Morning Media! Yesterday it was announced that I'm leaving POLITICO after more than five years to join CNN to cover European politics, media & global business. It's an incredibly bittersweet departure for me because I love POLITICO, what it stands for, the people here, and the journalism we produce. This was one of those unexpected opportunities that pop up in life. Never fear -- Alex Weprin will take the reins in the meantime and there will be more news on the POLITICO front coming soon.

I hope to keep in touch with all of you. My Twitter DM's will always be open. Until Aug. 16 you can reach me at hgold@politico.com / [@Hadas_Gold](#). Morning Media is edited by **Alex Weprin** ([@alexweprin](#) / alexweprin@gmail.com) and produced with writing/reporting help from **Cristiano Lima**. (clima@politico.com / [@ludacristiano](#)). [Archives](#). [Subscribe](#).

THE MOOCH KICKS OFF HIS MEDIA REDEMPTION TOUR ON ABC's 'THIS WEEK' ON SUNDAY, the show's anchor George Stephanopoulos [tweeted](#) this morning. Just about every major news show has been chasing to get former White House Communications Director Anthony Scaramucci, but we heard last week that Mooch chose ABC News as his first stop.

SCARAMUCCI WILL THEN GO TO STEPHEN COLBERT FOR HIS FIRST LATE-NIGHT POST-EXIT INTERVIEW: The comedian [announced on Twitter last night](#) that Scaramucci would be joining him on Monday. "This is just a heads up for our censors to get ready! #themooch," the CBS late night host tweeted. Scaramucci teased a post-exit presser the week after his firing, but cancelled just prior to it, making the [appearance](#) this Sunday and Monday one of his first public outings since his fall from grace.

-- Bonus: 5 times Colbert roasted "The Mooch" ahead of their late-night next Monday. Read the [list here](#).

BUT HE'S STILL NOT OVER THAT NEW YORKER INTERVIEW featuring numerous expletive-laden attacks on fellow White House staffers that ensnared the Trump administration in controversy just days after his official unveiling as communications director. Scaramucci took to Twitter late Wednesday to blast New Yorker writer Ryan Lizza: ".@RyanLizza is the Linda Tripp of 2017. People know. And he is up at night not being able to live with himself." Asked

online if he was accusing Lizza of taping their interview without permission, Scaramucci responded, "Yes. He absolutely taped the call without my permission. #lowlife" The problem is, The New Yorker and Lizza say that Scaramucci at one point requested the conversation go off-the-record, which Lizza accepted, meaning the rest of the conversation was on. And assuming Lizza and Scaramucci were within Washington D.C. when they held their phone conversation, Lizza was legally within his right to record even if he did not notify Scaramucci - Washington D.C. adheres to "one-party consent" recordings.

THIS IS QUITE THE NEW YORK TIMES CORRECTION to their [big story](#) about scientists purposely leaking a climate change report out of fear the Trump administration would suppress the report. The article explains how a "draft report by scientists from 13 federal agencies concludes that Americans are feeling the effects of climate change right now" and that "it directly contradicts claims by President Trump and members of his cabinet who say that the human contribution to climate change is uncertain, and that the ability to predict the effects is limited." The idea that the report was leaked to the Times by concerned scientists before the Trump administration approved it for release was given a lot of play. But it turns out, according to the correction, the report was actually uploaded by the nonprofit Internet Archive in January.

-- **New York Times Washington bureau chief Elisabeth Bumiller** told the [Washington Post's Erik Wemple](#) "We were just not aware that somebody involved in the report had put a draft on this nonprofit Internet site ... it was not a well-known site to us and the point is that the people who shared the draft with us were not aware of it either. That doesn't change the larger point that scientists were worried that the government wouldn't approve the report or release it through normal channels."

AMID LEGAL THREAT, TECHDIRT MOUNTS FREE SPEECH REPORTING PUSH: The news organization, currently the target of a \$15 million lawsuit spearheaded by the same law firm that took down Gawker, announced a boost to its free speech reporting program Wednesday, including a \$250,000 investment from outside groups. The [initiative](#), launched in partnership with the Freedom of Press Foundation, the Charles Koch Foundation and Craigslist founder Craig Newmark's CraigConnects, among others, is will look to "draw attention to the threats news organizations face when reporting on powerful individuals who attempt to stifle criticism," the group wrote in a statement. You can read the [full release here](#).

DISNEY TO PAY MORE THAN \$177 MILLION TO SETTLE 'PINK SLIME' SUIT, by Alex Weprin: In what is the largest settlement of its kind, Disney paid at least \$177 million to settle the "pink slime" defamation suit filed against its ABC News division. Disney settled the case in June, partway through the high-profile court case. The figure was revealed in regulatory filings on Wednesday. That figure is the most ever paid by a media organization in a defamation case, [according to CNN Money](#).

FACEBOOK IS LAUNCHING A VIDEO CONTENT PLATFORM today called "Watch," in what many see as an opening salvo in its plan to compete with television providers for original content and viewers. The social media giant says the redesigned video tab, previously released as the "Video" tab last year, "will be home to a wide range of shows, from reality to comedy to live sports." A spate of roughly 40 shows on "Watch" is set to launch on Aug. 28, [Business Insider](#)

reports.

BUZZFEED MAKES STRIDES IN NEWSROOM DIVERSITY. Over the past few years BuzzFeed's newsroom has become increasingly less white and male, a report from Splinter's David Uberti shows , as the outlet moves towards a more accurate representation of the communities it seeks to cover. The percentage of non-white staffers at the viral news outlet has risen by roughly six percent since this time last year and over the past year the the percentage of women in the newsroom has risen from 50 to over 60 percent. BuzzFeed's diversity gain, and its somewhat rare decision to publish of internal demographic breakdowns, highlights a larger push in the industry to diversity. But while homogeneity has decreased, BuzzFeed still has work to do in terms of retaining minority employees, particularly Hispanics and Latinos, EIC Ben Smith concedes: "We need to do better on this front, especially in leadership roles."

REVOLVING DOOR:

-- Katherine Borgerding is joining Recode as Associate Engagement Editor. She is currently assistant editor for news platforms at POLITICO.

SOUNDBITE: "Shep, it appears to be a very large chicken display." [Josh Lederman]

EXTRAS:

-- Ben Shapiro has one of the most popular podcasts on iTunes. [National Review]

-- The cameras will stay in the daily briefings on "for now" new White House press secretary Sarah Sanders says. [New York Times]

-- How Kayleigh McEnany became the voice of the RNC. [Daily Beast]

-- The American Civil Liberties Union filed a lawsuit Wednesday to defend Milo Yiannopoulos' freedom of speech. [Daily Caller]

-- You know all those supplements Alex Jones sells on his radio and online programs? Here's what's actually in them. [BuzzFeed News]

-- Jack Shafer asks: Who's afraid of Sinclair Broadcasting? [POLITICO Magazine]

-- How newspapers from around the world reported on Trump's North Korea threat. [CJR]

-- Could investing in video streaming save ESPN? [Poynter]

To view online:

<http://www.politico.com/media/tipsheets/morning-media/2017/08/10/scaramucci-launches-media-redemption-tour-eric-bolling-initiates-lawsuit-against-yashar-ali-fox-ceo-confident-sky-deal-will-be-approved-001329>

To change your alert settings, please go to <https://secure.politico.com/settings>

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA

Please click [here](#) and follow the steps to unsubscribe.

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 9/28/2017 9:42:30 AM
Subject: Morning Energy, presented by the U.S. Chamber's Global Energy Institute: More Pruitt non-commercial travel emerges — Trump biofuel moves spook backers — Zinke abandons planned mining industry address

By Anthony Adragna | 09/28/2017 05:40 AM EDT

With help from Esther Whieldon and Ben Lefebvre

NOT FLYING SOLO: EPA chartered a plane for Administrator Scott Pruitt to visit the Gold King mine because he otherwise would not have been able to travel with a member of his security detail, according to documents obtained by ME. EPA officials have said Pruitt had to take the charter flight from Denver to Durango, Colo., because his commercial flight had been delayed and no other arrangements were available. However, Pruitt apparently could have taken another commercial flight or caught a ride with Gov. John Hickenlooper on a state-owned plane, but neither option would have allowed Pruitt to be accompanied by a member of his around-the-clock security detail. Instead, EPA booked a charter plane, which cost taxpayers more than \$5,000.

"While there was one potential alternative identified that had only one seat available (and the airline may have gone as far as to reserve that seat in case we determined it would meet the travel needs requirements), [chief of staff Ryan Jackson]'s understanding from the security detail was that there was not any additional seat for a Special Agent to accompany the Administrator and, therefore, that flight did not meet the travel and security needs," wrote Kevin Minoli, EPA's acting general counsel, in an Aug. 4 detailing his decision to approve the commercial travel. "Similarly, there was only one seat available on the plane with the Governor, so without the Governor removing someone else from the trip that was not an option either." The email was included with an Aug. 24 memo from Minoli formally authorizing the flight, [copies](#) of which EPA shared with ME.

EPA has spent at least \$58,000 for Pruitt and his entourage to fly on private or government-owned planes this year, according to reports in the [Washington Post](#) and [CBS News](#) Wednesday, citing records provided to Sen. [Sheldon Whitehouse](#). The Washington Post also noted that Pruitt "flies either in business or first class when those seats are available on commercial flights. Multiple EPA travel documents state that Pruitt 'is entitled to business class accommodation due to security concerns.'" His non-commercial flights also included:

—An early June flight from Cincinnati to New York on an Air Force plane so he could make his flight to an international energy ministers meeting in Italy. That trip cost \$36,068.50. Approval [here](#).

—A July 27 trip on an Interior plane from Tulsa to the tiny outpost of Guymon, Okla. to discuss water regulations with farmers that cost \$14,434.50. The agency argued "time constraints" prevented Pruitt from making the five-hour drive. Approval [here](#).

—An Aug. 9 trip on North Dakota's state aircraft so Pruitt could participate in a roundtable at the University of North Dakota's Environmental Research Center at a cost of \$2,144.40.

Any other non-commercial flights? "This is it," a spokesman told ME on Wednesday, adding he believed Pruitt had only flown by helicopter once to survey hurricane damage.

Expanded IG probe sought: Three senior House Energy and Commerce Democrats — [Frank Pallone](#), [Diana DeGette](#) and [Paul Tonko](#) — asked EPA's inspector general to expand its ongoing probe into Pruitt's travel habits to include his use of private and military aircraft. Letter [here](#).

REMINDER: President Donald Trump suggested Wednesday he might fire HHS Secretary Tom Price for [spending \\$300,000 on private flights](#). This isn't going away.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and API's Khary Cauthen was first up to identify Charlton Heston as the actor-turned-NRA president. For today: Which NBA Hall-of-Fame center endorsed Richard Nixon in the 1968 presidential election? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

GUIDE TO TAX REFORM — Easily understand and explain tax reform. Tax reform is complicated, to say the least. Download POLITICO Pro's Guide to Tax Reform and become an expert. Includes six tax-related infographics. [**GET YOUR GUIDE TO TAX REFORM.**](#)

MEXICO, U.S. SIGN NEW WATER DEAL: Officials with the U.S. and Mexico announced an agreement at a Santa Fe, N.M. water conference to help preserve the Colorado River, the Associated Press [reports](#). Under the agreement, the U.S. will spend \$31.5 million in water conservation projects in Mexico and any water saved would then be split between the two countries and environmental projects. Pro's Annie Snider took [an in-depth look](#) at the backstory and negotiations last November. The river supplies water to about 40 million people and 6,300 square miles of farmland in the U.S. alone.

BIOFUEL BACKERS FEAR TRUMP BETRAYAL: Biofuels producers and their farm-state backers in Congress fear the Trump administration is wavering in its commitment to Renewable Fuel Standard, Pro's Eric Wolff reports. Sen. [Joni Ernst](#) on Wednesday slammed EPA's [notice](#) seeking input on whether to reduce the already set 2018 biomass-based biodiesel requirement and shrink the mandate in 2019. In [a letter](#) to Trump, Ernst said she hoped "that your EPA has not forgotten about the pledges that were made to my constituents and to farmers across the country." More from Eric [here](#).

What's more, EPA is considering a policy shift within the next few months that would allow all domestically produced biofuel to count toward annual biofuel compliance quotas, Bloomberg [reports](#), citing people familiar with the discussions. That would lower costs for refiners but come at the expense of corn farmers.

CLIMATE NOW CONSIDERED IN PIPELINE CASE: FERC [announced](#) Wednesday it added a [new 5-page analysis](#) of the Southeast Market Pipelines Project to ensure it complied with a federal court's requirement that it include an assessment of greenhouse gas emissions from the Florida power plants that may use the fuel, Pro's Darius Dixon

reports. FERC has until Oct. 6 to decide whether it will appeal the D.C. Circuit's Aug. 22 ruling, though the move to issue a supplemental EIS on greenhouse gas emissions suggests an appeal is less likely. The analysis found that the pipeline would increase Florida's annual greenhouse gas emissions between 3.7 percent and 9.7 percent compared to 2014 levels for the state.

MIXED SIGNALS ON JONES ACT WAIVER: Several House Democrats introduced legislation Wednesday permitting Jones Act waivers for humanitarian relief. That came after Trump said he was "thinking about" granting a waiver to help deliver fuel and other goods to Puerto Rico, but noted "we have a lot of shippers and a lot of people and a lot of people who work in the shipping industry that don't want the Jones Act lifted." DHS previously said it was unlikely to grant the request, arguing the problem wasn't the number of ships with supplies but the lack of delivery logistics on the island.

Status update: All of Puerto Rico remained without electricity and 44 percent of the island's residents still lacked drinking water, according to status reports. "Right now we are in emergency mode," Gov. Ricardo Rosselló told CNN on Wednesday. "Our focus is not necessarily restoring energy. The energy grid has been destroyed. ... And we need to rebuild it. That does not get rebuilt in days."

IN OTHER PRUITT NEWS: His agency has threatened to cut off support for a program within Justice Department's Environment and Natural Resources Division that reimburses DOJ for Superfund litigation seeking to force polluting entities to pay to clean up toxic contamination they caused, The New York Times reports, citing budget documents. EPA payments accounted for 27 percent of the division's budget — amounting to \$810 million — between 1987 and 2016.

ENERGY GROUPS WEIGH IN ON TAX PLAN: The oil and gas industry are among the early fans of the Republican tax proposal released Wednesday, Pro's Eric Wolff reports. One principle in the plan, allowing companies to fully expense their spending, is of particular interest to the sector, which says it pours an average of \$232 billion a year in capital expenditures in the U.S. "The right pro-growth tax policies can accelerate these economic investments and create more jobs while keeping energy affordable for consumers," American Petroleum Institute President Jack Gerard said.

Utility and renewables industries are withholding their verdicts for now. The Edison Electric Institute is concerned about the potential loss of the interest tax deduction. "For us, the interest deduction is how we raise capital," Eric Grey, EEI's director of government affairs, told Eric. "Our companies are in the debt and equity markets every single day trying to build the necessary financing for the large [capital expenditure] we do." The Solar Energy Industries Association and the American Wind Energy Association both said they were still studying the proposal.

**** A message from the U.S. Chamber's Global Energy Institute:** Energy security is a top priority. For decades, we lacked a tool to measure our progress and assess the impact of policy decisions. Our *Index of Energy Security Risk* changed all that and gives us an objective, quantitative way to track it. See our Index here: <http://bit.ly/2xGeOvL> **

PENCILS DOWN ON WOTUS REPEAL: More than 190,000 comments had already flooded the government's inboxes on the last day to submit comments on the Trump administration's proposal to replace the Obama-era Waters of the U.S. rule with an earlier version while EPA and the Army Corps of Engineers write a new one. Everyone seems to have stuck to well-worn talking points, but a couple of highlights here:

—**Agricultural groups:** They argued in separate letters the Obama-era EPA regulation "ignores the limits and structure that Congress put in place" for the Clean Water Act and urge the agencies to "move quickly" on a new regulation after rescinding the 2015 version.

—**Environmental groups:** The Southern Environmental Law Center, on behalf of dozens of other groups, vehemently opposed the proposal and said reviving "an under-protective, case-by-case regime would result in renewed uncertainty and an unlawful abdication of the agencies' responsibility for protecting clean water." The Natural Resources Defense Council said in its own comments the proposal represents "woefully misguided and unlawful environmental policy" without adequate public input opportunities.

—**Senate EPW Republicans:** Lawmakers commended the administration for pulling the earlier rule, which they said in a letter stemmed from "the erroneous premise that federal jurisdiction over water is whatever the federal wants it to be" and unlikely to survive legal challenges. They asked for a new regulation that "respects the intent of Congress" ASAP.

GREENS GIVE GREEN: The League of Conservation Voters Action Fund, NRDC Action Fund PAC and NextGen America today are announcing they've raised or contributed \$3 million to state and federal candidates so far the 2017-2018 cycle. The groups hit the mark after a 48-hour fundraising push, GreenStorm, meant to boost priority candidates like New Jersey's Phil Murphy, Virginia's Ralph Northam and Oregon Gov. Kate Brown.

SECRETARIES IN PENNSYLVANIA — PERRY VISITING COAL COMPANY: Energy Secretary Rick Perry, along with Rep. Lou Barletta, visits the Jeddo Coal Mine in Wilkes-Barre, Pa. today at 1 p.m. He'll view rare earth elements extraction site, take questions from employees and observe anthracite mining operations.

About two hours away, Interior Secretary Ryan Zinke visits the Valley Forge National Historic Park in King of Prussia for an update on the park and to visit with National Park Service employees.

ZINKE WON'T SPEAK TO MINING GROUP: Zinke dropped out of addressing the National Mining Association's annual fall meeting at the Trump Hotel next week, the group tells ME. "He was scheduled, but is not speaking now," NMA spokesman Luke Popovich said. "He will not be attending." NMA did not give the reason for the cancellation, and Interior did not respond to questions. The meeting, first reported in The Intercept, drew criticism for NMA money flowing into a business of which Trump is

still a majority owner. Zinke has also come under [fire](#) from public watchdog Citizens for Responsibility and Ethics in Washington for addressing the American Petroleum Institute at the hotel and conducting at least one lunch there.

INTERIOR TO SEEK COMMENT ON SAGE GROUSE PLANS: The Interior Department could as early as today issue a request for public comment on potential changes to how it manages sage grouse populations in the West, including to make it easier for fossil fuel development and livestock grazing, according to sources familiar with the situation. Zinke in August ordered staff to move forward on internal staff recommendations to change BLM's land-use conservation plans for the bird, revise guidelines for fossil fuel leases and allow states to set population targets.

EPW NOMINATION HEARING SET FOR OCT. 4: The Senate EPW Committee plans to hold a confirmation hearing for four EPA and one NRC nomination on Oct. 4, your ME host [reports](#). For EPA, lawmakers will consider the selections of Matthew Leopold to be general counsel, William Wehrum to run the air office, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office. They'll also consider Jeff Baran's renomination to the NRC.

MAIL CALL! E&C LEADERS ASK GAO TO PROBE DOE CONTRACTORS: Eight bipartisan Energy and Commerce Committee members asked GAO in a Wednesday [letter](#) to examine so-called data calls from DOE contractors, requests for various information from the contractors running the national labs and performing other projects for the agency.

CBD SEEKS RECORDS ON BLM DECISION LINKED TO CADIZ: The Center for Biological Diversity has filed a public records request with the Interior to figure out why the agency earlier this month reversed a legal interpretation it made under the Obama administration that would have required Cadiz Inc. to go through an environmental review process to use a railroad right of way for its controversial water pipeline in California. Interior's second in command, David Bernhardt, was a lobbyist for Cadiz before joining the agency but an Interior spokesman in an emailed statement said Bernhardt was not involved in the decision to revoke the legal finding.

COAL ASH DEBATE, DELAYED: Arguments over EPA's 2015 coal ash rule will now take place on Nov. 20 rather than Oct. 17 after the D.C. Circuit Court of Appeals granted a [one-month delay](#), Pro's Alex Guillén [reports](#).

GINA SPEAKS OUT! If you happen to be anywhere near Columbia Law School tonight in New York, former EPA Administrator Gina McCarthy delivers what's sure to be an interesting lecture entitled "The President and Future of EPA." Details [here](#).

TAKE A GLANCE! The American Bar Association and the Environmental Law Institute released a primer Wednesday on the Trump administration's environmental actions since January. Read it [here](#).

I'M ALL FERC-AKE: Commissioners Cheryl LaFleur and Robert Powelson served up some mighty tasty looking cake in honor of FERC's 40th anniversary. [Pic](#).

MOVER, SHAKER: Former U.S. Ambassador Laura Holgate is joining Third Way as a non-resident expert focusing on the intersection of climate change, advanced nuclear energy, and security. She was previously U.S. representative to the Vienna Offices of the United Nations and International Atomic Energy Agency.

QUICK HITS

- Maryland sues EPA over interstate air pollution. [Baltimore Sun](#).
- Pennsylvania not fully capitalizing on its Marcellus shale, energy economic potential, energy leaders say. [Trib Live](#).
- Blackstone, Apollo team up for Westinghouse bid - sources. [Reuters](#).
- Pollution could increase as Rauner EPA moves to rescue coal plants. [Chicago Tribune](#).
- National parks struggle with overcrowding. [New York Times](#).
- Weather extremes, fossil fuel pollution cost US \$240 billion: study. [Reuters](#).
- 1 dead, 1 hurt in rockfall at Yosemite National Park's El Capitan. [Los Angeles Times](#).
- Worker exposed to potential unsafe dose of radiation at federal lab. [Washington Post](#).

HAPPENING TODAY

- 9:30 a.m. — "[The Great American Eclipse: To Totality and Beyond](#)," House Science Space and Research and Technology subcommittees, Rayburn 2318
- 9:30 a.m. — "[Rural Development and Energy Programs: Perspectives for the 2018 Farm Bill](#)," Senate Agriculture, Nutrition and Forestry Committee, Hart 216
- 12:30 p.m. — Rep. Jimmy Gomez, concerned community members and activists discuss their Clean Buses for Healthy Niños campaign, Rayburn 2203
- 4:00 p.m. — International Trade Administration holds a meeting by teleconference of the Renewable Energy and Energy Efficiency Advisory Committee, RSVP:
Victoria.Gunderson@trade.gov

THAT'S ALL FOR ME!

****A message from the U.S. Chamber's Global Energy Institute:** Pipelines Power America. America has over 2.6 million miles of pipelines that safely deliver natural gas and petroleum products throughout our nation. It would take over 750 tanker trucks a day to transport the same amount of energy as a single pipeline. While our analysis shows that certain regions like the Northeast face a critical lack of pipeline infrastructure that is contributing to higher prices and negative economic impacts, pipeline projects are under attack across the nation. It's time to end delays and allow for energy that is essential for our daily lives to move around our nation. Find out more about how Pipelines Power America here: <http://bit.ly/2wG6lj9> **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/09/more-pruitt-non-commercial-travel-emerges-024806>

Stories from POLITICO Pro

Price traveled by private plane at least 24 times [Back](#)

By Rachana Pradhan and Dan Diamond | 09/21/2017 05:58 PM EDT

Health and Human Services Secretary Tom Price has taken at least 24 flights on private charter planes at taxpayers' expense since early May, according to people with knowledge of his travel plans and a review of HHS documents.

The frequency of the trips underscores how private travel has become the norm — rather than the exception — for the Georgia Republican during his tenure atop the federal health agency, which began in February. The cost of the trips identified by POLITICO exceeds \$300,000, according to a review of federal contracts and similar trip itineraries.

Price's use of private jets represents a sharp departure from his two immediate predecessors, Sylvia Mathews Burwell and Kathleen Sebelius, who flew commercially in the continental United States. HHS officials have said Price uses private jets only when commercial travel is not feasible.

But many of the flights are between large cities with frequent, low-cost airline traffic, such as a trip from Washington to Nashville that the secretary took on June 6 to make a morning event at a medication distributor and an afternoon speech. There are four regular nonstop flights that leave Washington-area airports between 6:59 a.m. and 8:50 a.m. and arrive in Nashville by 9:46 a.m. CT. Sample round-trip fares for those flights were as low as \$202, when booked in advance on Orbitz.com. Price's charter, according to HHS' contract with Classic Air Charter, cost \$17,760.

HHS spokespeople did not respond to questions about specific aspects of Price's travels, including how many charter trips he has taken. Charmaine Yoest, the agency's top spokesperson, said Price's travel for official business "comes from the HHS budget."

In a statement, Yoest said, "The Secretary has taken commercial flights for official business after

his confirmation. He has used charter aircraft for official business in order to accommodate his demanding schedule. The week of September 13 was one of those times, as the Secretary was directing the recovery effort for Irma, which had just devastated Florida, while simultaneously directing the ongoing recovery for Hurricane Harvey . . . Some believe the HHS Secretary should be Washington-focused. Dr. Price is focused on hearing from Americans across the country."

Nonetheless, POLITICO identified at least 17 charter flights that took place before the first storm — Hurricane Harvey — hit in late August, and included flights that did not appear to be for urgent HHS public health priorities.

For example, Price took a Learjet-60 from San Diego to the Aspen Ideas Festival — a glamorous conference at the Colorado resort town — that arrived at 3:33 p.m. on Saturday afternoon, June 24, nearly 19 hours before his scheduled panel. That flight likely cost more than \$7,100, according to one charter jet agency estimate.

"If you're going to a conference, you have some [advance] flexibility to book travel" and shouldn't need last-minute charters, said Walter Shaub, who was the Barack Obama-appointed director of the United States Office of Government Ethics until July. "This shows a complete disregard for the expense to the taxpayer."

Since being confirmed in early February, Price has developed a reputation inside the agency for flying on private charters rather than taking other means of transportation, people inside and outside the Trump administration said.

After a POLITICO investigation identified five private flights that Price took up and down the East Coast last week, Price took a charter jet to Oklahoma on Tuesday of this week, Sept. 19, where he met with Native American tribes and toured health care facilities by car — although HHS initially explored flying him by charter around the state, two people with knowledge of Price's travels said. "There was a push from political [staff] at HHS to fly him and not drive him to these small communities," said one of the people.

Price's staff cut short his news conference in Oklahoma on Wednesday when reporters raised questions about his use of taxpayer funds, an attendee said.

Price's frequent trips around the country have rankled staff inside the White House, with a senior official saying many trips aren't related to priorities like Obamacare repeal and other items on the president's agenda. While Price has flown to Maine, New Hampshire, Oklahoma and Pennsylvania since last Wednesday, President Donald Trump and Senate Republicans have been frantically rallying support to pass an Obamacare repeal bill by Sept. 30. After that date, the GOP will need 60 Senate votes, not 50, to overturn the 2010 health law.

"No one is quite sure what [Price] is doing," a senior White House official said. "You look at this week, we're doing a last final push trying to get this over the finish line, and he's nowhere to be found."

Many of Price's trips have centered on making announcements related to the use of opioids and holding listening sessions about the epidemic, which Trump labeled a national emergency and continues to contribute to rising death rates from drug abuse. Price has labeled fighting the opioid epidemic one of his top priorities.

But rather than fly commercially to these events, which are scheduled well in advance, Price tends to rent corporate-style jets. Sometimes, he ferries big-name guests along with him. In May, Price and Kellyanne Conway — the White House counselor and former Trump campaign manager who traveled with Price to Philadelphia last week to tour an addiction treatment center — made stops in four different states in the span of two days.

The pair traveled to Lansing, Michigan, and Charleston, West Virginia, for opioid-related meetings in the morning and early afternoon on May 9. That happened to be the same day Trump abruptly fired FBI Director James Comey. On May 10, Conway and Price were in Augusta, Maine, and Concord, New Hampshire, for more opioid-related events.

On July 6, Price again made an opioid-related visit to Chattanooga, Tennessee, where he took a private plane, according to two sources with knowledge of the situation. According to records, HHS signed a \$14,570 charter plane contract for Washington to Tennessee travel with a July 6 effective date.

In June, Price spoke at a physicians association conference in San Diego, where he vowed to wring out wasteful spending in the government's health care programs. Getting "value" for spending "is incredibly important," he said.

Price took a private plane to get to the meeting, which was one stop on a five-state sprint of charter travel that cost \$50,420.

Josh Dawsey and Josh Gerstein contributed to this report.

To view online [click here](#).

[Back](#)

Trump win churns U.S.-Mexico water talks [Back](#)

By Annie Snider | 11/26/2016 07:41 AM EDT

Negotiations between the U.S. and Mexico to seal a water-sharing deal over the dwindling supplies on the Colorado River are confronting a new deadline: the inauguration of Donald Trump.

A 16-year drought has sent water levels at the river's most important reservoir, Lake Mead, to their lowest point since it was first filled in the 1930s, threatening supply cuts for 40 million people across seven U.S. states and two Mexican states. It's also raising the stakes for the two

countries as they try to hammer out an extension of a four-year-old agreement on how to share the water.

That agreement expires at the end of 2017, but negotiators who have worked for years are pressing to finish a new pact before President Barack Obama leaves office — or put at risk years of fruitful collaboration on the sharing of cross-border water supplies that are vital to both countries.

The fear is not only that Trump — who has called Mexicans criminals and vowed to erect a massive border wall — could derail any potential deal, but that even turning the talks over to new negotiators would stall the process at a critical moment, since it would take them months to get up to speed.

The issue is just one of dozens of crucial international topics, from relationships with NATO and Russia to Asian trade deals, that may take a dramatic shift under a Trump team that campaigned on an "America First" platform.

Farmers and cities in Arizona and Nevada could face their first cuts in water supplies a year from now, just as the existing agreement ends. Without a new agreement with Mexico, it is unclear whether or how those cuts could be shared across the border, raising the prospect of either deeper, swifter cuts to U.S. states or a bitter cross-border dispute.

Water policy experts say that even before Trump's election, the Obama administration had been pressing to tie up a new deal for the Colorado River and avoid any delays caused by the change in administrations.

"There's pressure to finish off any type of arrangement that you start with one administration," said Carlos de la Parra, a Mexican water analyst who advised his country's lead negotiator on the previous water sharing deal. "Now there's this surprise, and there's a President-elect Trump, and obviously that becomes a little more acute given his discourse."

The Colorado River provides the lifeblood of much of the American Southwest, feeding desert metropolises including Phoenix, San Diego and Las Vegas, and supplying farmers who grow 15 percent of the nation's food. The river rises on the Continental Divide in Rocky Mountain National Park, and snakes 1,450 miles before finally draining into the Gulf of California on the Mexican side of the border — although most of the time there's barely a trickle left by the time the river reaches its delta.

Experts say the arrival of a potentially hostile new U.S. president doesn't necessarily mean Mexico will settle for less than it wants. Mexico holds significant leverage since its water is the most protected as a treaty obligation. It also has the right to take the U.S. to international arbitration, and controls the delivery of Rio Grande water to American farmers in Texas.

While Mexico has been "very fair to the U.S. — more than it had to be" in previous negotiations, the water treaty is a sovereignty issue that "gets down to the raw material of Mexican nationalism," said Stephen Mumme, a political science professor at Colorado State University.

"There are big incentives on both sides to get this done, and done in a way that's sustainable," he said. "But it's not going to come at Mexican expense and Mexico cannot be bullied or pressured in this. I think that's one of those things that's going to be a little bit of a wake-up call for the Trump administration."

Negotiators are focusing on the technical aspects of crafting a water-sharing deal and hoping to keep politics out of the talks. Sally Spener, foreign affairs officer at the International Boundary and Water Commission, the U.S.-Mexican agency that negotiates and applies the treaties, said the American commissioner "has instructed his staff to continue with our work and we continue to do that."

Roberto Salmon, the lead Mexican negotiator, told POLITICO the primary urgency to sign a new deal comes from the ongoing drought and dire predictions for the basin, rather than "political issues or political aspects or the political life of either country." But keeping calm heads only stands to get harder as flows on the river continue to dwindle.

Under a 1944 treaty with Mexico, the U.S. must send 1.5 million acre-feet of water — nearly half a trillion gallons — across the border each year, an amount that's roughly enough to supply 3 million homes. But the treaty's provisions laying out rules on what happens during a drought are vague and undefined.

Moreover, hydrologists now realize that the period in the early 20th century when the Colorado River's water supply was divvied up was unusually wet. And as temperatures rise and climate change shrinks the winter snow pack that feeds the Colorado, the river is likely to carry even less water in the future.

The strain is already being felt: Water levels behind the Hoover Dam at Lake Mead this year plummeted to the lowest level since the reservoir was built. Under existing law, Arizona and Nevada must start taking cuts when water levels reach 1,075 feet above sea level in late summer. The Bureau of Reclamation estimates a 50-50 chance that the lake will hit that level next year, triggering the first supply cuts for the U.S. — and potentially Mexico — in 2018.

In fact, if the existing compacts and treaties had been strictly followed, the cuts would already have begun. But after years of battling each other in court and across the negotiating table, the U.S. and Mexican governments and the seven U.S. states in the Colorado River basin decided to stop fighting and start working together, ultimately staving off water delivery cuts for several years.

In the U.S., the lower basin states of Arizona, Nevada and California have struck several deals to undertake and fund aggressive water conservation programs. The U.S. and Mexico struck a similar deal as part of the water sharing agreement signed in 2012 that is set to expire next year. Under that deal, called Minute 319, the states and the U.S. government are investing \$21 million in water conservation programs in Mexico like lining canals to reduce leaks and improving water efficiency at farms.

That deal also takes steps to restore the parched river delta south of the border, and allows Mexico to store some of its Colorado River water supplies in Lake Mead to make up for capacity that was lost in Mexico after a 2010 earthquake damaged its dams. That helped Mexico solve its shortage problem while bolstering water levels at the critical reservoir.

But that history of collaboration may be tested if the negotiations drag on into the new Trump administration, which has focused much of its most bombastic rhetoric on international trade agreements and immigration from Mexico.

"All this blustering, all of these insults being hurled around just doesn't help, because we depend on Mexico in so many ways," Mumme said.

Trump hasn't spoken about the Colorado River's issues, and his transition team did not respond to a request for comment. But during the campaign he championed the plight of farmers in the Central Valley of California, who have had their water deliveries cut because of a five-year drought combined with endangered species protections that restrict pumping from the Sacramento-San Joaquin delta in the northern part of the state. In a May campaign stop in Fresno, Trump vowed to fix the state's "insane" water problem to "bring jobs back."

And in what could be signal of the type of policies to expect, David Bernhardt, a former Interior Department solicitor who is now the top lobbyist for a powerhouse Central Valley water district, was tapped to lead Trump's initial transition for the Interior Department.

Getting a Colorado River deal done before Trump's inauguration will be a heavy lift. Mexico has indicated it doesn't want to sign the deal until a separate but related agreement is in place on the U.S. side of the border. That deal, a drought contingency plan among California, Arizona and Nevada, calls for the states to conserve additional water above and beyond mandatory cuts in order to increase reservoir levels and stave off the most severe scenarios. Although the states have agreed to top-line numbers, they've haven't yet worked out with their farmers, cities and other users how to share the cuts. And in Arizona, the state legislature must give its approval to any pact.

Water experts agree it's only a matter of time until a shortage declaration is declared on the river, and without a new U.S.-Mexico deal in place, what would happen then is anyone's guess.

The U.S. could simply implement the delivery cuts agreed to under the 2012 deal, hoping that Mexico wouldn't object to extending those provision under the expired deal. But it's not clear whether those cuts would still be acceptable to Mexico.

"Without a U.S.-Mexico agreement, it's entirely possible that Mexico asserts that it does not have to take a shortage," said Jennifer Pitt, Colorado River project director for the National Audubon Society.

Moreover, whatever the U.S. does on the Colorado River could have knock-on effects elsewhere. In particular, the same treaty that governs the Colorado River also covers the Rio Grande, where Mexico is obliged to deliver water to the U.S.

It was Mexico's failure to deliver agreed-upon water volumes from the Rio Grande to the U.S. that last raised U.S.-Mexico water issues to the presidential level. That was in 2005 under President George W. Bush, who was acutely aware of the importance of that water to farmers in his home state of Texas.

Cross border tensions were also high in the mid-2000s, when some of the United States' Colorado River water was seeping into the ground and over the border and being pumped by Mexican farmers. The two countries also feuded during the late 1960s over salinity levels in the water that the U.S. was sending south, a dispute still fresh in the minds of water experts on both sides of the border. Mexico repeatedly threatened to sue the U.S. over that issue, and ultimately President Richard Nixon appointed a special ambassador to deal with the problem.

Key players on the Colorado River hope that relations won't get that bad anytime soon, even as they acknowledge that Trump's fiery campaign rhetoric presents a major wild card.

"On the merits, having Mexico conserve more water to improve the reliability of the Colorado River water supply for 36 million users in the U.S., for 15 percent of U.S. agricultural output, that seems to me to have enormous value," Pitt said.

"On that basis, I have confidence. But on the basis of how rhetoric can sometimes get detached from those merits — I don't know," she said.

To view online [click here](#).

[Back](#)

Biofuel producers unite against potential EPA biodiesel cuts [Back](#)

By Eric Wolff | 09/27/2017 06:57 PM EDT

Biofuels producers and their farm-state backers in Congress are keeping the pressure on EPA, accusing the agency of betraying President Donald Trump's promises to back the Renewable Fuel Standard after the agency signaled it would cut its biodiesel volume mandates.

EPA's Tuesday [notice](#) seeking input on whether to reduce the already set 2018 biomass-based biodiesel requirement and shrink the mandate in 2019 is drawing opposition from both biodiesel and ethanol producers, who say EPA's move marks its second attempt to undermine the program this year.

The new EPA notice has already driven down prices for biofuel credits, which are used by refiners to meet the obligations under the RFS. That's a boon to refiners like CVR Energy, the company owned by former Trump adviser Carl Icahn who had joined with other fuel processors like Valero Energy earlier this year in an unsuccessful effort to shift the compliance burden of the RFS away from their companies.

Trump has repeatedly offered public support for ethanol producers and the RFS, and just last month, he told Sen. Chuck Grassley (R-Iowa) to assure Iowans he had their backs on the RFS — a position Trump staked out early in his presidential campaign and which helped him carry Iowa and other Midwestern states.

On Wednesday, Sen. Joni Ernst (R-Iowa) blasted the new EPA move, saying in a letter to Trump that the biodiesel cut would be "bad for American farmers, American manufacturing and American rural communities," adding that she hoped "that your EPA has not forgotten about the pledges that were made to my constituents and to farmers across the country."

That letter came a day after Grassley said the proposal "seems like a bait-and-switch from the EPA's prior proposal and from assurances from President Trump himself and Cabinet secretaries in my office. ... This all gives me a strong suspicion that Big Oil and oil refineries are prevailing, despite assurances to the contrary."

And biodiesel makers are drawing strong support from the ethanol industry, who see the EPA's move as a step toward undercutting the RFS.

"This would undermine renewable fuel production in the U.S. and cause severe harm to our friends in the biodiesel industry," Robert Walther, vice president of federal advocacy for ethanol producer POET, told POLITICO. "That harm would radiate throughout the entire biofuel value chain from starch biofuel plants, to cellulosic facilities now scaling up, to the corn and soybean farmers who voted overwhelmingly for Trump."

In its Tuesday notice, EPA relied on letters from Valero, the American Petroleum Institute, and the American Fuel and Petrochemical Manufacturers to argue the agency expects biodiesel prices to climb because of the expiration of a tax credit last year — as well as the new tariffs the administration is putting on biodiesel imports from Argentina and Indonesia.

As a result, the agency asked for comment on revising down the amount of biodiesel to be used in 2018 by 15 percent, and on setting 2019 biodiesel requirements possibly as low as the 1 billion gallon floor laid out in the law, less than half the original 2018 level of 2.1 billion gallons.

Biodiesel credits are linked to the ethanol credits — called Renewable Identification Numbers — since U.S. ethanol producers typically fall short of supplying the volumes required under the RFS program. Oil refiners then must buy biodiesel RINs to meet requirements, according to research by University of Illinois economist Scott Irwin.

While corn ethanol credit prices are cheaper than biodiesel RINs, the two tend to move in tandem, so the effect of EPA's notice on RIN prices for ethanol, advanced biofuel and biodiesel was immediate: a 20 percent decline in prices for credits of biodiesel and ethanol after EPA's notice, according to the fuel price tracking service OPIS.

The proposal to cut the biomass-based fuel shocked the biodiesel makers such as Gene Gebolys, CEO of World Energy, who said the industry "froze" as soon as the notice came out.

"The more baffling part is Trump has been consistently supportive of the RFS, over and over and over and over again, he has been supportive of the RFS," he said. "This has been a frontal assault on the RFS. You have to ask yourself, is EPA taking direction from the White House or the oil industry?"

EPA also did not respond to a request for comment. Nor did API or Valero, both of whom EPA cited in its notice, although the AFPM trade association was pleased by the action.

"EPA is on the right track in adjusting renewable fuel requirements," AFPM CEO Chet Thompson said in a statement. "This proposal more appropriately advances Congress's stated purpose of bolstering America's energy independence. American drivers shouldn't have to shoulder more costs to help foreign biofuel producers."

But ethanol producers think EPA may be putting key states in play if it follows through and makes cuts to biodiesel.

"If I am a Democrat thinking of taking Trump on in Iowa and Wisconsin in 2020, I am licking my chops," Walther from POET said.

To view online [click here](#).

[Back](#)

FERC amends pipeline study to add climate impact [Back](#)

By Darius Dixon | 09/27/2017 04:31 PM EDT

FERC [announced](#) today that it is amending an environmental study for a natural gas pipeline to meet a federal court's requirement that it include an assessment of greenhouse gas emissions from the power plants that may use the fuel.

The [new 5-page analysis](#) of the Southeast Market Pipelines Project, which consists of three natural gas pipelines under construction in Alabama, Georgia and Florida, conducted by FERC staff says they "would not result in a significant impact on the environment" so long as the developer followed the mitigation measures mentioned in the final 2015 environmental impact statement.

The original EIS didn't include an assessment of carbon dioxide, methane and nitrous oxide emissions associated with use and combustion of the natural gas that would be transported by the project when it was done. Last month, the D.C. Circuit Court of Appeals sided with the Sierra Club and [vacated](#) FERC's approval of the project, saying the agency must redo the EIS it used in its decision.

FERC's move to issue a supplemental EIS on greenhouse gas emissions suggests that it may not

appeal the court's decision.

The analysis also states that using the social cost of carbon in its greenhouse gas analysis "is not appropriate for use in any project-level NEPA review."

WHAT'S NEXT: FERC has until Oct. 6 to decide whether it will appeal the D.C. Circuit's Aug. 22 ruling, which could require the agency to revisit the EISs it conducted for several pipelines.

To view online [click here](#).

[Back](#)

Trump: Shipping industry doesn't want Jones Act waiver for Puerto Rico recovery [Back](#)

By Ben Lefebvre | 09/27/2017 03:40 PM EDT

President Donald Trump cited objections from the shipping industry when asked today why his administration has not waived the Jones Act to help deliver fuel and other goods to hurricane-ravaged Puerto Rico.

"We're thinking about that, but we have a lot of shippers and a lot of people and a lot of people who work in the shipping industry that don't want the Jones Act lifted," Trump told reporters outside the White House today. "And we have a lot of ships out there right now."

The Jones Act stipulates that only U.S.-flagged vessels can ship goods between domestic ports.

DHS [said](#) earlier today that it was not likely to grant a Jones Act waiver to Puerto Rico, where water, fuel and other necessities are in short supply since Hurricane Maria hit the island last week. Enough ships are available to deliver goods to the U.S. territory, with the problem being the lack of delivery logistics on the island itself, a department spokesman said.

DHS waived the Jones Act for fuel deliveries to Texas and Florida after hurricanes hit those states earlier this year.

WHAT'S NEXT: Congress has promised to ramp up aid to Puerto Rico.

To view online [click here](#).

[Back](#)

DHS says it hasn't denied Jones Act waiver for Puerto Rico — yet [Back](#)

By Tanya Snyder | 09/27/2017 11:35 AM EDT

DHS officials said today that they have not yet decided how to act on the Jones Act waiver request sent Monday from eight members of Congress.

However, senior DHS officials made it clear that a waiver is unlikely and that an official determination could take days or weeks, as it requires coordination with other federal agencies.

Under statute, the Jones Act, which requires that goods moved between U.S. ports must be carried on U.S.-owned and -operated vessels, can only be waived for reasons of "national defense" or if there aren't enough U.S.-flag vessels to meet demand. In the wake of Hurricanes Harvey and Irma, the Department of Defense requested a Jones Act waiver for Texas and Florida, which was issued quickly. In the absence of a Pentagon request, DHS needs to make those determinations itself, consulting with MARAD on vessel availability.

DHS officials also told reporters that the department had "not received a formal waiver request," since Congress is not a traditional pathway for these kinds of requests. Still, the officials said they are evaluating the request and working as quickly as possible to make a determination.

The officials also reiterated that a Jones Act waiver would not help move goods within the island, which is the real problem Puerto Rico is facing right now.

The U.S. Virgin Islands are statutorily exempt from the Jones Act.

To view online [click here](#).

[Back](#)

Oil industry backs GOP tax proposal, but utilities, renewables industries wary [Back](#)

By Eric Wolff | 09/27/2017 04:02 PM EDT

The oil and gas industry praised the tax proposal released Wednesday by Republican leaders, though the utility and renewables industries withheld their verdicts for now.

The "Big Six" Republican tax writers — consisting of Treasury Secretary Steven Mnuchin, National Economic Council Director Gary Cohn and key congressional leaders — called for lowering the corporate tax rate for businesses to 20 percent, and allowing companies to write off the full value of capital investments. But they left many details out of the plan, including how to pay for their tax cuts. The proposal would partially curb the interest tax deduction for businesses, and it would alter how overseas profits would be taxed.

Allowing companies to fully expense their spending would benefit the oil and gas sector, which says it pours an average of \$232 billion a year in capital expenditures in the U.S. The proposal also shifts international taxes to a territorial system, under which profits from overseas subsidiaries would not be taxed, and it allows profits currently held overseas to be repatriated without being taxed.

"The right pro-growth tax policies can accelerate these economic investments and create more jobs while keeping energy affordable for consumers. This includes strong cost-recovery provisions, which are a critical part of any pro-growth tax code to allow new investment and help fuel the U.S. economy," American Petroleum Institute President Jack Gerard said.

Wednesday's tax proposal was vague on the fate of the interest tax deduction, saying it would be "partially limited" but leaving tax-writing committees to work out the details.

The Edison Electric Institute, which represents Investor-owned utilities, said it was still reviewing the proposal; but in an interview earlier this week, Eric Grey, EEI's director of government affairs, said the group was concerned about the loss of the interest tax deduction. EEI says utilities spend \$125 billion a year on capital investments, and they depend on debt and equity markets to fund transmission lines, substations and wires. Grey said utilities wouldn't get an immediate benefit from 100 percent expensing.

"For us, the interest deduction is how we raise capital," Grey said. "Our companies are in the debt and equity markets every single day trying to build the necessary financing for the large [capital expenditure] we do."

The Solar Energy Industries Association and the American Wind Energy Association both said they were still studying the proposal. SEIA CEO Abigail Ross Hopper told POLITICO last week that the industry was concerned about the interaction between the investment tax credit and full expensing.

To view online [click here](#).

[Back](#)

EPW to host EPA, NRC nomination hearing Oct. 4 [Back](#)

By Anthony Adragna | 09/27/2017 04:25 PM EDT

The Senate Environment and Public Works Committee will hold a confirmation hearing Oct. 4 on a host of President Donald Trump's picks for posts at EPA and the Nuclear Regulatory Commission.

The session will include four EPA nominees: Matthew Leopold to be general counsel, William Wehrum to run the air office, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office. Lawmakers will also consider Jeff Baran's re-nomination to the NRC.

The committee [shelved a hearing](#) planned for last week on the picks after the Senate adjourned earlier than expected for Rosh Hashanah. Wehrum's and Dourson's nominations have attracted the most controversy from Democrats and the environmental community.

WHAT'S NEXT: The full EPW Committee will consider the nominees at the Oct. 4 hearing.

To view online [click here](#).

[Back](#)

Court delays coal ash arguments to November [Back](#)

By Alex Guillén | 09/27/2017 04:54 PM EDT

The D.C. Circuit Court of Appeals today [granted a one-month delay](#) in arguments over EPA's 2015 coal ash rule following Administrator Scott Pruitt's [decision to reconsider](#) key parts of the regulation.

Arguments had been scheduled for Oct. 17, but a three-judge panel ordered them delayed until Nov. 20.

The judges ordered EPA to reveal by Nov. 15 which portions of the rule will be reconsidered "and setting forth with specificity the timeline for reconsideration." In addition, all sides, including industry and environmental challengers, are supposed to file new briefs by Oct. 11 addressing whether the new [state-based coal ash permitting program](#) that passed Congress as part of the Water Infrastructure Improvements for the Nation Act at the end of 2016 affect the broader lawsuit at all. And the court told attorneys to be ready at arguments to discuss whether a longer delay in the lawsuit is appropriate, opening up the possibility of further delay.

The court set 90 minutes' worth of arguments in total, split into four sections: Three dealing with various legal and technical challenges to the rule and one on whether the case should be delayed longer.

The case will be heard by Judges Karen LeCraft Henderson, a George H.W. Bush appointee, and two Obama appointees, Judges Patricia Millett and Cornelia Pillard.

WHAT'S NEXT: The parties must submit briefs regarding the permitting program by Oct. 11. Oral argument is scheduled for Nov. 20.

To view online [click here](#).

[Back](#)

Was this Pro content helpful? Tell us what you think in one click.				
Yes, very	Somewhat	Neutral	Not really	Not at all

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

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA
