

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Mon 11/6/2017 3:17:03 PM
Subject: POLITICO's Morning Transportation, presented by the Association of American Railroads: Shuster interested in Armed Services chairmanship — Spending bills hang in the balance — Latta wants DHS action on car attacks

By Tanya Snyder and Brianna Gurciullo | 11/06/2017 10:00 AM EDT

With help from Stephanie Beasley

SHUSTER STAYING: While other soon-to-be term-limited House committee chairmen are planning to retire come 2019, Rep. [Bill Shuster](#) (R-Pa.) says he doesn't want to join them. "My intention is to stick around," Shuster recently [told The Hill](#). "I've got some other opportunities. I'm pretty senior on the Armed Services Committee." He added that Chairman [Mac Thornberry](#) (R-Texas) "has another term, but I'm on the top prong there, and I've demonstrated that I can get things done." Shuster became the Transportation Committee's chairman in 2013 and will have to give up the gavel in January 2019. At least two committee members - Highways and Transit Subcommittee Chairman [Sam Graves](#) (R-Mo.) and Railroads Subcommittee Chairman [Jeff Denham](#) (R-Calif.) - are [looking](#) to succeed Shuster.

IT'S MONDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Tanya has her bike helmet on and is ready to roll, so be sure to send her your tips, well wishes and random thoughts: tsnyder@politico.com or [@TSnyderDC](https://twitter.com/TSnyderDC).

["Sailing away beyond the reach of anyone / Far beyond the dreams of everyone / High from the heavens / I can't see the pain / Does anybody care?"](#)

GET LISTENING: Follow MT's [playlist](#) on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

THIS WEEK:

Tuesday - The Atlantic holds a series of [discussions](#) on artificial intelligence, self-driving cars and virtual reality. The Atlantic Council's Cyber Statecraft Initiative [releases](#) a report on "the critical cybersecurity challenges facing the aviation industry."

Wednesday - FAA Administrator Michael Huerta [speaks](#) at the National Air Transportation Association's Aviation Business Roundtable. The Design-Build Conference and Expo [begins](#) in Philadelphia. The Senate Commerce Committee [marks up](#) Bruce Landsberg's nomination to be a member of NTSB, Ray Martinez's nomination to be FMCSA administrator, Diana Furchtgott-Roth's nomination to be assistant secretary of transportation for research and technology and former Rep. Lynn Westmoreland's nomination to be a member of Amtrak's board. The Senate Environment and Public Works Committee holds a [hearing](#) on Kathleen Hartnett White's nomination to the Council on Environmental Quality.

WAIT THERE'S MORE! Also on Wednesday, the Senate Homeland Security and Governmental Affairs Committee holds a [hearing](#) on Kirstjen Nielsen's nomination to be Homeland Security secretary. The House Homeland Security Committee holds a [hearing](#) on TSA with Administrator David Pekoske. Before the hearing, Pekoske and DHS Inspector General John Roth will give members of the panel a classified briefing on the IG's most recent audit of TSA screenings, Steph [scooped](#) for Pros.

Thursday - Securing America's Future Energy holds a [conversation](#) on "the regulatory measures that should be taken to enable a safer and more efficient trucking future." The Information Technology & Innovation Foundation holds a [talk](#) about "how best to strike a balance between maintenance and innovation in future U.S. infrastructure investments." The Senate Homeland Security and Governmental Affairs Committee [marks up](#) Nielsen's nomination.

CLOSING TIME: Anyone who's been watching the countdown at the bottom of MT knows there's barely a month left before government appropriations expire - and "spending leaders have barely begun negotiating a compromise that could mark the toughest political wrangling of Donald Trump's presidency so far," [report](#) Sarah Ferris and Jennifer Scholtes. There's talk of pushing the Dec. 8 deadline until sometime in February. But if they try, defense hawks are sure to raise a stink about it. "If we go to another CR, we're going to be unable to defend ourselves," Rep. [John Carter](#) (R-Texas), who chairs the House spending panel in charge of homeland security, told POLITICO on Friday.

MUDDY WATERS: Top Republicans and Democrats on the House Transportation Committee want the GAO to keep close tabs on DOT's future INFRA grant decisions, following an agency report showing DOT hadn't provided clear rationale for its selection of 18 highway and freight projects from a pool of 218 applicants last year. Though the awards were made under the Obama administration, GAO noted that DOT's application review process remains opaque under the Trump administration. DOT agreed with the report's recommendations and said it would work to establish an evaluation plan and document key decisions made on applications for fiscal 2018. Pros can get all the details [here](#).

LATTA WANTS ACTION ON CAR ATTACKS: Rep. [Bob Latta](#) (R-Ohio) has introduced a measure (H.R. 4227 (115)) that would require DHS to take a deeper look at vehicular terrorism threats. The [bill](#) would give the department six months to examine its efforts to prevent vehicle attacks and submit recommendations to Congress. Latta joins a chorus of lawmakers pressing for federal action on vehicular terrorism in the wake of last week's truck-ramming attack in New York City. DHS has largely deferred to the FBI and local law enforcement to investigate the incident, but Latta said the department should take more steps to prevent such attacks. "DHS needs to take appropriate actions to prevent these assaults on innocent lives," he said in a statement.

HEADS UP: Amendments won't be offered on the floor when the House considers its tax bill (H.R. 1 (115)), Ways and Means Chairman [Kevin Brady](#) (R-Texas) told POLITICO Playbook. "The work will be done in the committee and before we take it to the Rules Committee and later in conference," Brady said. More [here](#). Related, House Speaker [Paul Ryan](#) [said](#) on Fox News Sunday that he feels "very good" about the chances of getting the tax bill passed through the

House before Thanksgiving.

**** A message from Association of American Railroads:** Moving 54 tons of goods annually for every American takes a lot of muscle, and a lot teamwork. See how intermodal has turned trucks and trains from competitors into collaborators while delivering for U.S. industry and consumers. <http://bit.ly/2itLz6q> **

FLY-IN: The North Dakota Motor Carriers Association is meeting with lawmakers Tuesday, Wednesday and Thursday to push for the Republican tax bill as well as funding for infrastructure upgrades. "It is the 41st American Trucking Associations state affiliate to conduct an annual fly-in this year," ATA's Jeremy Kirkpatrick told MT.

MT MAILBAG: Twenty-two organizations, ranging from the National Stone, Sand and Gravel Association to the Reason Foundation and from AASHTO to ASCE signed on to a [letter](#) urging members of the Ways and Means Committee to retain the federal tax exemption for private activity bonds, which the tax bill would eliminate. "This provision severely conflicts with the need to deploy all types of funding sources for transportation infrastructure improvements, including private capital," they wrote. "Ultimately, it would raise costs for most such projects, regardless of how they are financed." ... Kurt Nagle, president and CEO of the American Association of Port Authorities, also wrote to Ways and Means Committee leaders to [advocate](#) for protecting PABs, designating Harbor Maintenance Trust Fund spending as mandatory and funding infrastructure improvements.

FMCS-ADIOS: FMCSA's deputy administrator, Daphne Jefferson, has retired, Brianna [reported](#) for Pros on Friday. Cathy Gautreaux, most recently the Louisiana Motor Transport Association's executive director, is likely to succeed her, Transport Topics [reports](#).

ICYMI: Senate Majority Leader [Mitch McConnell](#) (R-Ky.) filed cloture last week on Derek Kan's nomination to be under secretary of transportation for policy. Kan's nomination was approved by committee back in June. But Democratic senators hindered his confirmation in August over [concerns](#) about the Gateway Program. Kan was a general manager at Lyft and previously a policy adviser to McConnell. He has been a "senior advisor" at DOT since June, according to his [LinkedIn](#).

ARRIVALS AND DEPARTURES: Michael Bilello is TSA's new assistant administrator for public affairs. He was most recently CEO and founder of Centurion Strategies and previously worked as a public affairs and media relations officer for the Marine Corps.

THE AUTOBAHN:

- "GOP tax bill has transportation advocates scrambling." [The Hill](#).
- Average price per gallon up 17 cents in Los Angeles since 12-cent gas tax took effect. [ABC7](#).
- "Trump to Japan: Make more cars in the U.S." [POLITICO](#).

- Arrested Saudi investor prince owned 'sizable' stake in Lyft. [The New York Times](#).
- "Electric-vehicle tax-credit proposal slows Tesla, Detroit." [The Wall Street Journal](#).
- "USDOT preparing sweeping AV policy update, 3.0, including trucks and buses." [Eno Transportation Weekly](#).
- "Japanese firms say U.S. NAFTA proposals would be harmful." [POLITICO Pro Trade](#).
- "BMW recalling 1 million vehicles in North America." [Reuters](#).
- "Russian airspace to remain open to Dutch airlines." [POLITICO Europe](#).

THE COUNTDOWN: DOT appropriations run out in 33 days. The FAA reauthorization expires in 146 days. Highway and transit policy is up for renewal in 1,060 days.

**** A message from Association of American Railroads:** America's 21st century economy rides on the back of a modern intermodal freight rail network. Railroads are leveraging their unique shipping capabilities to meet growing demand for freight movement while supporting a trucking industry undergoing transformation. Read the full story of these two unlikely partners - and their impact on the American economy. <http://bit.ly/2itMnIu> **

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Mon 7/31/2017 2:04:21 PM
Subject: POLITICO's Morning Energy: Energy issues the Senate might handle this month — Public weighs in on EPA delay of power plant discharge rule — Efficiency groups want Congress to be clear about Trump program spending

By Alex Guillén | 07/31/2017 10:00 AM EDT

With help from Darius Dixon, Annie Snider and Esther Whieldon

AUGUST: O-SENATE COUNTY: Senators are back in town this week rather than kicking off their traditional August recess, but with the GOP's health care repeal effort underwater (for now, anyway) there may be an opportunity for lawmakers to get something done on energy - which, almost unbelievably, is often a less contentious issue these days. Here's a look at energy issues on the Senate's backburner that might get renewed attention soon.

Energy bill: Senate Energy and Natural Resources Chairwoman [Lisa Murkowski](#) said earlier this month that she would push to get the bipartisan energy bill, [S. 1460 \(115\)](#), onto the floor in these extra weeks. It's largely the same as a version that passed the Senate overwhelmingly last year, and would offer the chamber an opportunity to do something concrete. However, Majority Leader [Mitch McConnell](#) may not have much interest in moving Murkowski's bill after she helped tank the GOP's Obamacare repeal efforts last week.

Appropriations: The last of the four major energy appropriations bills - the Senate's Interior-EPA package, overseen by Murkowski - has yet to be released. If it follows the recent tradition of Senate leniency on EPA spending, the agency would find itself in line for even fewer cuts than under the [House version](#) (which wielded the ax must less sharply than President Donald Trump's proposal). However, eyeballs will definitely be scouring the Interior side to find out whether Murkowski includes any payback against Secretary Ryan Zinke, who infamously tried to turn up the heat on her last week about her Obamacare stance.

Hearings: The Senate Environment and Public Works Committee has an oversight hearing on EPA's Superfund program scheduled for Tuesday morning. Witnesses are Steven Nadeau of the law firm Honigman Miller Schwartz and Cohn; Jeffery Steers, director for regional operations for the Virginia Department of Environmental Quality; and independent consultant Katherine Probst, who recently wrote a [paper](#) on Superfund's accomplishments and challenges.

HOW MANY NOMINATIONS PASS GO? Shortly after Friday's collapse of the latest Obamacare repeal effort, Senate Minority Leader Chuck Schumer said "a whole lot" of nominees may begin marching through the upper chamber. Plenty of energy nominees are hoping to get off the bench and into the game, including Trump's picks for EPA, the Nuclear Regulatory Commission, FERC and the Energy Department, who have already gotten committee approvals. As far as Senate politics go, there are two tracks of nominees: standalone picks, such as deputy Energy secretary nominee Dan Brouillette, and those who can be sewn into bipartisan packages, like the FERC hopefuls.

Much of the energy world has been waiting for Trump's FERC nominees to be confirmed, given the agency's months of paralysis. But don't expect too much movement there until the White House formally sends the nomination of Democratic pick Rich Glick to the Senate. Glick's nomination was announced June 28 but not much else has happened since, except Trump's plans to nominate Kevin McIntyre for agency chair. That has left GOP picks Neil Chatterjee and Rob Powellson on ice. At this point, even if the Glick and McIntyre paperwork came over today, there wouldn't be enough time for Murkowski to shuffle them through her committee before the Senate's abbreviated recess kicks off. A big question mark still hangs over Brouillette, who was approved by the energy panel on June 6. He's not a particularly controversial figure, but Sen. Dean Heller has had a hold on his nomination and it's unclear how or when that will be resolved.

More than 50 people are waiting for floor time, including NRC nominees Annie Caputo and David Wright and EPA enforcement pick Susan Bodine, and many may be good candidates for getting quietly approved in the final minutes before the Senate goes on recess.

HAPPY MONDAY AND GOODBYE TO JULY. I'm your special guest host Alex Guillén, and while I am one of the last people on Earth not watching "Game of Thrones," I can report that the pop-up bar on Seventh Street makes some tasty cocktails (especially the What Is Dead May Never Die). Marni Salmon of the Pew Charitable Trusts was first on Friday to identify James Madison as the shortest president, at a petite 5 feet 4 inches. Today's trivia: Trump, at 6 feet 2, is tied for fourth tallest president with five of his predecessors. Name all five. Send your tips, energy gossip and comments to aguillen@politico.com. Or follow us on Twitter [@alexaguillen](https://twitter.com/alexaguillen), [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

ZINKE, PERRY RETURN FOR CABINET MEETING: Interior Secretary Ryan Zinke and Energy Secretary Rick Perry have canceled travel plans in order to attend a quickly organized Cabinet meeting at 10 a.m. Zinke is wrapping up a trip out West and had to pull out of several meetings on Nevada monuments, and Perry has postponed a trip to visit DOE's Portsmouth Gaseous Diffusion Plant in Piketon, Ohio. It was not immediately clear last night whether EPA Administrator Scott Pruitt will attend, but ME thinks it's a good bet. The agenda seems likely to include Obamacare repeal (which now enjoys a starring role for Zinke) and the shake-up at the White House's top echelons.

Less likely to rate Cabinet attention today is Zinke's monument review. He was in Nevada on Sunday to tour Gold Butte National Monument and Basin and Range National Monument. Zinke told reporters that he hadn't made any decision about downsizing the two monuments, both of which were created last year, according to the Associated Press.

The nuclear angle: The Basin and Range monument has been of particular interest to people on both sides of the debate over the Yucca Mountain nuclear waste project, and axing or altering the monument could remove a significant hurdle for those hoping to build the site. Obama's vast 2015 monument designation was made in an area where a proposed rail link to Yucca was eventually supposed to go.

MY INTERIOR SECRETARY HAS A FIRST NAME, IT'S R-Y-A-N: Zinke (a noted hot dog aficionado) posted a Twitter photo in front of the Oscar Mayer Wienermobile on Sunday. He

gave the vehicle two thumbs up. That followed a Saturday horseback ride with New Mexico Sens. Tom Udall and Martin Heinrich through BLM-owned Sabinoso Wilderness.

ELGs - TELL ME ABOUT IT: EPA staffers are poised for an earful today as community activists from around the country head to the agency for a hearing on EPA's proposed delay of new standards for toxic water discharges from power plants. But first, environmental leaders from Illinois to New Mexico to Tennessee, along with the Sierra Club and Waterkeeper Alliance, will hold a presser this morning before marching to the public meeting.

EPA Administrator Scott Pruitt moved in April to reconsider the 2015 rule, following industry requests, and in May proposed delaying compliance deadlines during that reconsideration. The rule, which is the first update in more than three decades to limits on discharges of metals like mercury, lead and arsenic into waterways, has been cast by industry and Pruitt as part of a war on coal.

EFFICIENCY GROUPS URGE CONGRESS TO BE SPECIFIC ON SPENDING

INSTRUCTIONS: A coalition of energy and water efficiency groups, including the Alliance to Save Energy and the U.S. Green Building Council, wants Congress to be crystal clear in how it wants money spent on energy efficiency programs and projects during fiscal year 2018. In a letter to key lawmakers, the groups say they are "increasingly concerned" that a continuing resolution or omnibus bill could give the Trump administration the discretion "to suspend or discontinue programs, activities, or projects in the absence of clear direction from Congress." Specific programs they are concerned about include Energy Star and WaterSense at EPA, both targeted for cutting under the White House's budget. The groups said any spending bill should include instructions for the Trump administration to continue those programs specifically, and they suggested ways for lawmakers to keep more detailed track of how agencies spend the money.

USDA CHIEF SCIENTIST PICK SKILLED AT INFLUENCING POTUS:

Helena Bottemiller Evich from Pro Agriculture has a timely profile on Sam Clovis, Trump's choice for the Agriculture Department's chief scientist post. Clovis doesn't appear to have the scientific credentials required of the job - and the ag sector is OK with that. "Back in April, when Trump was on the verge of withdrawing the U.S. from NAFTA, it was widely reported that Agriculture Secretary Sonny Perdue helped walk the president away from the ledge by showing up at an Oval Office meeting with a map of the U.S. that pointed out areas that would be most harmed by an abrupt withdrawal - many of them counties and states that voted for Trump, and many of them rural," Helena writes. "It was actually Clovis who prepped Perdue for the meeting and Clovis who suggested the secretary take along the map to drive home his point in a visual, high-impact way, multiple sources with knowledge of the exchange said."

SAGE GROUSE RECOMMENDATIONS DEADLINE AHEAD: The team of Interior political and career staff assigned to review the agency's land-use conservation plans for sage grouse in Western states has until Sunday to send Zinke their recommendations, which may include ways to reduce barriers to fossil fuel development. Given that the deadline lands on a Sunday, the team is likely to submit the report before the end of this week.

NEXT STEP IN TRUMP ATTEMPT TO END CLIMATE SUIT: The 9th U.S. Circuit Court of Appeals on Friday said the Trump administration's request to stop a trial over the federal government's culpability for climate change "raises issues that warrant an answer." A three-judge panel, which earlier this week paused the lower court's ongoing trial preparation, said in a two-page order that the children and young adults who are suing the federal government in an Oregon federal court have 30 days to reply to the Trump administration's complaint. This appeals could decide whether the kids' climate lawsuit gets to trial at all. More here.

WHAT EPA WANTS YOU TO READ: EPA's press office on Sunday sent out a release touting an editorial in the Tulsa World yawning over last week's news that Pruitt frequently returned to Oklahoma throughout the spring.

- House Energy and Commerce Committee Democrats on Friday asked EPA's inspector general to review Pruitt's travel. At least one environmental groups has already made such a request to the IG.

QUICK HITS

- Tensions mount over contested coal mine ahead of decision. Casper Star-Tribune
- Thermal coal still in "recovery mode," says Arch Coal CEO, CST
- At EPA museum, history might be in for a change. Washington Post
- Black Lung Still Ravages Appalachia. West Virginia Public Broadcasting
- Portland Environmental Journalist Lizzie Grossman Dies At 59. Oregon Public Radio

THAT'S ALL FOR ME. Stay frosty, folks.

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