

ML Strategies Energy and Environment Update: Week of 11/3/2014

November 04, 2014 || By David Leiter

ENERGY AND CLIMATE DEBATE

With election day looming, our attention turns to the outcomes of the close races, potential lame duck issues, and what the election means for the new 115th Congress.

While Republicans may reclaim control of the Senate, they will need to employ creative approaches to advance their energy agenda, which may include approving the Keystone XL pipeline; restricting Environmental Protection Agency regulatory authority; altering the Renewable Fuel Standard; expediting liquefied natural gas exports; streamlining transmission project decisions; and expanding oil and gas drilling. Unlike in the House, the Senate's close majority will necessitate the use of tools such as authorization bills, appropriations riders, oversight hearings, and the Congressional Review Act in order to move any of the contentious issues forward.

House Republicans are likely to use the first 100 days of the 115th Congress to reapprove many of the same measures they passed this Congress.

Of course, we'll need to see the election results before we know anything for sure. It is likely to be a long day and night, and some of the races, including the Louisiana and Georgia contest, may not be finalized for weeks. Stay tuned for our elections results.

In the meantime, Senate Majority Leader Harry Reid (D-NV) promised in September to hold a vote before the end of the year on the \$84 billion tax extenders package (EXPIRE Act, H.R. 3474), that would retroactively extend more than 50 expired tax credits. Supporters and opponents of the package's pieces are already jockeying for position during the lame duck session. For example, supporters of the production tax credit, and those hoping to tweak it, are primed for an extensive debate this month as Congress considers a more sweeping tax overhaul in the new Congress.

On the international front, the Intergovernmental Panel on Climate Change released November 2 the final portion of its Fifth Assessment on global climate change, a synthesis of three reports released over the past year and a half on the physical science of climate change, adaptation and vulnerability, and potential mitigation efforts. The synthesis report is intended to be a resource for policymakers who are devising climate rules, and was condensed even further into a Summary for Policy Makers. The report provides a strong case for the need to act immediately to address climate change, urging the total elimination of greenhouse gas emissions by 2100.

CONGRESS

Recess

Congress is in recess until after the November 4 elections. The House and Senate both return November 12 for the lame duck session.

Science Transparency Legislation Forthcoming

House Majority Leader Kevin McCarthy (R-CA) announced October 28 that the House will soon consider legislation requiring the Environmental Protection Agency to base regulations on public and replicable science. The measure, the Secret Science Reform Act (H.R. 4012), which the House Science Committee approved in June, would require the agency to identify all scientific information used in the development of regulations.

Whitehouse Climate Comments

During a New York University Law School Institute for Policy Integrity forum October 29, Senator Sheldon Whitehouse (D-RI) said that he knows at least a dozen Senate Republicans who privately support action on climate change but stay quiet in order to avoid political consequences. Senator Whitehouse attributed their silence to the Supreme Court's 2010 decision in *Citizens United v. Federal Election Commission*, which effectively eliminated campaign contribution limits for companies and individuals. Senator Whitehouse plans to introduce carbon fee legislation this month.

ADMINISTRATION

Coal Ash Regs

The White House Office of Management and Budget began its review October 27 of the Environmental Protection Agency's final coal ash rule. Skepticism remains about whether the agency can comply with the December 19 court-ordered deadline, though administration officials say that they are on track to issue the final regulation on time.

Adaptation Plans Released

More than three dozen federal agencies released their climate adaptation plans October 31. The plans, which were released in draft form last year, are required as part of President Obama's climate change agenda, and their final release coincides with the fifth anniversary of an executive order that called on agencies to reduce their GHG emissions and establish water, energy, and waste targets. Agencies also reported on their progress toward these targets via 2015 sustainability reports.

DEPARTMENT OF ENERGY

Tech Transfer

The Department of Energy launched a [pilot program](#) October 29 to hasten the transfer of clean energy technology developed at its national labs to the private sector. Lab-Corps is funded with \$2.3 million to train researchers at National Renewable Energy Lab, Argonne National Laboratory, Idaho National Lab, Lawrence Berkeley National Lab, Lawrence Livermore National Lab, and Pacific Northwest National Lab to support entrepreneurial teams that will work to commercialize technologies in efficiency, transportation, and renewable energy.

Tax Extenders Crucial for Market

Energy Secretary Ernest Moniz told the Washington Ideas Forum October 30 that Congress should renew and maintain stable renewable energy tax credits. He also promised that the Obama Administration would continue to pursue climate goals even if Republicans assume control of the Senate after the midterm elections.

DEPARTMENT OF STATE

Keystone Decision Forthcoming

Secretary of State John Kerry said during a press conference with Canadian Foreign Minister John Baird October 28 that a decision on TransCanada Corporation's Keystone XL pipeline may come soon.

The weekly *Energy & Environment Update* from ML Strategies provides an overview of what's happening on and off Capitol Hill and around the world that may impact energy and environmental policies and industry players. [Read the update here.](#)

Authors

David Leiter