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Energy & Sustainability Washington Updates – December 2020

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VIEWPOINT TOPICS

- Energy & Sustainability
- Biden Administration
- Energy & Sustainability Washington Update

SERVICE AREAS

- Energy & Sustainability

Key Dates in Presidential Transition

- Late November/Early December – States certify election results (deadline varies by state).
- December 8 – Deadline for states to settle election disputes.
- December 14 – Electors meet to cast their electoral ballots.
- December 23 – President of the Senate (the Vice President) receives electoral certificates.
- January 6 – Joint session of Congress counts the electoral votes.
- January 20 – Inauguration of the new president.

President-elect Biden Names First Cabinet Nominations & Appointments

On November 24 the president-elect began the roll out of his cabinet, with additional nominations expected in the coming weeks. The president-elect has nominated Mr. Antony Blinken to serve as Secretary of State, Mr. Alejandro Mayorkas to serve as Secretary of Homeland Security, Ambassador Linda Thomas-Greenfield to serve as ambassador to the United Nations (elevating the role to his Cabinet), and Avril Haines to serve as Director of National Intelligence. Mr. Biden also appointed Jake Sullivan to serve as National Security Advisor.

More importantly for energy and sustainability, the president-elect has nominated former senator and secretary of state John Kerry to serve as the Special Presidential Envoy for Climate. Mr. Kerry's nomination is widely viewed as an indicator of the seriousness with which the incoming administration will seek to tackle the global climate crisis. Mr. Kerry, with his experience as chair of the Senate Foreign Relations Committee and as secretary of state, has a deep well of international relationships that will support the incoming president's goal of putting the U.S. back into the mix on global climate efforts – most notably by his promise to rejoin the Paris Climate Agreement on "day one" of his administration. As further evidence of the key role Mr. Kerry will play as the envoy for climate, he will also sit on the National Security Council.

Incoming Administration Agency Review Teams

As president-elect Biden prepares to assume office in January, the Biden-Harris Transition has named agency review teams tasked with understanding the operations of each agency, ensuring a smooth transfer of power, and preparing for President-elect Biden and Vice President-elect Harris and their cabinet to hit the ground running.

The Department of Energy agency review team, which will also review the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission, is comprised of Arun Majumdar of Stanford University as Team Lead; Dan Arvisu of New Mexico State University; Rhonda Carter of the Marguerite Casey Foundation; Madelyn Creedon of the Green Marble Group; Noah Deich of Carbon180; Kerry Duggan, previously with the Obama Administration DOE; Jonathan Elkin of Columbia University; Bryan Garcia of the Connecticut Green Bank; Kathleen Hogan, the Deputy Assistant Secretary for Energy Efficiency in the Obama Administration; Hannah Lee of the State of California Office of Digital Innovation; John MacWilliams of Columbia University, Brad Markell of the AFL-CIO; Trisha Miller of Gates Ventures; Rod O'Connor of The ROC Group; Adrianna Quintero of the Energy Foundation; R. Ramesh of the University of California, Berkeley; Roque Sanchez of High Water Mark, LLC; Rachel Slaybaugh of the University of California, Berkeley; Dave Turk of the International Energy Agency; and Rama Zakara of the Environmental Defense Fund.

The Council on Environmental Quality agency review team is comprise of Cecilia Martinez of the Center for Earth, Energy and Democracy as Team Lead; Nikki Buffa of Latham & Watkins, LLP; Horst Greczmiel of The Clark Group, LLC; and Shara Mohtadi of Bloomberg Philanthropies.

The Environmental Protection Agency review team, which will also oversee the Chemical Safety Board, is comprised of Patrice Simms of Earthjustice as Team Lead; Amanda Aguirre of Blue Crab Strategies; Ann Dunkin of Dell Technologies; Matt Fritz of Latham & Watkins, LLP; Lisa Garcia of Grist Magazine, Inc.; Cynthia Giles of the Harvard Environmental and Energy Law Program; Joseph Goffman of Harvard Law School; Ken Kopocis of the American University, Washington College of Law; Michael McCabe, previously Deputy Administrator of the EPA; Billie McGrane of the Pennsylvania Democratic Party; Alejandra Nunez of The Sierra Club; and Luseni Pieh, previously with the EPA in the Obama Administration.

Senators Seek Passage of Energy Package in Lame Duck

With the 2020 general election now behind us, Congress has returned to complete the work of the 116th Congress in a lame duck session. Senate Energy & Natural Resources (ENR) Committee Chair Lisa Murkowski (R-AK) and Ranking Member Joe Manchin (D-WV) continue to push for consideration of the American Energy Innovation Act (AEIA). Addressing issues such as renewable energy, energy efficiency, cybersecurity, grid modernization, carbon capture, energy storage, and advanced nuclear, the AEIA is a package of more than 50 individual energy-related bills favorably reported out of ENR and sponsored by more than 60 senators. Murkowski and Manchin sought Senate passage of the bill earlier this year, but objections were raised over certain provisions. Negotiations have continued on many of those provisions in the ensuing months. The House of Representatives has already passed the companion bill to the AEIA. The White House has indicated that President Trump would veto the bill if presented to him for signature. If the AEIA does not make it across the finish line this year, look for reintroduction in the 117th Congress.

Other issues to be taken up in the lame duck include completion of the Fiscal Year 2021 appropriations process, the annual National Defense Authorization Act, renewal of the General System of Preferences, the Miscellaneous Tariff Bill, and perhaps another round of pandemic-related economic stimulus.

Senate Committee Advances FERC Nominees

The Senate Energy & Natural Resources Committee (ENR) approved by voice vote two nominees – Mr. Mark Christie and Ms. Allison Clements – to serve on the Federal Energy Regulatory Commission (FERC).

Mr. Christie was nominated to replace former Commissioner Bernie McNamee for a term that ends on June 30, 2025. Ms. Clements was nominated to replace former Commissioner Cheryl LaFleur for a term that ends on June 30, 2024. The nominations are now on the Senate Executive Calendar for floor consideration.

Authors



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Neal Martin brings more than two decades of experience in government and federal relations to his work, helping clients navigate a wide range of issues. He provides strategic guidance to organizations seeking to advance their legislative priorities and enhance their visibility before Congress and federal agencies.