

**From:** POLITICO Pro Energy  
**To:** [megan\\_bloomgren@ios.doi.gov](mailto:megan_bloomgren@ios.doi.gov)  
**Subject:** Morning Energy: Pruitt eyes lightning quick WOTUS rewrite — Energy office bans use of climate-related terms — Quick Clean Power Plan withdrawal "not very complicated" — GOP still short votes on methane CRA  
**Date:** Thursday, March 30, 2017 4:47:14 AM

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By Anthony Adragna | 03/30/2017 05:41 AM EDT

**THEY'VE GONE PLAID:** You might say the Trump administration is going straight to ludicrous speed in its push to replace the Waters of the U.S. rule implemented by former President Barack Obama. EPA Administrator Scott Pruitt wants a new version in place by the end of this year, multiple sources familiar with the plan [tell](#) Pro's Annie Snider. At a recent meeting on the future of the regulation, Pruitt told agency water staffers to have an initial rewrite ready by this summer, a lightning-fast timeline that legal experts say could shortcut key steps and make the effort vulnerable in court.

If President Donald Trump's administration sticks to that schedule — deemed "mind-boggling" by one source — staffers would have just a few months to put the foundation of the rule in place. Perhaps recognizing the exceptionally complicated legal history surrounding efforts to clarify the Clean Water Act's jurisdiction, Pruitt's predecessors took a much more deliberate approach that included producing hundreds of pages of supporting documents to justify their decision. "The more they start cutting corners and not going back through the same process they did to do the [Obama administration] rule, the greater risk they're going to be overturned," Patrick Parenteau, a Vermont Law School professor said. An EPA spokeswoman said only that "discussions are ongoing."

**CLIMATE CENSORSHIP AT DOE:** Employees of DOE's Office of International Climate and Clean Energy were told this week not to use the phrases "climate change," "emissions reduction" or "Paris Agreement" in written memos, briefings or other written communications, sources [tell](#) Pro's Eric Wolff. That comes as officials at the State Department and in other DOE offices report they've stopped using climate-related terms in their own written work given the administration's new direction on the topic, despite not having received a banned words list.

**Green groups slammed the report:** "Whether this is censorship or self-censorship, it's a really bad sign. If you have a cancer, not calling it a cancer doesn't make it go away," David Doniger, the climate and clean air director at NRDC, tells Eric. A DOE spokeswoman denied there had been any terms barred. "No words or phrases have been banned for this office or anyone in the department," said DOE spokeswoman Lindsey Geisler.

**IT'S THE LAST DAY OF MARCH, ALMOST!** I'm your host Anthony Adragna, and 1937 was the first year where Congress met for two joint sessions on the same day. For today: How many times did Joe Biden cast the deciding vote in the Senate as vice president? Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](#), [@Morning\\_Energy](#), and [@POLITICOPro](#).

**PRUITT: RESCINDING CLIMATE RULES 'NOT VERY COMPLICATED':** EPA Administrator Scott Pruitt told [FOX Business Network](#)'s Varney & Co. on Wednesday that it is "not very complicated" to quickly withdraw Obama-era climate change regulations, especially the Clean Power Plan. "All I have to have is a reasoned basis," Pruitt said. "We have a Supreme Court stay against the Clean Power Plan. That is a very good basis...We've

got some good reasons why we can roll this back and roll it back quickly."

**Bullish on coal:** Pruitt said the outlook for the coal sector "changed" with Trump's executive order Tuesday and predicted it was "going to be able to compete right alongside natural gas and other forms of generating electricity" for the first time in a while. "We'll see what the markets do with this," he said. "But I'm more optimistic that we're going to see a recovery in the coal sector than others." He did not elaborate on how Trump's order, which also called for lifting regulations on fracking, would counteract the market forces that have seen utilities favor cheaper natural gas over coal in recent years.

**PATHS CONSIDERED AFTER WESTINGHOUSE BANKRUPTCY:** Backers of the Vogtle nuclear plant expansion are looking at the project's timeline and cost after Westinghouse filed for bankruptcy on Wednesday, Pro's Darius Dixon [reports](#). "While we are working with Westinghouse to maintain momentum at the Vogtle site, we are also currently conducting a full-scale schedule and cost-to-complete assessment to determine what impact Westinghouse's bankruptcy will have on the project," said Jacob Hawkins, a spokesman for Georgia Power, a business unit of Southern Co.

**Meanwhile, two senior House E&C Republicans** — Chairman [Greg Walden](#) and Energy Subcommittee Chairman [Fred Upton](#) — reaffirmed the need for nuclear energy and vowed to monitor the situation moving forward. "Nuclear is and must remain a vital component of a reliable, affordable, and diverse electricity portfolio," they said in a statement. "Despite today's news, we remain confident that progress on the new reactors under construction at the Vogtle site in Georgia and V.C. Summer site in South Carolina will continue."

**'WE'RE ONE SHORT' ON METHANE CRA:** Sen. [John Hoeven](#) told ME Wednesday that Republican senators are still one vote short of the majority support necessary to nullify a BLM regulation aimed at curbing methane emissions on public lands. "We want to get it," the North Dakota Republican said. "But we're one short." Hoeven said their odds should get a boost today when [Johnny Isakson](#) is slated to return to the chamber after two rounds of back surgery. Publicly undecided senators include Republicans [Rob Portman](#) and [Cory Gardner](#) and Democrat [Heidi Heitkamp](#).

**OH, WON'T YOU MEET WITH ME?** House Natural Resources Chairman [Rob Bishop](#) told reporters he formally requested a meeting with Trump Wednesday to discuss the Antiquities Act and how to address the Bears Ears National Monument in his home state that he vigorously opposes. "It's going to take a while," the Utah Republican said. "I don't really blame him because he's up to his eyeballs in appointments."

**But he's still fuming** over the slow pace of agency confirmations. Bishop said Trump's slow pace filling his administration has left the resources committee focused principally on hearings related to infrastructure matters. "Until the agencies get up and running, we can't really do oversight hearings very well nor we can ask them to comment on legislation," he said. "[Interior Secretary Ryan] Zinke deserves the opportunity of at least having some undersecretaries underneath him before we start hitting him up for requests for stuff."

**GE WON'T BACK DOWN:** General Electric CEO Jeff Immelt wants other large companies to step in and fill the void on climate action that Trump's administration is leaving behind, POLITICO's Edward-Isaac Dovere [reports](#). "We believe climate change should be addressed on a global basis through multi-national agreements, such as the Paris Agreement. We hope that the United States continues to play a constructive role in furthering solutions to these

challenges, and at GE, we will continue to lead with our technology and actions," he wrote in an internal company blog post.

**EXXON CASE MOVED TO NEW YORK:** A federal judge in Texas formally [ordered](#) an Exxon Mobil lawsuit seeking to quash subpoenas from the New York and Massachusetts attorneys general to a court in New York — but not before he took some shots at their investigations into whether the company misled investors about climate change risks, your ME host [reports](#). "Are the two attorneys general trying to further their political agendas by using the vast power of the government to silence the voices of all those who disagree with them?" the judge, Ed Kinkeade, wrote. Spokeswomen for both New York Attorney General Eric Schneiderman and Massachusetts Attorney General Maura Healey both said the decision to move the case was correct, though a Schneiderman spokeswoman, Amy Spitalnick, criticized it as riddled with factual errors and oil industry spin.

**IVANKA FORMALIZES WHITE HOUSE ROLE:** First Daughter Ivanka Trump will take a formal but unpaid role in her father's White House, POLITICO's Nolan D. McCaskill [reports](#). "I have heard the concerns some may have with my advising the president in my personal capacity while voluntarily complying with all ethics rules and I will instead serve as an unpaid employee in the White House office, subject to all of the same rules as other federal employees," she said in a statement. Ivanka has been seen as a moderating force in her father's administration on issues like climate change.

**THAT'S A LOTTA BUSINESS:** The Senate Energy and Natural Resources Committee [gavels in](#) today at 9:30 a.m. to consider more than 60 pieces of pending legislation. Lawmakers will consider everything from a [revived version](#) of the Portman-Shaheen energy efficiency legislation to [a bill](#) "to acquire approximately 44 acres of land in Martinez, California." And literally almost everything in between.

**CAN I GIVE YOU SOME ADVICE?** Lawmakers in the House will today vote mid-morning on the [EPA Science Advisory Board Reform Act](#) (H.R. 1431), a measure that has passed multiple times in previous congresses and that would overhaul how members are picked for the agency's independent science advisory board to allow more industry-associated scientists into the fold.

**Keeping them HONEST:** The House again passed [legislation](#) (H.R. 1430) requiring EPA actions be based on scientific, publicly available information by a 228-194 vote. Proponents say it contains provisions to protect confidential or proprietary information, though critics argued it would hobble the regulatory process by injecting needless delays. Three Democrats — [Henry Cuellar](#), [Jim Costa](#) and [Collin Peterson](#) — backed the bill, while seven Republicans — [Ryan Costello](#), [Carlos Curbelo](#), [John Faso](#), [Brian Fitzpatrick](#), [Ileana Ros-Lehtinen](#), [Mark Sanford](#) and [Elise Stefanik](#) — voted against it.

**GREENS FIGHT COAL MORATORIUM LIFT:** Wasting little time, a coalition of environmental advocates [filed](#) a lawsuit Wednesday against Interior after it lifted the coal leasing moratorium, Pro's Alex Guillén [reports](#). The suit, filed in U.S. District Court for Montana, argued the Trump administration violated the National Environmental Policy Act when it lifted the moratorium and resumed leasing "without first performing an environmental review evaluating the program's significant environmental, health, and economic impacts."

**ROYALTY REVIEW MAY TAKE TWO YEARS:** Meanwhile, Zinke's review of royalty rates coal companies pay for federal land mining leases may not happen faster than originally

envisioned in the Obama era, Pro's Esther Whieldon [reports](#). Interior will review the leasing royalties through a 28-member Royalty Policy Committee that will be comprised of agency staff and representatives from states, tribes, industry and academic experts. "This is a longer effort, but I'm going to expect results in two years and at least a first look at it so we can make some decisions," Zinke said.

**MAIL CALL! DON'T SLASH ENERGY FUNDING:** Seventeen Democratic senators, including Senate Energy Ranking Member [Maria Cantwell](#) and top DOE Appropriator [Dianne Feinstein](#), sent [a letter](#) to Trump urging him to reconsider proposed cuts to the Energy Department. "The 'Budget Blueprint to Make America Great Again' is misnamed. Instead, it would kill jobs and weaken America's competitiveness," the senators wrote. "We will vigorously oppose these draconian proposals and urge you to change course immediately."

**GRIJALVA TO ZINKE: LIFT COMMUNICATIONS BAN:** House Natural Resources ranking member [Raul Grijalva wrote](#) Zinke Wednesday urging him to eliminate an apparent prohibition on the Fish and Wildlife Service's Office of Congressional and Legislative Affairs from speaking with committee minority staff about hearings where the administration is not testifying. "It speaks of a desire to limit the ability of Congress and the public to understand your Department's position on issues of great public interest," the Arizona Democrat wrote.

**GOP SENATORS WEIGH IN ON USGS:** Four Republican senators — [Lisa Murkowski](#), [John Barrasso](#), [Jim Risch](#) and [Bill Cassidy](#) — released [a letter](#) Wednesday asking Trump to nominate an economic geologist to be the next head of the U.S. Geological Survey and direct the agency to focus on assessing domestic mineral reserves.

**PROGRESSIVES URGE CLIMATE ACTION FROM CUOMO:** An eclectic group of progressive leaders — including Rep. [Keith Ellison](#), Sen. [Jeff Merkley](#), former NAACP President Ben Jealous, CNN commentator Van Jones, former U.S. Labor Secretary Robert Reich and "House of Cards" creator Beau Willimon — released [a letter](#) to New York Gov. Andrew Cuomo asking him to continue leading on climate change, environmental justice and clean energy issues.

**MOVER, SHAKER:** Kumar Garg has joined the Society for Science & the Public as a senior fellow. He was previously assistant director for learning and innovation in the Obama White House's Office of Science and Technology Policy (h/t POLITICO Influence).

## QUICK HITS

- Pruitt's Not Talking 'Public Health': Is It Dangerous or Rhetoric? [Bloomberg BNA](#).
- Climate change can take a toll on mental health, new report says. [The Washington Post](#).
- Climate-Friendly Coal Technology Works But Is Proving Difficult To Scale Up. [NPR](#).
- SCANA, Santee Cooper will reassess SC nuclear plants in aftermath of Westinghouse bankruptcy. [The State](#).
- Oil Traders Warn There's a Supply Crunch Looming. [Bloomberg](#).

## HAPPENING TODAY

8:00 a.m. — Booz Allen Hamilton holds its [2017 Directed Energy Summit](#), Ronald Reagan

Building and International Trade Center, 1300 Pennsylvania Avenue NW

9:00 a.m. — "Recalibrating U.S. Strategy Toward Russia: A New Time for Choosing," Center for Strategic and International Studies, 1616 Rhode Island Avenue NW

9:30 a.m. — [Business Meeting to Consider Pending Legislation](#), Senate Energy and Natural Resources Committee, 366 Dirksen

12:00 p.m. — Federal Energy Regulatory Commission holds a workshop on the Hydropower Regulatory Efficiency Act of 2013, 888 First Street NE, Washington, D.C.

12:00 p.m. — Inter-American Development Bank holds a [discussion](#) on "Commodity Prices and Sovereign Default," focusing on "the relationship between country risk and default episodes in oil producing economies," 1300 New York Avenue NW, Room SE-1035

2:30 p.m. — "[Hearing to examine the potential for infrastructure improvements to create jobs and reduce the cost of living through all-of-the-above energy and mineral production in Alaska](#)," Senate Energy and Natural Resources Committee, 366 Dirksen

## **THAT'S ALL FOR ME!**

*To view online:*

<https://www.politicopro.com/tipsheets/morning-energy/2017/03/pruitt-eyes-lightning-quick-wotus-rewrite-022103>

## **Stories from POLITICO Pro**

### **Sources: Trump admin aiming for new WOTUS rule by year's end [Back](#)**

By Annie Snider | 03/30/2017 05:01 AM EDT

The Trump administration is pressing EPA to replace the Obama administration's Waters of the U.S. rule by the end of this year, according to multiple sources with knowledge of the plan — a lightning-speed timeline that legal experts say could shortcut key steps and make the effort vulnerable in court.

EPA Administrator Scott Pruitt recently convened a meeting on the future of the WOTUS rule, where he told agency water staffers to have an initial rewrite ready by this summer, according to one source with knowledge of his instructions. Agency employees have been telling states, environmentalists and industry groups to expect things to move "on a very fast pace." The source called the expectation to issue a proposed rule within a few months "mind-boggling."

Pruitt's predecessors took a much more deliberate approach, knowing that any rule attempting to clarify the legal morass of Clean Water Act jurisdiction would almost certainly end up at Supreme Court.

The Obama administration spent years grappling with where to draw the lines, crafting a legal rationale, and building a mass of scientific and technical reports to back up their approach before ultimately proposing its rule in April 2014. EPA then took 14 months to collect and [respond](#) to more than one million public comments, meet with more than 400 outside groups, draft changes to the rule and shepherd it all through the interagency review process.



The timeline being mulled by the Trump administration would give agency staff just a few months to put the foundation of the rule in place. An EPA spokeswoman said only that "discussions are ongoing."

Part of the reason the Obama administration took so long is because it produced lengthy supporting documents, even though most were not mandated by law. Those included a 90-page [regulatory impact analysis](#) and an exhaustive [scientific report](#) and [technical support document](#), both of which clocked in around 400 pages each.

Trying to finish a new rule this year means the Trump administration would have to skip most of those steps, potentially making its rule more vulnerable to being overturned in court, said Patrick Parenteau, a Vermont Law School professor.

"The more they start cutting corners and not going back through the same process they did to do the [Obama administration] rule, the greater risk they're going to be overturned," he said.

Making EPA's job even more difficult is the fact that the agency is being asked to base its new rule on a potentially shaky legal interpretation.

The last time the Supreme Court weighed the limits of the Clean Water Act's jurisdiction was in the 2006 case *Rapanos v. United States*, where justices failed to reach a majority decision. The late Antonin Scalia led the court's four conservative justices in a plurality opinion setting a restrictive test for waterways to fall under federal protection, while the court's four liberal justices voted for broad federal jurisdiction. Justice Anthony Kennedy, the court's traditional swing vote, joined the conservative justices in their ruling, but he wrote his own, stand-alone opinion setting a broader test that would make streams and wetlands jurisdictional if they have a "significant nexus" to larger downstream waters.

None of the nine federal appeals courts that have weighed the issue have decided that Scalia's line of reasoning would stand on its own. But President Donald Trump directed EPA to look to Scalia's opinion in his executive order requesting a WOTUS rewrite, and sources familiar with instructions to agency staffers say they've been told to rely solely on Scalia's test.

Courts have generally ruled that Kennedy's test is the one that must be followed, although a handful have concluded that if a waterway meets either the Kennedy or the Scalia test, it falls under federal power. The Obama administration wrote its rule to meet Kennedy's test, and the George W. Bush administration had also focused on Kennedy in its 2008 guidance on the topic.

Legal experts generally argue that it will take some fancy footwork for the Trump administration to argue that Scalia's test should take precedence.

But Reed Hopper, an attorney for the Pacific Legal Foundation who has successfully argued the *Rapanos* case before the Supreme Court, said that rewriting the rule doesn't have to be that complicated.

"I think there isn't going to be much of a problem: Look at the act, see what it says, recognize that there are constitutional constraints," he said. He also pointed out that the Supreme Court has overturned lower courts on several recent wetlands cases, including one he argued last year in which the justices ruled that courts can review the federal government's jurisdictional determinations.

Reed argued that EPA could quickly rewrite WOTUS if it throws enough manpower into the effort.

But that could pose a challenge, since the Trump administration has been slow to staff up. Pruitt has only a small cadre of political allies at the agency so far, and key slots in the Office of Water and General Counsel's office are sitting empty. The Army Corps of Engineers, which will need to at least supply data for the rewrite effort, is likewise without a political leader.

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## **Energy Department climate office bans use of phrase 'climate change' [Back](#)**

By Eric Wolff | 03/29/2017 03:51 PM EDT

A supervisor at the Energy Department's international climate office told staff this week not to use the phrases "climate change," "emissions reduction" or "Paris Agreement" in written memos, briefings or other written communication, sources have told POLITICO.

Employees of DOE's Office of International Climate and Clean Energy learned of the ban at a meeting Tuesday, the same day President Donald Trump signed an executive order at EPA headquarters to reverse most of former President Barack Obama's climate regulatory initiatives. Officials at the State Department and in other DOE offices said they had not been given a banned words list, but they had started avoiding climate-related terms in their memos and briefings given the new administration's direction on climate change.

The Office of International Climate and Clean Energy is the only office at DOE with the words "climate" in its name, and it may be endangered as Trump looks to reorganize government agencies. It plays a key role in U.S. participation in the Clean Energy Ministerial and Mission Innovation, two international efforts launched under Obama that were designed to advance clean energy technology.

The office has regular contact with officials from foreign countries, which may have led to the more aggressive action on language than in other offices, a source said. At the meeting, senior officials told staff the words would cause a "visceral reaction" with Energy Secretary Rick Perry, his immediate staff, and the cadre of White House advisers at the top of the department.

A DOE spokeswoman denied there had been a new directive. "No words or phrases have been banned for this office or anyone in the department," said DOE spokeswoman Lindsey Geisler.

Another DOE source in a different office said that although there had been no formal instructions about climate-related language in their office there was a general sense that it's better to avoid certain hot-button terms in favor of words like "jobs" and "infrastructure."

A State Department official reported a similar mood.

"We have definitively not received anything on banned words, not even orally," the State official said. "But people are doing a lot of reading into tea leaves. People are taking their own initiatives to not use certain words based on hints from transition people. Everyone is encouraged to finding different ways of talking about things. There's a sense that you'd better find a way to delink" from the previous administration's talking points.

News of the DOE office's word ban drew criticism from one green group.

"What exactly is this office supposed to call itself now? The international C\*\*\*\*\* office? Ignoring the climate crisis will not make it go away, will not create jobs in the booming clean energy economy, and will not make our country great," Liz Perera, climate policy director at Sierra Club, said in a statement.

*Darius Dixon and Ben Lefebvre contributed to this report.*

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## **Vogle backers assess options after Westinghouse bankruptcy** [Back](#)

By Darius Dixon | 03/29/2017 04:15 PM EDT

Georgia Power and other backers of the Vogtle nuclear plant expansion are studying the cost and timeline of the project in light of Westinghouse's bankruptcy filing today, the utility said.

"While we are working with Westinghouse to maintain momentum at the Vogtle site, we are also currently conducting a full-scale schedule and cost-to-complete assessment to determine what impact Westinghouse's bankruptcy will have on the project," said Jacob Hawkins, a spokesman for Georgia Power, a business unit of Southern Co.

The Energy Department has [extended](#) loan guarantees for \$3.4 billion to Georgia Power; \$3.1 billion to Oglethorpe Power Co.; and \$1.8 billion to the Municipal Electric Authority of Georgia. DOE has said that the amount of the loans actually dispersed to-date is considered business sensitive information that it cannot release. The project is already years behind schedule and billions over-budget.

Hawkins also said that the utility wasn't caught flat-footed by the bankruptcy decision.

"Georgia Power and the project's other Georgia-based co-owners have been preparing for the possibility of a Westinghouse bankruptcy filing," he said.

**WHAT'S NEXT:** Georgia Power will work with the Georgia Public Service Commission and Vogtle's co-owners to determine the best path forward.

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## **GE CEO Immelt knocks Trump on climate** [Back](#)

By Edward-Isaac Dove | 03/29/2017 08:01 PM EDT

General Electric CEO Jeff Immelt says President Donald Trump's imagination is at work if he doesn't believe in climate change science or the Paris agreement that President Barack Obama signed onto before leaving office.

And Immelt is calling on other companies to step up to fill the void that the administration is leaving behind.

"Companies must be resilient and learn to adjust to political volatility all over the world," Immelt wrote Wednesday in an internal company blog post obtained by POLITICO.



"Companies must have their own 'foreign policy' and create technology and solutions that address local needs for our customers and society."

Immelt has been GE's CEO since 2000, and is often seen as one of the country's major business leaders.

Taking aim at Trump's latest executive order rolling back Obama-era energy regulations, which was signed Tuesday, Immelt said the company's incorporation of green technology in response to "well accepted" climate change science has had a demonstrable effect both on environmental protection on improving company profits.

"We believe climate change should be addressed on a global basis through multi-national agreements, such as the Paris Agreement. We hope that the United States continues to play a constructive role in furthering solutions to these challenges, and at GE, we will continue to lead with our technology and actions," Immelt wrote.

This isn't the first time Immelt has taken issue with Trump. Responding to the first travel ban, Immelt wrote in another blog post, "I understand many of you are very concerned about the potential impacts of this order and I share your concern."

Citing the company's diverse group of employees, Immelt promised, "we will continue to make our voice heard with the new administration and Congress and reiterate the importance of this issue to GE and to the business community overall."

Under Obama, Immelt served as the head of the President's Council on Jobs and Competitiveness. But he frequently caused heartburn for the Obama White House, including criticizing the president for cutting into his company's profit margins because of Obamacare, and for revelations of GE's workarounds on the corporate tax code.

Immelt has previously expressed openness to Trump, particularly on regulatory reform.

"We will be less of a leader in trade. Meanwhile, we are stripping away years of bad regulatory and economic practices to promote competitiveness," he wrote in a letter to shareholders at the end of last year.

Then, in a February interview with CNBC, Immelt said that he hoped to work with the president on job creation.

"I would say to the president, 'Look, level the playing field. We can take on any company in the world. Help us do that,'" Immelt told Jim Cramer then.

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**Federal judge in Texas transfers Exxon case to New York** [Back](#)

By Anthony Adragna | 03/29/2017 03:59 PM EDT

A federal district court judge in Texas [ruled](#) today that a challenge from Exxon Mobil Corp. seeking to block an investigation by the New York and Massachusetts attorneys general into its climate change activities must be heard in New York.

But Judge Ed Kinkeade, in sending the case to the U.S. District Court for the Southern District

of New York, took several pointed shots at New York Attorney General Eric Schneiderman and Massachusetts Attorney General Maura Healey over their ongoing investigations into whether Exxon misled investors and the public about the dangers of climate change.

"The Court recognizes the authority of the attorneys general to conduct their respective investigations, however, the Court also recognizes how the attorneys general have conveniently cherry picked what they share with the media about their investigations," Kinkeade wrote. "The merits of Exxon's claims, which involve important issues, should be considered in the proper venue."

Chloe Gotsis, a spokeswoman for Healey, said the office was "glad that Judge Kinkeade has finally agreed with our position from the start — that Exxon Mobil may not file suit in Texas to block our ongoing investigation." A Schneiderman spokeswoman, Amy Spitalnick, said the judge "appropriately decided that Exxon's case should not be heard in Texas" and vowed to continue ongoing investigative efforts.

Exxon issued a statement welcoming "the supportive ruling by Judge Kinkeade, who after carefully reviewing extensive evidence, has questioned the political motivation, origin and timing of investigations by New York and Massachusetts." The company vowed to keep fighting the subpoenas.

**WHAT'S NEXT:** The merits of the case will now be considered by the U.S. District Court for the Southern District of New York.

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**Ivanka Trump will become a federal employee as part of unpaid White House role** [Back](#)

By Nolan D. McCaskill | 03/29/2017 04:47 PM EDT

Ivanka Trump on Wednesday said she will take a formal but unpaid role in President Donald Trump's White House.

POLITICO [reported](#) last week that the president's daughter had secured her own office on the second floor of the West Wing and begun the process of obtaining a security clearance and government-issued communications devices.

The arrangement raised ethics concerns — she remains connected to her eponymous fashion and jewelry brand, which counselor to the president Kellyanne Conway [endorsed](#) from the White House in a Fox News interview — although Ivanka Trump had said in a statement that she would "voluntarily" abide by ethics restrictions on government employees.

Democratic Sens. Elizabeth Warren of Massachusetts and Tom Carper of Delaware [sent a letter](#) to Office of Government Ethics Director Walter Shaub earlier Wednesday requesting information on the first daughter's compliance with federal ethics rules.

"I have heard the concerns some may have with my advising the president in my personal capacity while voluntarily complying with all ethics rules and I will instead serve as an unpaid employee in the White House office, subject to all of the same rules as other federal employees," Ivanka Trump said in a statement to [The New York Times](#), which first reported that she would take a formal role in the White House.

"Throughout this process I have been working closely and in good faith with the White House Counsel and my personal counsel to address the unprecedented nature of my role," added Ivanka Trump, who will serve as a special assistant to the president.

Ivanka Trump, however, will join not only her father in the White House but also her husband, Jared Kushner, who is a senior adviser to the president.

The arrangement the White House initially announced appeared to defy Justice Department [legal opinions](#) that said advisers either had to have an official position or be informal and outside the White House operation.

But by accepting a formal title and government position, Ivanka Trump is going down a route the Justice Department blessed in an opinion issued in January that said there was no obstacle to the president appointing his relatives to posts in the White House.

"We are pleased that Ivanka Trump has chosen to take this step in her unprecedented role as First Daughter and in support of the President," a spokeswoman for the president told The Times. "Ivanka's service as an unpaid employee furthers our commitment to ethics, transparency, and compliance and affords her increased opportunities to lead initiatives driving real policy benefits for the American public that would not have been available to her previously."

*Josh Gerstein contributed to this report.*

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## **Greens sue over lifting of coal leasing moratorium [Back](#)**

By Alex Guillén | 03/29/2017 03:32 PM EDT

A coalition of environmental groups today [sued](#) the Interior Department after it lifted the coal leasing moratorium, as directed by President Donald Trump's executive order on Tuesday.

The suit argues that the Trump administration violated the National Environmental Policy Act when it lifted the moratorium and resumed leasing "without first performing an environmental review evaluating the program's significant environmental, health, and economic impacts — including impacts from climate disruption caused by the burning of fossil fuels such as coal, and socioeconomic and environmental impacts to local communities."

The Obama administration issued the moratorium while it reviewed the federal coal program in part over concerns that coal companies might snap up leases before they are ready to explore them in case coal's valuation was increased. Interior Secretary Ryan Zinke has indicated he will continue the underlying review after lifting the moratorium.

The suit was filed in the U.S. District Court for Montana, Zinke's home state. The groups suing include the Northern Cheyenne Tribe and several environmental organizations, including the Sierra Club and the Center for Biological Diversity.

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## **Zinke coal royalties review may take two years [Back](#)**

By Esther Whieldon | 03/29/2017 04:41 PM EDT

Interior Secretary Ryan Zinke's review of the royalty rates that coal companies pay for mining leases on federal lands may not happen any faster than the timeline set out under the Obama administration.

Former Secretary Sally Jewell put the program for new coal leases on hold last year while the agency conducted its review of how much companies should pay for extracting the resources on federal land. Interior had expected to finish that in 2019.

Zinke signed [orders](#) Wednesday carrying out President Donald Trump's directive to end the moratorium, but will continue reviewing the leasing royalties through a 28-member Royalty Policy Committee that will be comprised of agency staff and representatives from states, tribes, industry and academic experts. The committee will look at all rents and royalties, including renewables.

"I want to make sure how we value rents are transparent ... and the taxpayer is getting fair value from assets that are on public lands," Zinke told reporters Wednesday.

Given that the committee has a two-year charter, it remains unclear how fast he can get that done.

"This is a longer effort, but I'm going to expect results in two years and at least a first look at it so we can make some decisions," Zinke said. "We'll have our first meeting as soon as we get the panel together and we'll discuss on what periodicity is appropriate given the timeline that's ahead of us. But we're not going to wait and I'm going to press the panel to get results."

Senate Energy and Natural Resources Chairwoman [Lisa Murkowski](#) (R-Alaska), who attended Wednesday's signing in Zinke's Washington office, said she supported the move.

"He did not single out just one resource. He's saying let's look at what it is that we get from royalties as a country and is this a fair process," Murkowski told POLITICO after the signing. "My comment on that is, 'Hell yeah. We need to do these kinds of reviews.'"

Interior press secretary Heather Swift told POLITICO that Zinke hopes to make some decisions sooner rather than later, but that it might take up to two years because it will involve more than just coal.

"He's hoping that by the end of the first two-year term that the committee will have measurable results and recommendations for rent and royalty policy across the board, not only on coal," she said.

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Yes, very



Somewhat



Neutral



Not really



Not at all

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