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From: Shawn P. Rusterholz [REDACTED]@api.org]
Sent: Mon 08/03/2021 11:24:10 PM (UTC)
Subject: CFR Update - March 8, 2021
[Letter to POTUS Costa and Cuellar 3.4.21.pdf](#)

Committee on Federal Relations:

I hope you enjoyed your weekend. Please see below for a few updates from today—

1. **CFR Meeting Thursday** – We'll convene for CFR this Thursday morning at our regular time – 9:30 am ET. Please [RSVP to me for dial-in information](#). I'll share the agenda once finalized on Wednesday.
2. **CRA Timeline** – I wanted to flag for you a recent prepared by the team at Ogilvy on the timeline for use of the Congressional Review Act (CRA), which you may find of interest:

Congressional Review Act (CRA) Timeline

The Congressional Review Act (CRA) provides the current Democratic Congress and the Biden Administration a very limited window of opportunity to repeal Trump Administration regulations they disagree with. CRAs receive expedited consideration in Congress, including protection against a filibuster in the Senate. But just as we've seen recently in the budget reconciliation process, those perks come with significant limitations on what can and cannot be considered and when. And CRAs have one additional limitation that makes them rare—if a rule is repealed through the CRA process, another rule may not be issued in “substantially the same form.” Since the CRA was passed in 1996, only 17 regulatory actions have been repealed through the CRA process, and 16 of those were in the 115th Congress when Pres. Trump took office and had a Republican majority in Congress.

The beginning of a new Congress triggers a specific set of timelines for considering joint resolutions of disapproval under the CRA. The window for consideration is currently open, and below are the significant dates to keep in mind:

- August 21, 2020: The Lookback Period—Based on the number of days the last Congress was in session, any regulations finalized and reported to Congress after August 21, 2020, may be repealed by a joint resolution of disapproval under the CRA.
- April 4, 2021: The Estimated Introduction Period—Members of Congress have a specific window of opportunity, based on the current number of session/legislative days, to introduce joint resolutions of disapproval to repeal regulations that were finalized after August 21, 2020. That window is estimated to close on April 4th.
- May 10-21, 2021: The Estimated Action Period—Once a joint resolution of disapproval is filed, there are special fast-track procedures that guide their consideration in the House and Senate. These timelines will expire sometime between May 10-21, 2021

Redacted - First Amendment

4. **Biden Administration Nominations Update** – Our latest weekly tracker on the current status of relevant Biden Administration nominees is below:

Position	Appointee	Status
Director of National Intelligence	Avril Haines	Confirmed January 20 th
Secretary of Defense	Lloyd Austin	Confirmed January 22 nd

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Secretary of the Treasury	Janet Yellen	Confirmed January 25 th
Secretary of State	Tony Blinken	Confirmed January 26 th
Secretary of Homeland Security	Alejandro Mayorkas	Confirmed February 2 nd
Secretary of Transportation	Pete Buttigieg	Confirmed February 2 nd
Secretary of Veterans Affairs	Denis McDonough	Confirmed February 8 th
Deputy Secretary of Defense	Kathleen Hicks	Confirmed on February 8 th
Ambassador to the U.N.	Linda Thomas-Greenfield	Confirmed on February 23 rd
Secretary of Agriculture	Tom Vilsack	Confirmed on February 23 rd
Secretary of Energy	Jennifer Granholm	Confirmed on February 25 th
Secretary of Education	Miguel Cardona	Confirmed on March 1 st
Secretary of Commerce	Gina Raimondo	Confirmed on March 2 nd
Chair, Council of Economic Advisers	Cecilia Rouse	Confirmed on March 2 nd
Secretary of Housing and Urban Development	Marcia Fudge	Banking hearing held January Committee February 4 th ; Floor scheduled for March 9 th
Attorney General	Merrick Garland	Judiciary hearing held February Cleared Committee March 1 st scheduled March 9 th
Administrator, Environmental Protection Agency	Michael Regan	EPW hearing held February 3 rd Committee February 9 th ; Cleared 6 th
Secretary of Labor	Marty Walsh	HELP hearing held February 4 th Committee February 11 th
Administrator, Small Business Administration	Isabella Guzman	Small Business hearing held February Cleared Committee February
Director, Central Intelligence Agency	William Burns	Intelligence hearing held February Cleared Committee March 2 nd
US Trade Representative	Katherine Tai	Finance hearing held February Committee March 3 rd
Deputy Secretary of the Treasury	Adewale Adeyemo	Finance held February 23 rd ; Cleared Committee March 3 rd
Secretary of Health and Human Services	Xavier Becerra	HELP hearing held February 2 nd vote held March 3 rd (14-14 tie)
Secretary of Interior	Deb Haaland	SENR held February 23 rd /24 th ; Committee March 4 th

Member, Securities and Exchange Commission	Gary Gensler	Banking hearing scheduled for March 3 rd ; Committee voted scheduled March 3 rd
Deputy Director, Office of Management & Budget	Shalanda Young	Budget hearing held March 2 nd ; hearing held March 4 th ; Committee scheduled March 10 th
Deputy Secretary of State	Wendy Sherman	Foreign Relations hearing held March 3 rd ; Committee vote scheduled March 3 rd
Member, Council on Environmental Quality	Brenda Mallory	EPW hearing held March 3 rd
Deputy Administrator, Environmental Protection Agency	Janet McCabe	EPW hearing held March 3 rd
Deputy Secretary of Transportation	Polly Trottenberg	Commerce hearing held March 3 rd
Deputy Director for Management, Office of Management & Budget	Jason Miller	HSGAC hearing held March 4 th
Deputy Secretary of Energy	David Turk	SENR hearing held March 4 th
Director, Office of Science and Technology Policy	Eric Lander	Awaiting Commerce hearing
Administrator, U.S. Agency for International Development	Samantha Power	Awaiting Foreign Relations hearing
Undersecretary of State (Political Affairs)	Victoria Nuland	Awaiting Foreign Relations hearing

5. **API Earned Media** – Our latest media hits can be found below.

Have a nice evening,
Shawn

Shawn Rusterholz
Manager, Government Affairs
American Petroleum Institute

API Earned Media

Monday, March 8, 2021

API Blog: [The Common Ground of Emissions Reduction](#)

QUOTES & MENTIONS

Biden team races to assemble new climate-change strategy. [Wall Street Journal](#). The Biden administration is racing to complete a wide-ranging climate-change strategy next month, enlisting agencies across the government to craft a plan that could reshape the U.S. economy and disrupt major industries. ... Business groups, even those that have warmed to government action on climate change, are concerned about a potentially heavy-handed reach into the economy. Many—like the U.S. Chamber of Commerce and the American Petroleum Institute—support legislation to penalize carbon emissions across the economy, for instance, but balk at sector-targeted administrative actions.

Trump policy that weakened wild bird protections is revoked. [Associated Press](#). The Biden administration on Monday reversed a policy imposed under former President Donald Trump that drastically weakened the government's power to enforce a century-old law that protects most U.S. bird species. ... Industry groups including the American Petroleum Institute supported the Trump policy, but since President Joe Biden came into office they have expressed willingness to work with the Democrat. The petroleum trade group said Monday it will work "in support of policies that support environmental protection while providing regulatory certainty."

[Courthouse News Service](#): Biden Reverses Trump-Era Gut of Migratory Bird Protections

The petroleum industry may want a carbon tax, but Biden and Republicans are not necessarily fans. [InsideClimate News](#). The largest U.S. oil industry trade group is considering an endorsement of carbon taxes for the first time. But the biggest news may be how little that is likely to matter, as U.S. climate policy moves decisively in an entirely different direction. The American Petroleum Institute confirmed that its member companies are trying to arrive at a consensus about carbon pricing—a position that almost certainly will involve trade-offs, including less government regulation, in exchange for the industry's support of taxes or fees.

Granger: Natural gas & oil are 'a key part of the solution'. [Colorado Politics](#). By now, most Coloradans are familiar with the natural gas and oil industry's outsized and seemingly repeated participation in state legislative and regulatory proceedings. Readers of these pages have seen our facts and figures time and again, our mountain of eye-popping data underscoring natural gas and oil's substantial impact on Colorado jobs and its broader economic health. Chances are, you personally know someone whose livelihood depends on our line of work.

Annapolis files lawsuit against Big Oil companies for the costs of climate change. [CBS Baltimore](#). Annapolis is no stranger to flooding and it has long had to deal with the effects of rising sea levels. Now, the city has filed a lawsuit against big oil companies to try to hold them accountable for the costs of climate change. ... The American Petroleum Institute also issued a statement to WJZ from its senior vice president and chief legal officer Paul Alfonso: "The record of the past two decades demonstrates that the industry has achieved its goal of providing affordable, reliable American energy to U.S. consumers while substantially reducing emissions and our environmental footprint. Any suggestion to the contrary is false."

Lawmakers concerned by Biden's decision to halt new oil and gas permits on federal land. [One America News](#). House lawmakers have reportedly crafted a letter addressing Biden's pause on new oil and gas leasing permits on federal land. The letter outlined how Biden's executive order has created dangerous conditions, with increased "environmental hazards" and gas flaring due to the suspension of permits for waste removal pipelines. ... The American Petroleum Institute projected at least one million job losses by 2022, and a \$700 billion decrease in GDP.

Biden team gives oil executives hard sell on energy transition. [Houston Chronicle](#). One after another, top officials from the Biden administration popped up on oil and gas executives' screens this week, extolling the tremendous opportunity that climate change presents. ... After years of back and forth between the industry and government officials over the role of oil and gas in society, executives at large oil and gas companies have started to come around on the need to decarbonize their industry if they are to survive in the decades ahead. "We start from the same place," Aaron Padilla, manager of climate policy at the American Petroleum Institute, the industry's largest trade group, said of the Biden team's outreach. "Our industry and our companies have a long history of innovation and a significantly well-rounded set of expertise that they are bringing to reducing greenhouse gas emissions."

Foreman: Lessons learned from state's intervention in natural gas markets. [Oklahoman](#). This past year Oklahoma officials pursued a unique experiment — with the state Corporation Commission reducing how much natural gas would be produced from a well, called "natural gas production prorationing." The intervention has been costly for the state and suggests that governments should be more cautious when considering actions that could affect markets.

It's too late for Big Oil's pivot to a carbon tax. [Bloomberg](#). The American Petroleum Institute is debating whether to support a price on carbon. It's not every day that a top lobbying group contemplates taxing itself. That's big news, and it's tempting to call it a win for the climate. Not so fast. While API's expected endorsement is indeed a sign of the times, it's not a good one.

Biden's halt of new oil and gas permits on federal lands has lawmakers demanding answers. [Fox Business](#). A group of House Republicans and at least one Democrat will send a letter to the Biden administration warning that its pause on new oil and gas permits is having a negative impact on existing operations. ... The American Petroleum Institute projects a drilling ban on federal lands and waters extended through 2030 would result in 1 million job losses by 2022 with the biggest impact being felt in the states of Texas, Wyoming and New Mexico. Such a ban would also reduce U.S. gross domestic product by \$700 billion and erase \$9 billion of revenue, some of which is used to fund education and conservation programs.

THIRD-PARTY VOICES

Natural gas and America's clean energy transition. [The Hill](#). President Biden has set the ambitious, important climate goal of achieving net zero emissions from the nation's electric power sector by 2035. Already, natural gas has played a key role in lowering U.S. carbon dioxide emissions in the past 15 years, in part by displacing higher emitting coal. But gas, which still provides more than a third of America's electricity, must play an even greater part in America's decarbonization plans going forward.