



*ICYMI: Treasury [launched its website](#) as a hub to share information about the IRA's clean energy tax incentives, where content will soon be published on topics such as elective pay, jobs, and investments.*

*Please join us: Next week, Pioneer, along with US SIF, Ceres, Unlocking America's Future, and We Don't Have Time, will co-host a reception celebrating the one-year anniversary of the Congressional Sustainable Investment Caucus on Thursday, February 15th from 5 p.m. - 7 p.m. in Eastern Market (address provided upon RSVP). [RSVP here](#).*

### **Client Note: The Trump Takeover Comes to the Senate**

#### **Senate Joins House in Disarray**

The dysfunction within the House GOP Conference added a new chapter when Republicans [failed to impeach](#) Homeland Security Secretary Alejandro Mayorkas in a floor vote earlier this week. This came after the body spent months investigating the Biden Administration's handling of the crisis at the southern border with the clear political intention of impeaching Mayorkas – and, despite having been [unable](#) to find any evidence of an impeachable offense. (The Speaker may take a second shot at impeaching Mayorkas if attendance issues improve next week.) After this failure, Speaker Mike Johnson (R-LA) made the bewildering decision to continue with his plan to immediately vote on a bill only sending military funding to Israel (in opposition to the Senate's package pairing it to Ukrainian funding), even though he knew he didn't have the votes, guaranteeing back-to-back losing votes that [have raised serious concerns about his judgment](#).

Not to be outdone, after months of negotiations that only took place at the explicit request of Senate Republicans and with the backing of Senate Republican leadership, Republicans vowed to tank the bipartisan immigration and foreign aid deal brokered by Senators James Lankford (R-OK), Kyrsten Sinema (I-AZ), and Chris Murphy (D-CT). In addition to war funding for Ukraine and Israel, the bill included [the most conservative immigration changes](#) in decades – exactly what Republicans have been demanding – and, as many in their party admit, much more than Democrats will ever willingly sign onto under a possible future Trump Administration.

It is yet another example of Donald Trump's grip on the Republican Party, revealing that Republicans would rather deny Biden the opportunity to sign bipartisan measures to address festering immigration issues than cross Trump's anti-immigrant campaign narrative. This was [showcased](#) in a floor speech by Senator Lankford (a staunch conservative) when he relayed that a popular conservative commentator told him, "if you try to move a bill that solves the border crisis during this presidential year, I will do whatever I can to destroy you."

Although Speaker Johnson had raised his own roadblocks, the fact that border reform fell apart in the Senate speaks volumes on how much presidential politics can inhibit the ability for the Senate to govern. The issue also spotlights Donald Trump and Senate Minority Leader Mitch McConnell's (R-KY)

animosity towards each other, as Trump shows he can successfully commandeer the Senate Republican Conference's decision making. Finally, it's an ominous sign for the forthcoming government funding deadline in a few weeks; if Republicans see a budget agreement as a benefit to President Biden, they might also be willing to shut down the government, particularly if that's Trump's view of the situation.

Senator Lankford received intense hatred from his own party's base for participating in the border negotiations, which he was deputized by party leaders to spearhead. This outcome will be a disincentive for his colleagues to even try to participate in negotiations in the future. While Senator Lankford doesn't have to worry about an immediate primary challenge (he's not up for reelection until 2028), other members will have second thoughts about negotiating across the aisle (especially during election years) when there is seemingly more risk than reward in trying to solve problems your party says they care about. All of this makes the normal business of governing (appropriations, reauthorization bills, responding to crises) even harder.

Fortunately, Senate Majority Leader Chuck Schumer (D-NY) may still be poised for a win, as 17 Republicans voted with Democrats to move forward a security package that stripped out the immigration/border provisions and kickoff debate on amendments this weekend.

### **FERC: The New Chair, Same as the Old Chair**

Today, President Biden designated Acting FERC Chair Willie Phillips to be the Chair of FERC. Phillips has served on the Commission since November 2021 and as "Acting" Chair since January 2023.

Does this change anything? Likely not, since there is no difference in authority or legal distinction between an "Acting Chair" and a "Chair" of FERC. The Chair is designated directly by the President and can be removed as Chair (but not as a Commissioner), at any time the President wishes, which means all FERC chairs are "acting" in some sense. For that reason, many in Congress and industry long ago dispensed with the "acting" distinction when addressing Phillips out of respect. That said, the announcement does give Chair Phillips comfort in his role and an important endorsement at a critical time, especially before the Commission finalizes the long, long, long awaited [transmission planning rule](#), initially proposed under former Chair Rich Glick.

Many environmental groups remain skeptical of Phillips for his positions and decisions [approving natural gas pipelines](#) and LNG infrastructure. That skepticism is unlikely to be erased by a strong transmission planning rule, but it will give him a counterpoint that he is using FERC's authority to advance a key priority for grid reliability and the build out of clean energy projects.

Finally, also in FERC news, Commissioner [Allison Clements](#) announced today that she will not seek another term after her current term ends in June. Clements is a longtime leader on clean energy and building out the grid, drawing contrived and personal attacks from the right. If the Senate does not confirm her replacement before June 30th, she can stay on through the end of 2024.

### **The Heartbeat on the Hill**

Appropriations: Negotiations are ongoing, though we'll need to see bill text and floor votes soon if we're to avoid a partial government shutdown in three weeks.

Supplemental Aid Package: A \$95 billion supplemental funding package for Ukraine, Israel, and Taiwan [moved forward](#) in the Senate yesterday, but the path toward final passage is uncertain as some Republicans seek votes on amendments that Democrats would rather not take. We expect there will be an agreement on a very limited set of amendments and for the package to ultimately pass the Senate next week. The bill's fate in the House is [far less certain](#), and may be doomed.

Tax Deal: After a blowout vote in the House, the bill is now in the Senate, where it is [facing conservative pressure](#) to be marked up and therefore opened for amendments in the Finance Committee. But some in the GOP have the same viewpoint on the tax package as they do on the border deal — they would rather the bill not pass than allow President Biden to “[look good](#).”

Farm Bill: USDA Secretary Vilsack is set to testify before the House Agriculture Committee on Wednesday. This week, Democratic committee members [released a memo](#) reaffirming their commitment to protecting investments for climate-smart agriculture and conservation in the Farm Bill.

FAA: Yesterday, the Senate Commerce Committee [finally passed](#) their version of the FAA reauthorization bill, a crucial step in getting a compromise version passed in both chambers by the March 8th deadline.

LNG Export Oversight Hearings: This week, the House [Energy and Commerce](#) and Senate [Energy and Natural Resources](#) Committees held hearings to examine the Biden Administration's recent pause on liquefied natural gas export approvals and plans to review their effects on climate change and domestic energy prices. Republicans criticized the need to pause approvals to conduct the review, while DOE Deputy Secretary David Turk defended the action and said researchers at DOE's National Laboratories would conduct the review but didn't specify how long it would take.

### **Funding Opportunities**

This week, DOE [announced](#) \$1.2 billion to support transmission buildout through capacity contracts, in which it will purchase up to half of the maximum capacity of large-stage and shovel ready transmission projects. As the second round of funding under the IJA's [Transmission Facilitation Program](#), proposals are due March 11th.

Additionally, the Department [announced](#) \$29 million in funding for RD&D projects utilizing low-carbon, purpose-grown energy crops, such as algae, herbaceous, intermediate, short-rotation woody crops for the production of biofuels and bioproducts. Concept papers are due March 19.

Lastly, response deadlines for three requests for information (RFI) on solar energy are approaching:

- [Information on Solar Development in Low-Income and Disadvantaged Communities](#) is due Friday, February 23.
- [Insight on Receivers and Reactors for Concentrating Solar-Thermal Power Plants and Solar Industrial Process Heat](#) is due Tuesday, February 20.
- [Feedback on sCO<sub>2</sub>-Based Turbomachinery for Concentrating STP Plants](#) is due Tuesday, February 20.

## **Clients in the News**

Tiernan Sittenfeld, LCV's senior VP of government affairs, contributed to an op-ed in the *Washington Post* defending the Biden Administration's recent actions to pause approvals of new liquified natural gas exports.

NextEra's CEO John Ketchum is optimistic that the IRA and its clean energy tax credits wouldn't be repealed under a second Trump presidency, citing their disproportionate benefits in red states and saying "We've never seen a change or repeal of tax credits, no matter what form they have taken."

This week, Pew Charitable Trusts, alongside organizations including the American Clean Power Association, Environmental Defense Fund, and Turn Forward, sent a letter to House and Senate leadership in support of the Reinvesting in Shoreline Economies and Ecosystems (RISEE) Act of 2023 to further the development of offshore wind through key federal and state revenue sharing measures.

## **Next Week: Hearings to Watch**

*Wednesday, February 14th*

### **House Small Business**

"Burdensome Regulations: Examining the Impact of EPA Regulations on Main Street"  
(10:00 AM EST), watch [here](#)

### **House Agriculture**

"For the Purpose of Receiving Testimony from The Honorable Thomas J. Vilsack, Secretary, U.S. Department of Agriculture"  
(10:00 AM EST), watch [here](#)

### **House Energy and Commerce**

"Powered Up: State Utility Regulators on Challenges to Reliable, Affordable Electricity"  
(10:30 AM EST), watch [here](#)

*Thursday, February 15th*

### **House Transportation and Infrastructure Subcommittee on Highway and Transit**

"Implementation of Buy America Provisions: Stakeholder Perspectives"  
(10:00 AM EST), watch [here](#)

### **House Homeland Security Subcommittee on Emergency Management and Technology**

"Examining Fire Hazards: Lithium-Ion Batteries and Other Threats to Fire Safety"  
(10:00 AM EST), watch [here](#)

### **House Education and Workforce Subcommittee on Health, Employment, Labor, and Pensions**

"Protecting American Savers and Retirees from DOL's Regulatory Overreach"  
(10:15 AM EST), watch [here](#)

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