



PRESENTED BY KELLY JOHNSON

## THE OPPORTUNITY TO TRUMP OBAMA'S ENVIRONMENTAL & ENERGY AGENDA:



THE UNIVERSITY OF TEXAS AT AUSTIN | SCHOOL OF LAW  
2017 CORPORATE COUNSEL INSTITUTE

### WHAT TO EXPECT FROM THE TRUMP ADMINISTRATION/115<sup>TH</sup> CONGRESS

#### → **Elections have Consequences**

- Nominations
- Options for Change
  - Executive Branch
    - Repeal of Executive Orders or agency policies
    - Settlement of pending litigation
    - Issuance of new regulations or agency guidance
    - Agency legal opinions
  - Legislative Branch
    - Congressional Review Act (5 U.S.C. §§ 801-808)
    - Amend authorizing statutes
    - Appropriations riders

## NOMINATIONS

- Elections select the Decision Makers but “who” does the deciding is determined by the political appointment process
- White House Office of Presidential Personnel
  - Approximately 4000 appointees are not Senate confirmed but serve “at the will” of the President
  - Approximately 1200 require Senate confirmation
    - Negotiation between Secretaries / White House
    - Vetting Process
    - Senate Committee Hearings
    - Vote by the full Senate

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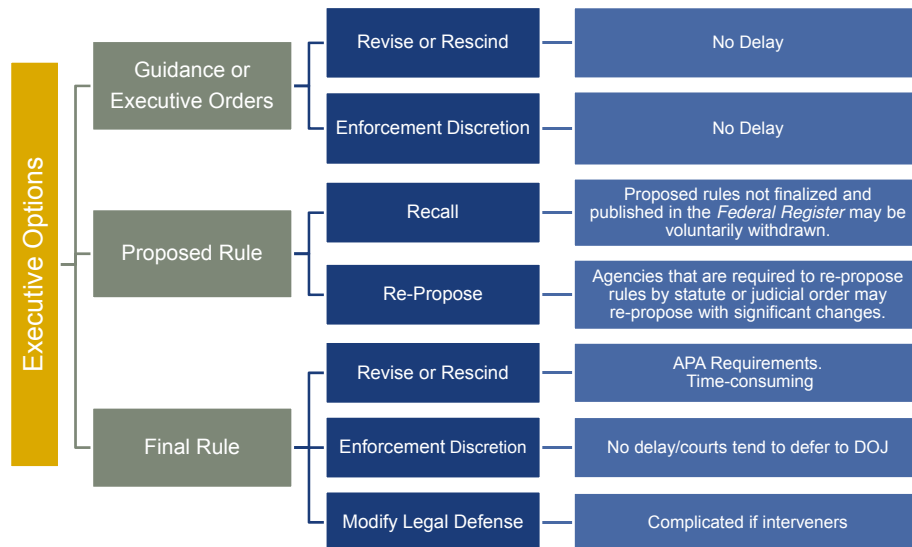


Draining the Swamp

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## EXECUTIVE OPTIONS



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## EXECUTIVE OPTIONS – AGENCY GUIDANCE OR EXECUTIVE ORDERS

- **Revise or Rescind**
  - Obama Administration Climate Change Policies
- **Presidential Memorandum**
  - Keystone Pipeline
    - Presidential Permit issued by State on April 4, 2017
  - Dakota Access Pipeline
    - Corps granted Easement (Feb. 7, 2017)
- **Policy Changes through Legal Opinions**
  - Issued by Agency General Counsel / Solicitor
  - DOJ's Office of Legal Counsel

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## Title search: The Opportunity to Trump Obama's Environmental & Energy Agenda

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