



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/115TH 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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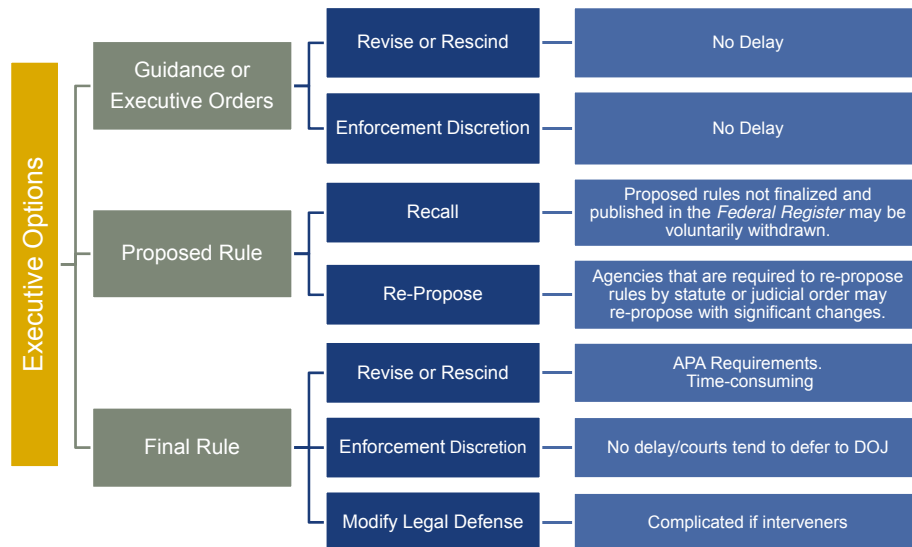


Draining the Swamp

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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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Also available as part of the eCourse

[Hot Topics for Corporate Counsel: M&A Trends, Contracts, and Energy](#)

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