

Elinor Schwartz
Western States Land Commissioners Association
Kalispell, Montana
July 12, 2010

OVERVIEW

Congressional Schedule

This is the time of year that you take stock of the remaining time available to legislate and there is not much time left in this Congress. Members are just returning from a week of recess. There are 14 days before August recess begins in the House and 5 days in the Senate. After Labor Day, only 16 days remain before the anticipated end of the session, which is often right after the first full week in October.

Oil Spill

The largest oil spill response in history is attempting to address the Deepwater Horizon incident in the Gulf of Mexico that began on April 20.

The Unified Command for this incident consists of 16 public and private entities. The response involves a staggering amount of resources. According to the Command (7/7/10), there are:

- **More than 45,000 people** are currently responding to protect the shoreline and wildlife and cleanup vital coastlines. In addition, nearly 1,600 National Guard troops from the Gulf States were activated. About 1,200 scientists, operations personnel, safety and health specialists, and support personnel work in the Command Center.
- **Over 6,200 vessels** are currently responding on site, including skimmers, tugs, barges, and recovery vessels to assist in containment and cleanup efforts—in addition to dozens of aircraft, remotely operated vehicles, and multiple mobile offshore drilling units.
- **Over 8 million feet of boom** have been deployed to contain the spill.
- **More than 28 million gallons** of an oil-water mix have been recovered.
- **275 controlled burns** have been conducted and over **1.7 million gallons of dispersant** have been applied.
- **Over 500 miles of Gulf Coast shoreline in 5 States** are currently "oiled."

- **Over 81,000 square miles of Gulf of Mexico federal waters remain closed to fishing.** More than 66 percent remains open.

LEGISLATION

As you might expect, there has been a recent avalanche of oil spill-related legislation. Authorization bills have been approved in one committee in the House and 2 Committees in the Senate. One bill has passed the House.

Authorizing committees involved with oil spill oversight and/or legislation include:

Senate

Energy and Natural Resources
 Environment and Public Works
 Commerce, Science, and Transportation

House

Energy and Commerce
 Natural Resources
 Transportation and Infrastructure

The bills being actively considered are tackling a multitude of issues and include provisions to:

- Authorize the reorganization of MMS into 3 agencies within Interior
- Increase payments to the Oil Spill Liability Trust fund, raise liability caps for drilling operations, and facilitate payout from the fund
- Extend the 30-day deadline for reviewing exploration plans to 90 days
- Set standards for equipment, require technology inspections, certification and planning for worst-case spills
- Require due diligence, best management practices and financial assurances
- Obtain dedicated funding for R&D

Combined Oil Spill-Energy-Climate Change Legislation?

It is not clear how and if the leadership in both houses will package oil spill, energy and climate change legislation. In the Senate provisions from the comprehensive energy bill approved by the Energy and Natural Resources Committee last June, S. 1462, may be combined with measures from other bills. The possibilities include bills such as S. 2877 introduced by Senators Maria Cantwell (D-WA) and Susan Collins (R-ME), which would recycle to taxpayers 75 percent of the revenue from selling carbon permits and S. 3464, introduced by Senator Richard Lugar (D-IN), which relies on energy efficiency and requiring utilities to use diverse energy sources. Components may feature provisions on energy efficiency, electric cars and utility portfolios.

Climate change legislation is decreasingly likely to pass. However, the White House is said to be supporting cap-and-trade provisions that focus on utilities as opposed to an

economy-wide approach that would heavily affect the transportation and manufacturing sectors. Senators Bingaman and Olympia Snowe (R-ME) are reportedly working on a bill that would require a cut in power sector emissions 17 percent by 2020, compared with 2005. This could mean a 10 percent rise in the cost of electricity in 2020. It would be modeled on a 10-State Regional Greenhouse Gas Initiative covering the mid-Atlantic and New England. It may be a way to build momentum and head off EPA regulations. *According to the EIA, Utilities are the biggest CO2 emitter and may account for over a third of CO2 emissions in 2030, depending on various financial assumptions.*

The House passed an energy-climate change bill, H.R. 2454, last June by a slim margin (219-212) and many do not think this bill could pass again, given the economy and upcoming elections.

OTHER EMERGING OIL AND GAS ISSUES

The Associated Press (AP) recently reported last week (7/7/10) that there are 27,000 abandoned wells in the Gulf of Mexico. Of particular concern are 3,500 wells that were temporarily abandoned under less thorough sealing procedures and more than 1,000 that "lingered in that unfinished condition for more than a decade." The connection with the Deepwater Horizon is that it was being sealed for temporary abandonment when the current disaster began. The AP contends that "abandoned well are typically not inspected by industry or government."

Another subject of increasing concern is the impact on ground water from producing natural gas from shale.

Congressional Losses

It is worth pausing to note that the Senate lost two of its lions within the last year -- Edward Kennedy (8/25/09) and just two weeks ago Robert C. Byrd (6/28/10). Senator Byrd was a true master of the rules of the Senate and fierce, loyal defender of the institution and the filibuster. With over 51 years in the Senate, he was its longest serving member. As President pro tempore he was third in the line of presidential succession after Vice President Joe Biden and House Speaker Nancy Pelosi. He served as Majority Leader during a period in the late 1970's when there was intensive work on energy legislation. He chaired the Interior Appropriations Subcommittee for a number of years.

Numerous members on both sides of the aisle have decided to retire, notably House Appropriations Chairman David Obey (D-WI) after 21 terms. This was a brutal primary season for some incumbents. Another powerful member was defeated in the primary - notably House Commerce-Justice-Science Appropriations Subcommittee Chairman Alan Mollohan (D-WVA) who is in his 14th term. Five-term Senator Arlen Specter, who had changed parties and Chairs a Judiciary Subcommittee, also lost his primary. Utah's 3-term Republic Senator Robert Bennett was defeated at his State party convention this year. Incumbents don't have the reliable edge they usually do, given an economically

frustrated electorate. Now some of the electorate is pursuing term limits the old fashioned way -- voting people out of office. *New entrants like the Tea Party are definitely a factor.*

Appropriations

Members clearly expect another continuing resolution (CR) for appropriations. Though various formulas are used, this kind of bill often extends the previous year's funding level for federal programs for a set period or a series of periods. Some of the House Appropriations Subcommittees have marked up their bills, but the political climate is such that a significant number of members will not be willing to vote on specific appropriations before the election. Theoretically these bills should be ready for floor action and a few may actually thread their way through the process.

Though progress has been made in gaining transparency in members' requests for earmarks for their districts or special interests, that ideal is not well served by mega-legislation like CRs that are hard to digest in short periods of time.

Just before going out on recess, the House passed a supplemental appropriations bill that has more than \$300 million for various oil-spill related activities, including \$31 million for the Interior Department to strengthen inspection and regulation of offshore drilling facilities. In addition, the House approved a "budget enforcement mechanism" instead of a budget resolution. It sets a spending cap for fiscal 2011, but does not include budget deficit projections.

LAND MANAGEMENT

Federal Land Transaction Facilitation Act (FLTFA)

The updated reauthorization of FLTFA, which expires on July 24, seems to be uncontroversial. Hearings were held late last year on H.R. 3339 and S. 1787, which allow BLM land sales approved by land use plans to fund purchases of land in or adjacent to federal conservation areas. The Administration's budget request also supports reauthorization without a sunset. The Senate version of the emergency supplemental appropriations bill, H.R. 4899, Sec. 3007, includes a one-year extension of FLTFA.

It would be useful to continue BLM's agreement to consult with a State before selling federal land in that State.

Transmission

On June 17 the Federal Energy Regulatory Commission (FERC) announced that it was opening a 60-day comment period on a proposed rule to build on its open access transmission reforms. It seeks to revise electric transmission planning and cost allocation

to help ensure that needed transmission facilities are built. It proposes to incorporate public policy mandates into transmission planning, such State renewable portfolio standards. For more information on Docket No. RM10-23-000, see <http://www.ferc.gov/whats-new/comm-meet/2010/061710/E-9.pdf> . FERC has also recently been working on Smart Grid and integrating variable energy resources. It is also attempting to remove barriers to competition in wholesale electric markets.

Land and Water Conservation Fund (LWCF)

There are several efforts to secure full funding for the LWCF. Senator Mark Udall (D-CO) has said he intends to offer an amendment to oil spill legislation, S. 3516 when it reaches the floor. This amendment may enable automatic full funding starting in fiscal year 2021. The House Natural Resources Committee has scheduled a July 14 markup of Chairman Nick Rahall's substitute to its energy bill, H.R. 3534, which calls for mandatory funding through 2040. The Land and Water Authorization and Funding Act, S. 2747, sponsored by Senator Jeff Bingaman (D-NM), is a free-standing bill to permanently authorize the fund and make it available without appropriations.

Conservation Easement Incentives

The enhanced tax deduction for conservation easement donations particularly helps land trusts work with farmers, ranchers and other modest-income landowners. It expired at the end of 2009 and the Senate tax-extendors bill containing a one-year extension is stalled. The House has passed several versions of extendors bills with the same easement provision. Bills to make the enhanced easement incentive permanent have numerous cosponsors, 271 for H.R. 1831, the Conservation Easement Incentive Act, and 40 for S. 812, the Rural Heritage Conservation Extension Act.

Forest Service Roadless Area Conservation Rule

Despite ongoing lawsuits, the January 12, 2001 Roadless Area Conservation Rule (RACR), 66 CR 3244, applies to Arizona, California, Montana, Nevada, New Mexico, Oregon, Washington and Alaska's Chugach National Forest. Idaho and Alaska's Tongass National Forest are exempt from the rule and Colorado has petitioned for its own rule. The Roadless Rule generally prohibits road construction/reconstruction and timber cutting, sale or removal across 40 million acres of the National Forest. The RACR has an exemption for valid existing rights and States will continue to have "reasonable access" to their inholdings in roadless areas.

On May 28, 2010 Agriculture Secretary Tom Vilsack issued Memorandum 1042-155 continuing for another year his authority to approve or disapprove road and timber work in the inventoried roadless areas administered designated in November 2000 and managed by the Forest Service. The Memorandum relegates substantial authority to the Forest Service Chief. Idaho is exempt from this Memorandum. For more information, see <http://roadless.fs.fed.us> .

America's Great Outdoors Initiative

Following up on a White House Conference in April, the Administration is holding a series of listening sessions and inviting written comments. Several of the next sessions are in the West:

July 12 - Grand Island, Nebraska

July 16 - Grand Junction and Denver, Colorado

July 17 - Albuquerque, New Mexico

This would be an opportunity to:

(1) Urge priority treatment for land transactions that address State inholdings in conservation areas to improve the management of conservation and recreation areas.

(2) Recommend that proponents of monuments, wilderness or other conservation areas with State inholdings work with States on boundaries and access and that proposals provide for an exchange process from the start.

(3) Assist projects that improve access to bodies of water for recreation, given their title to submerged land and their role in administering property under the public trust doctrine.

For more details on the initiative, see: <http://www.doi.gov/americasgreatoutdoors/>

OIL AND NATURAL GAS

BLM Regulations

On May 17 BLM finalized its oil and gas reforms. Under this policy, BLM will:

- Engage the public in Master Leasing Plans prior to significant leases and fully consider other natural resource values.
- Make site visits when necessary and use interdisciplinary reviews.
- Use specified criteria when considering categorical exclusions from environmental reviews.

Offshore Development

ADMINISTRATION

President Obama in late May halted approval of new deepwater drilling permits and suspended drilling at 33 exploratory wells while an independent panel conducts a six-

month study of offshore drilling safety. On June 22 U.S. District Judge Martin Feldman ordered the Administration to lift the moratorium, saying the government had not provided adequate reasoning for it and that it would harm the economy of the Gulf region. The Administration requested a stay, but the same Judge reaffirmed his order. Next, the Administration asked a federal appeals court to reinstate the temporary moratorium on new deepwater drilling, saying it needs time to appeal a lower court's lifting of the ban and to issue a revamped moratorium. (Source: Greenwire 7/7/10)

Interior has postponed public scoping meetings and extending the comment period until later this year for the Environmental Impact Statement for the 2012-2017 Outer Continental Shelf 5-Year Plan.

LEGISLATION

S. 3516. OCS Reform Act

The Senate Energy and Natural Resources Committee marked up S. 3516 on June 30. As described by the Committee prior to markup, this bill would reform Interior's regulatory structure to avoid conflicts of interest and require Senate confirmation for the new office directors. It calls for balancing economic development with health, safety and environmental considerations in leasing. S. 3516 would increase safety requirements for drilling wells and provide a dedicated funding source for well control and spill response. It would require investigations of all accidents and public sharing of data, and provide longer time for agency reviews. This bill would impose an inspection fee to fund well-trained inspectors, increase civil and criminal penalties for violators of laws and increase requirements for fiscal responsibility. The bill would limit lease sales to operators with good track record on safety, environment, diligence and meeting obligations for damage from any prior accident.

For materials related to S. 3516 that predated the markup, see http://energy.senate.gov/public/index.cfm?FuseAction=IssueItems.View&IssueItem_ID=6a24bb5c-11f7-4980-83fa-177f477cecbb .

H.R. 3534, Consolidated Land, Energy, and Aquatic Resources Act (CLEAR)

The House Natural Resources Committee expects to mark up a recent substitute to H.R. 3534 on July 14. It would restructure MMS into 3 entities and would require Senate confirmation of directors. It would extend the 30-day deadline for reviewing exploration plans to 90 days and would impose best practices. H.R. 3534 would require technology and meaningful response plans for worst case scenarios. Qualifications for future offshore bids would include due diligence for development and environmental diligence. It would require the Interior Secretary to periodically review the ability of companies to fulfill their fiscal responsibilities. If a coastal State moratorium on oil, gas or mineral exploration, development or production were in effect in State waters, the Secretary of the Interior would not be able to lease adjacent federal waters.

For materials related to the substitute (June 22 - 5:25 PM), see http://resourcescommittee.house.gov/index.php?option=com_content&task=view&id=635&Itemid=27 .

Anticipated House Bill, Future BP Leasing

Chairman of the House Education and Labor Committee George Miller (D-CA) announced on June 30 that he is drafting legislation to "deny BP PLC new offshore oil and gas drilling leases for up to seven years because of its extensive record of environmental and worker safety violations at its refineries, pipeline and drilling operations." Under this draft, the Secretary of the Interior would determine if a company, its subsidiaries, successors or partially owned entities would endanger workers or natural resources based on violations of OSHA, the Clean Water Act or the Endangered Species Act, among other laws. Rep. Miller will offer this bill as an amendment to H.R. 3534.

H.R. 5626, Blowout Prevention Act

The House Energy and Commerce Subcommittee on Energy and Environment will probably soon markup H.R. 5626, just introduced on June 29 by the full committee and subcommittee chairs, Reps. Henry Waxman (D-CA) and Ed Markey (D-MA). This bill will set standards for redundant well-drilling technologies, testing, certification and practices for offshore and high-risk wells. Materials related to this bill are posted at http://energycommerce.house.gov/index.php?option=com_content&view=article&id=2064:chairm-en-introduce-blowout-prevention-legislation&catid=122:media-advisories&Itemid=55 . The Subcommittee markup was originally planned for today.

H.R. 5629, Oil Spill Accountability and Environmental Protection Act

As approved and described by the House Transportation and Infrastructure Committee on July 1, this bill would change the limits of liability for offshore facilities so that responsible parties will cover all oil pollution cleanup costs and damages to third parties. It increases the minimum level of financial responsibility to \$1.5 billion. H.R. 5629 requires the Coast Guard to concur in the oil spill response plan for all offshore facilities. It repeals an existing oil and gas construction stormwater exemption. It requires that all vessels drilling in the US Exclusive Economic Zone (200-mile zone) be U.S.-flag vessels owned by U.S. citizens, so they are subject to U.S. safety regulations.

As described by the Senate Environment and Public Works Committee, that Committee approved the following 3 oil spill-related bills on June 30:

S. 3305, Big Oil Bailout Prevention Liability Act

Under the Oil Pollution Act (OPA), liability for damages related to a discharge from an offshore facility is limited to \$75 million for each incident. Senator Robert Menendez's (D-NJ) bill, S. 3305, amends the OPA to increase the liability cap from \$75 million to \$10 billion. It removes the limit on liability applicable to offshore facilities.

S. 3515, Department of the Interior Research and Technologies for Oil Spill Prevention and Response Act

Senators Jeanne Shaheen (D-NH), Jeff Bingaman (D-NM) and Mark Udall (D-CO) introduced this bill to establish a research, development, technology demonstrations and risk assessments program at the Department of Interior (DOI) to address response, mitigation and cleanup issues for oil spills. As amended, this bill incorporates the program into the existing research framework of the Oil Pollution Act and authorizes

additional research efforts at DOI that focus on oil spill technology related to drilling, including activities to prevent and respond to well blowouts.

S. 1311, the Gulf of Mexico Restoration and Protection Act

Introduced by Senators Roger Wicker (R-MS), Thad Cochran (R-MS), and Mary Landrieu (D-LA), and cosponsored by Senator David Vitter (R-LA), S. 1311 amends the Clean Water Act to reestablish a Gulf of Mexico Program Office. It also expands and strengthens cooperative efforts to monitor, restore and protect the resource productivity, water quality and marine ecosystems of the Gulf of Mexico.

Deepwater Horizon Incident Links

UNIFIED COMMAND

<http://www.deepwaterhorizonresponse.com/go/site/2931>

JOINT INVESTIGATION OF THE COAST GUARD AND BUREAU OF ENERGY MANAGEMENT

<http://www.deepwaterinvestigation.com/go/page/3043/46555/>

HARDROCK MINING REFORM

The House Natural Resources Committee held hearings last year on H.R. 699 (Rahall-WVA) and the Senate Energy and Natural Resources Committee heard S. 796 (Bingaman-NM) and S. 140 (Feinstein-CA). H.R. 3201 (Lamborn-CO) was introduced after the House hearings. No further action is expected this year. Royalty rates are a key issue. The allocation of abandoned mine reclamation funds for States may be of interest.

RENEWABLE ENERGY

Geothermal Revenue Sharing

Advocates of county revenue sharing are trying various legislative vehicles to restore the geothermal revenue sharing for counties. A recent vehicle is the Senate version of the emergency supplemental appropriations bill, H.R. 4899, Sec. 3003.

Wind and Solar Leasing and Revenue Sharing

The pending Chairman's Substitute to the House Natural Resources energy bill, H.R. 3534, contains provisions for commercial wind and solar leasing. The energy bill passed by the Senate Energy and Natural Resources Committee, S. 1462, also contains provisions for pilot projects and potential leasing program for solar and wind projects. It would offer 5 percent of leasing or rights-of-way revenues to the host State. Senator Dianne Feinstein's California Desert Protection Act, S. 2921, contains provisions that apply outside of California. It would create a review process for rights-of-way. S. 2921

would return 25 percent of revenue generated by new renewable energy projects to the State and another 25 percent to counties to ensure resources for permitting, public lands protection and local conservation.

Fast-Track Permitting

BLM expects to complete environmental reviews on 14 solar, 7 wind, 6 geothermal and 7 transmission projects by the end of this year. This would enable them to qualify for economic recovery incentives. For more information, see

http://www.blm.gov/wo/st/en/prog/energy/renewable_energy/fast-track_renewable.html .

ENVIRONMENTAL MANAGEMENT

Federal Jurisdiction for Wetlands

On June 18, 2009 the Senate Environment and Public Works Committee approved the Baucus-Klobuchar-Boxer substitute for the *Clean Water Restoration Act*, S. 787. It affirmed federal jurisdiction prior to 2001 and the authority of each State to allocate water within its jurisdiction. It would protect intrastate waters, including isolated waters and small and intermittent streams. It defines waters of the United States as all tidal waters, territorial seas, interstate and intrastate waters and their tributaries and impoundments. The definition specifically excludes prior converted cropland and waste treatment systems.

House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) introduced *America's Commitment to Clean Water Act*, H.R. 5088, on April 20, 2010. H.R. 5088 broadly defines the waters of the United States, instead of relying on navigable waters as a trigger for federal jurisdiction. Among other waters, it includes intrastate intermittent streams. It excludes ground water, water treatment facilities and prior converted croplands. This bill would continue previous permitting exemptions, such as farming, ranching and forestry and would not affect long-standing policies not to regulate waters such as non-tidal drainage and swimming pools.

SELECTED APPOINTMENTS

On May 19 Interior Secretary Ken Salazar issued Secretarial Order 3299 to divide the Minerals Management Service (MMS) into 3 operations under two Assistant Secretaries, which is intended to address conflicts of interest. He appointed Michael Bromwich, a former Inspector General at the Justice Department, as Director of the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEM). Director Bromwich will lead reforms at the former MMS, now known as BOEM, as it is restructured into the following organizations:

Under Land and Minerals Management

- Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEM)
- Bureau of Safety and Environmental Enforcement

Under Policy, Management and Budget

- Office of Natural Resource Revenue

As recently as June 22 several more key nominees were confirmed as energy and natural resources officials by the Senate. Key Obama Administration appointments are:

Executive Office of the President

Confirmed

Nancy Helen Sutley, Chair, Council on Environmental Quality (CEQ)

Gary S. Guzy, Deputy Director, CEQ

Interior

Confirmed

Kenneth Lee Salazar, Secretary of the Interior

David Hayes, Deputy Secretary of the Interior

Hilary Chandler Tompkins, Solicitor

Tom Strickland, Assistant Secretary for Fish and Wildlife and Parks; also Chief of Staff to the Secretary of the Interior

Rhea S. Suh, Assistant Secretary for Policy, Management and Budget

Anne Castle, Assistant Secretary of the Interior for Water and Science

Larry J. Echo Hawk, Assistant Secretary for Indian Affairs

Robert V. Abbey, Director, BLM

Wilma A. Lewis, Assistant Secretary for Land and Minerals Management

Jonathan B. (Jon) Jarvis, Director, National Park Service

Dr. Marcia K. McNutt, Director, USGS, and Science Advisor to the Secretary

[*Samuel D. (Sam) Hamilton*, Director, Fish and Wildlife Service - died]

Appointed

Sylvia V. Baca, Deputy Assistant Secretary for Land and Minerals Management

Ned Farquhar, Deputy Assistant Secretary for Land and Minerals Management

Mike Pool, Deputy Director for Operations, BLM

Marcilynn Burke, Deputy Director for Policy, BLM

Mary Katherine Ishee, Deputy Director, Minerals Management Service

Tom Strickland, Chief of Staff to the Secretary of the Interior; he also serves as Assistant Secretary for Fish and Wildlife and Parks

Will Shafroth, Deputy Assistant Secretary for Fish, Wildlife and Parks

Robert Stanton, Deputy Assistant Secretary, Policy, Management and Budget

Betsy Hildebrandt, Director of Communications

Dan Ashe, Deputy Director for Policy, Fish and Wildlife Service

Rowan Gould, Deputy Director for Operations, Fish and Wildlife Service

Gary Frazer, Assistant Director for Endangered Species, Fish and Wildlife Service

Kim Berns, Division Chief for Lands, Realty and Cadastral Survey.

Rowan Gould, Acting Director and Deputy Director for Operations, Fish and Wildlife Service

Michael Bromwich, Director, Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEM)

Doug Slitor, Acting Chief, Offshore Regulatory Programs, Offshore Energy and Minerals Management, Bureau of Ocean Energy Management, Regulation, and Enforcement
[S. Elizabeth (Liz) Birnbaum, Director, Minerals Management Service - resigned]

Justice

Confirmed

Ignacia S. Moreno, Assistant Attorney General, Environment and Natural Resources Division

Agriculture

Confirmed

Thomas J. Vilsack, Secretary of Agriculture

Harris Sherman, Under Secretary for Natural Resources and Environment (NRE)

Appointed

Tom Tidwell, Chief, Forest Service

Jay Jensen, Deputy Under Secretary for NRE - Forestry

Ann Mills, Deputy Under Secretary for NRE - Conservation

Robert Bonnie, Senior Advisor to the Secretary for Environment and Climate

Energy

Confirmed

Steven Chu, Secretary of Energy

Daniel B. Poneman, Deputy Secretary

Kristina M. Johnson, Under Secretary

David Sandalow, Assistant Secretary for International Affairs and Domestic Policy

Scott Blake Harris, General Counsel

Catherine Zoi, Assistant Secretary for Energy Efficiency and Renewable Energy

Richard G. Newell, Administrator, Energy Information Administration

James J. Markowsky, Assistant Secretary for Fossil Fuels

John R. Norris, Commissioner, Federal Energy Regulatory Commission (FERC)

Larry Persily, Federal Coordinator, Alaska Natural Gas Transportation Projects

Patricia Hoffman, Assistant Secretary, Electricity Delivery and Energy Reliability

Jeffrey A. Lane, Assistant Secretary for Congressional and Intergovernmental Affairs

Philip D. Moeller, Commissioner, Federal Energy Regulatory Commission (renominated)

Cheryl A. LaFleur, Commissioner, Federal Energy Regulatory Commission

Appointed

Jon Wellinghoff, Chairman of FERC (previously confirmed member)

Jamie Simler, head of FERC's Office of Energy Policy and Innovation

Commerce

Confirmed

Gary Locke, Secretary of Commerce

Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere & Administrator, NOAA

Larry Robinson, Assistant Secretary for Conservation and Management, NOAA

Appointed

Eric Schwaab, Director, National Marine Fisheries Service

Army

Confirmed

Jo-Ellen Darcy, Assistant Secretary of the Army (Civil Works)

Joe Westphal, Under Secretary (former Assistant Secretary of the Army for Civil Works)

Appointed

Terrence "Rock" Salt, Acting Assistant Secretary for Civil Works

EPA

Confirmed

Lisa Perez Jackson, Administrator of the Environmental Protection Agency

Peter Silva, Assistant Administrator for Water Programs

Robert Perciasepe, Deputy Administrator

Transportation

Confirmed

Cynthia Quarterman, Director, Pipeline and Hazardous Materials Safety Administration

Homeland Security

Confirmed

Admiral Robert J. Papp, Jr., Commandant of the U.S. Coast Guard (promoted from Vice Admiral)