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TO: Cornerstone Clients
FROM: Cornerstone Government Affairs
SUBJECT: A GUIDE TO FORECASTING ENERGY POLICY IN THE NEXT WHITE HOUSE: TRUMP V. HARRIS
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I. EXECUTIVE SUMMARY

As Washington awaits the results of the 2024 Presidential and Congressional elections, questions regarding the future of federal energy and environmental policy abound. In many ways, the passage of the Infrastructure Investment and Jobs Act (IIJA), the CHIPS & Science Act (CHIPS), and the Inflation Reduction Act (IRA) meaningfully advanced energy and industrial policy by refocusing the federal government on accelerating US leadership in three areas: the clean energy transition, the growth of US advanced manufacturing, and the race for global technological dominance. In fact, along with the American Rescue Plan, over $1.6 trillion in federal dollars and tax credits were authorized or appropriated by these laws.

Yet, as of April 2024, Politico was reporting that only 17% of the nearly $1.1 trillion in direct funding had gone "out the door".[1] The Biden-Harris Administration is rushing to award and distribute as much of the funding as possible, motivated by a desire to both insulate the bills from political attacks and to further cement the electoral benefits of these laws in the minds of voters. It remains unclear whether US voters are connecting the Biden-Harris administration with projects born of funding from the IIJA, CHIPS, and IRA bills in a manner that translates to electoral advantages for Vice President Harris. However, in its final months, the Biden administration continues to race to the finish line to push out as much federal funding born of these laws as possible as former President Trump promises to curtail at least some portions of these spending bills.

Whether former President Trump secures a second term or Vice President Harris is the electoral winner, Washington is keen to learn of the fate of these bills and the discussion is central to conversations about energy and environmental policy in 2025 and beyond. However, factors such as congressional margins, the fall of the *Chevron* doctrine, permitting reform, and global trade dynamics are equally important in considering how far the next administration may go in advancing or retreating from the energy and related tech policies expounded in these bills.

While an oversimplification, it is fair to say that President Trump would seek to roll back more of the politically divisive programs and measures included in these bills such as the 30D EV tax credit, while seeking to increase production of oil and gas on federal lands and offshore, challenge additional offshore wind buildout, and amplify our LNG export capacity. President Trump's antipathy toward new spending and regulations in the energy and environmental space is not a secret. Ultimately, we believe that the balance of power in the US Congress is determinative as to how far President Trump would be able to go in a second term to "roll back" or reprogram IRA funding, as well as programs and efforts already implemented as a result of the IRA, IIJA and the ARP.

Additionally, while President Trump has recently been broadly critical of the policy agenda contained in Project 2025, it is fair to say that Washington is viewing many of those energy-specific policy recommendations as an eventual landing spot for a second Trump administration. Whether through rulemaking, Congressional Review Act efforts, or litigation, regulatory rollbacks targeted at Interior, EPA, and other agencies would likely be key priorities for a second term for President Trump. A Trump-Vance administration's energy agenda could swing more conservatively in its effects on oil and gas production on federal land and in federal waters, the rate of growth of renewables installations, adoption rates for EVs, the buildout of transmission infrastructure to address grid reliability and renewables deployment, and additions of pipeline capacity for fossil fuels.

In the meantime, Vice President Harris – a longtime environmental justice champion and the tiebreaking vote in the Senate on the IRA – would likely push an energy agenda that focuses on the clean energy transition while attempting to strike a balance between appeasing the environmental left while creating bridges to union leaders and industry. Electoral results in Pennsylvania, Michigan and Wisconsin will be key to understanding how a Harris-Walz administration may approach these issues and message a defense of the IRA and IIJA if Vice President Harris is successful in her bid for the White House. The Vice President's record on energy and environmental issues during her time as the California Attorney General, a US Senator, and a 2020 presidential candidate is helpful to understanding how she may approach these issues, particularly with respect to fossil fuels. However, her years as Vice President, her championing of the IRA and IIJA in the states, and her time spent on climate policy abroad evolved the conversation and are worth exploring further. Her selection of Governor Tim Walz of Minnesota as her running mate further substantiates the belief that Harris recognizes a need to balance competing energy priorities amongst industry, labor and environmental groups but a lot remains unclear. As Governor, Walz approved the enactment of a law mandating 100 percent clean electricity by 2040 for the state as well as permitting bills, support for EVs, and efforts to reduce natural gas emissions.

Presumably, a Harris-Walz administration would continue the work of ensuring IRA and IIJA funds are being deployed as quickly as possible once her selected agency personnel are in place, but she will also be defending these laws and Biden regulations in the courts as additional stakeholders seek to sue in the wake of the Supreme Court's near gutting of the *Chevron* doctrine. Following further analysis of state-by-state electoral results and the makeup of the 119th Congress, Vice President Harris will need to quickly determine how far to the left she will be pulled by stakeholders seeking a rapid transition away from fossil fuels.

I. Introduction

The following memorandum outlines potential priorities in both a Trump second term and a Harris first term. It is not meant to serve as legal advice nor is meant to be finite in nature. Rather, this document will be updated as we move closer to and beyond the election. In the meantime, we hope you find this information helpful.

II. Transmission

A longtime priority of Democratic policymakers, federal support for reforming permitting rules to support the buildout of transmission has never been closer. The nation's electric grid is facing unprecedented challenges due to extreme weather events, surging demand, and aging infrastructure. Additionally, as renewable energy and storage installations are added to our grid at increasing rates, conventional baseload generation (coal, nuclear, and natural gas) are being added at a much slower pace (if at all). Thus, a perfect storm of aligned policy priorities has formed.

Democratic policymakers are increasingly pushing for transmission reforms and, therefore, more willing to discuss changes to foundational statutes such as NEPA and the Federal Power Act. On the Republican side of the aisle, expensive litigation and costly delays for oil and gas infrastructure and development have furthered a desire for permitting reform. But, for Republicans, acceptable transmission reforms fundamentally center around the manner in which customers will pay for new transmission – especially if those projects are intended to serve "blue" states where climate-based policy choices are driving the new buildout.

This past year, the Department of Energy and the Federal Energy Regulatory Commission made strides in advancing regulatory priorities to streamline permitting for transmission projects, including those directed in the IIJA and the IRA. FERC also finalized regulations to reform the interconnection queue and regional planning with cost allocation. The Senate Committee on Energy and Natural Resources has also just passed a bipartisan permitting reform package, the *Energy Permitting Reform Act of 2024*, led by Senators Joe Manchin (D-WV) and John Barrasso (R-WY) which would direct additional reforms including ensuring FERC promulgates an interregional transmission planning rule, amending backstop siting authority, and improving cost allocation mechanisms. Following Committee passage of the Manchin-Barrasso bill, Senators' reactions and the House's reception are helping to forecast potential areas of change or rollback in the lame duck session (and possibly the next Congress).

If permitting reform is enacted before the end of the 118th Congress, a Harris-Walz administration would be handed the implementation of these new and changed authorities at FERC, DOE, and the Interior Department. She will likely continue the efforts of the Biden administration to build out transmission and modernize the electric grid (both of which are considered key by experts in the clean energy transition – a transition that Harris has supported as Vice President and Senator). Additionally, a Harris presidency would mean that FERC's Democratic majority is preserved, which is key to ensuring the advancement of an interregional transmission planning rule and other priorities.

Greater uncertainty looms for transmission policy in a second term for President Trump, as red state regulators have intervened heavily in recent DOE and FERC rulemakings surrounding transmission and may carry forward their opposition into 2025 and beyond. Critics of these rules often cite the complexity of the national grid and concerns that consumers in pass-through states will be burdened with the costs of another state's green energy policies. That said, a growing number of bipartisan officials across the country also recognize the need for grid modernization and new transmission infrastructure, as extreme weather continues to persistently challenge utilities and power providers with extreme heat, wildfires, and hurricanes.

III. Federal Energy Production

Under the Biden-Harris administration, the United States has experienced record levels of oil and natural gas production and exports,[2] with production on state and private lands less susceptible to impacts from federal policies having played a key role. On the other hand, activity on federal lands and waters has been the subject of significant debate, as underscored by the Biden-Harris Administration's January 2021 pause on oil and gas leasing and the subsequent restrictive policies that followed lifting of the pause.[3]

At the same time, the Biden-Harris administration launched significant efforts to make offshore wind a key component of its climate and clean energy strategy, committing to a goal to deploy thirty gigawatts of offshore wind by 2030 and approving eight commercial-scale offshore wind projects comprising over ten gigawatts of energy (as of April 2024).[4]

As discussed below, the outcome of the 2024 presidential race could have a significant impact on the trajectory for oil, natural gas, and wind energy production on federal lands.

a. Offshore

A Harris-Walz administration would likely continue policies under the Biden-Harris administration that are more restrictive on offshore oil and gas and limit leasing activity to the Western and Central Gulf of Mexico, permitting such leasing only to the extent necessary to achieve its renewable energy goals. To that end, it would likely continue existing plans to hold Gulf of Mexico oil and gas lease sales in 2025, 2027, and 2029 in order to ensure compliance with Inflation Reduction Act requirements that condition new offshore wind lease sales on recent offshore oil and gas lease sales.[5]

If victorious, Vice President Harris would also be expected to continue current policies supportive of offshore wind development in order to reach the Biden administration's stated goal of 30 gigawatts of offshore wind by 2030. In that regard, existing plans would likely proceed to conduct eight lease sales between 2025 and 2028 in the Gulf of Mexico (2), Central Atlantic, New York Bight, California, Gulf of Maine, Hawaii, and a U.S. territory.[6]

A Trump-Vance administration would be supportive of offshore oil and gas leasing in the Gulf of Mexico, including through fiscal terms (*e.g.,* rents, royalty rates, etc.) complementary to such activities. While it would be predisposed to seek more regular leasing activity (two annual Gulf of Mexico lease sales), congressional action or a time-intensive process to develop a new 5-year leasing program would be required to do so (given the limits of the 2024-2029 leasing program developed under the Biden-Harris administration (one Gulf of Mexico sale each in 2025, 2027, and 2029)). Since then-President Trump took executive action to remove federal waters off North Carolina, South Carolina, Georgia, Florida, and the vast majority of the Eastern Gulf of Mexico from oil and gas leasing through 2032,[7] any proposed expanded oil and gas leasing in a new 5-year leasing program would likely focus on waters off Alaska, the West Coast, and the East Coast (Virginia northward).

Although the first Trump administration held two offshore wind lease sales in the Atlantic and touted its "historic progress" on offshore wind,[8] continued offshore wind leasing and development in federal waters would likely face significant challenges under a Trump-Vance administration. In April 2024, former President Trump pledged to sign an executive order addressing offshore wind. Specifically, he said that offshore wind turbines "destroy everything. They're horrible. And the most expensive energy there is. They ruin the environment. They kill the birds. They kill the whales...We are going to make sure that that ends on Day One."[9]

Finally, a Trump-Vance administration may reconsider rules being developed by the Biden-Harris administration that could interfere with offshore energy and other ocean activities, including NOAA proposals to place limits on vessel activity off the Atlantic Coast and designate critical habitat over a wide swath of the Gulf of Mexico.[10]

b. Onshore

Under the Biden-Harris administration's climate and conservation-focused agenda, onshore oil and gas lease sales have been less frequent and subject to higher royalty rates and reduced acreage availability.[11] As Interior Secretary Deb Haaland stated in April 2022 when announcing a new approach to onshore oil and gas leasing, "For too long, the federal oil and gas leasing programs have prioritized the wants of extractive industries above local communities, the natural environment, the impact on our air and water, the needs of Tribal Nations, and, moreover, other uses of our shared public lands...Today, we begin to reset how and what we consider to be the highest and best use of Americans' resources for the benefit of all current and future generations."[12]

Such an approach could continue under a Harris-Walz administration, given its expected focus on climate, environmental justice, and renewable energy. While Harris previously endorsed a federal ban on hydraulic fracturing,[13] she changed that position during her tenure as Vice President and, as recently as July, affirmed she would not seek a ban on fracking if elected. Given the Inflation Reduction Act's requirement that any solar or wind energy right-of-way issuance on federal land be conditioned on the occurrence of a recent onshore oil and gas lease sale, it would also be expected to continue with a level of onshore oil and gas lease sale activity sufficient to meet that requirement and thereby implement its renewable energy goals.[14] A Harris-Walz administration would also be expected to vigorously defend any legal challenges to its decisions on leasing and public lands management.

A Trump-Vance administration would seek to ensure regular onshore oil and gas lease sales and policies and fiscal terms that would help incentivize participation in them. This would likely include robust quarterly onshore lease sales, an undertaking to amend or withdraw the Bureau of Land Management's "Public Lands Rule" issued in 2024 that designates conservation as a use on par with other uses of public land and provides for restoration and mitigation leasing,[15] review of and potential changes to new emissions reduction and monitoring requirements that the Trump-Vance campaign says have "saddled" the oil and gas industry and "that will be passed on to consumers through higher prices,"[16] and close scrutiny of the recent listing of the dunes sagebrush lizard as endangered and any efforts to designate critical habitat for the species found in the highly-prolific Permian Basin region.[17]

A second Trump administration would also be likely to undertake efforts to reverse Biden-Harris administration actions to halt leasing activity in the Arctic National Wildlife Refuge and remove millions of acres from future leasing in the National Petroleum Reserve in Alaska.[18]

IV. Biofuels/RFS

The next administration will face several important issues related to the Renewable Fuel Standard (RFS) and biofuels.

a. Set Rule 2.0

When Congress established the RFS, it mandated increasing volumes of renewable fuel in transportation fuel, ramping up to 36 billion gallons by 2022. Subsequently, the Environmental Protection Agency (EPA) is responsible for setting annual volume targets and percentage standards through a rulemaking process known as the "set rule." The EPA published the final rule for 2023-2026 in July 2023. The next step is to initiate the rulemaking process for "Set Rule 2.0" to set targets for 2026-2028.

The Biden EPA has indicated that they are not currently working on Set Rule 2.0, making it unlikely that a proposed rule will be released by November, as required by statute. If Vice President Harris were to win the presidency, there might be a possibility for a proposed rule to be ready after the election. Conversely, a Trump victory would mean waiting until the new administration is in place before seeing a proposed rule. Either scenario could delay the final volume targets until late 2025 or early 2026, creating uncertainty across the RFS supply chain, from renewable producers to obligated parties.

b. E-RINs

The next administration will need to address the issue of Renewable Identification Numbers (e-RINs) as part of Set Rule 2.0. The concept of e-RINs was first introduced in the 2023 set rule proposal, where EPA suggested that electric vehicle (EV) manufacturers could generate e-RINs based on the electricity used to produce EVs if it came from qualifying biogas. Due to varying support and time constraints, the EPA decided not to finalize e-RINs at that time.

A Harris-Walz administration is likely to support the e-RIN initiative as part of its efforts to boost EV production. A Trump administration might require more persuasion on the need for e-RINs instead of relying on market forces to drive EV adoption. Regardless of the administration, the debate over who should be eligible to generate e-RINs and the potential for legal challenges will persist if e-RINs are included in the final rule.

c. Small Refinery Exemptions (SREs)

The approach to Small Refinery Exemptions has varied significantly between the Trump and Biden administrations. Under Trump, more SREs were granted, partly due to court rulings allowing exemptions in nonconsecutive years. In contrast, the Biden-Harris administration has issued no SREs, arguing that obligated parties cannot demonstrate disproportionate economic harm due to mechanisms for carrying over RINs or passing costs on to consumers.

A Harris-Walz administration would likely maintain the current stance of denying SREs. Conversely, a Trump administration might ease restrictions and reopen the door for SREs. Ongoing split circuit court decisions and appeals could eventually bring this issue before the Supreme Court.

d. E15

Decades ago, the Clean Air Act included a volatility waiver for gasoline with up to 10% ethanol (E10) to be sold year-round. E15, with 15% ethanol, was not included in this waiver despite its slightly lower volatility. Both the Trump and Biden administrations have issued emergency waivers to allow year-round sale of E15. However, a permanent solution requires congressional action.

In the absence of such action, Midwestern governors have sought individual waivers for E15 in their states. The next administration will need to manage these requests and address the supply chain and retail challenges that arise from the lack of a national solution. It is notable that biofuels groups quickly praised Governor Walz as an advocate for that industry upon Harris's announcement of his selection.

V. Nuclear

During a time in which energy policy has become increasingly polarized, nuclear energy has seen significant and bipartisan policy momentum in recent years. Examples include provision of $2.72 billion and establishment of a program to support the domestic production of fuel for nuclear reactors alongside a ban on imports of low-enriched uranium from Russia, as well as a new federal law intended to, among other things, streamline permitting for advanced nuclear reactors and nuclear facility licensing at former fossil fuel facilities, reduce regulatory fees, and support public and private sector workforce and training efforts.[19]

Additional momentum was provided by the Infrastructure Investment and Jobs Act's Civil Nuclear Credit Program that is designed to provide incentives to extend the life of existing nuclear power facilities, as well as the Inflation Reduction Act's inclusion of a tax credit for nuclear power production.[20]

Nuclear waste storage and disposal remains an area of continued interest for both Congress and the Executive Branch. With litigation ongoing over two licenses issued by the Nuclear Regulatory Commission for privately-owned temporary nuclear waste storage sites in Texas and New Mexico, and in the absence of funding since FY2010 for the Yucca Mountain, NV permanent repository, civilian nuclear waste continues to be stored onsite at the nuclear power plants where it has been generated.[21] Additionally, the Department of Energy has been utilizing a "consent-based" siting process to identify and construct a location for interim storage, although congressional appropriations and authorization would be necessary for any such site to be built.[22]

A Harris-Walz administration would likely continue Biden-Harris policies supportive of the U.S. nuclear energy industry, building on Executive Branch actions under the Biden-Harris administration that include Nuclear Regulatory Commission efforts to reform licensing and permitting processes, the recent establishment of a working group designed to help identify opportunities to reduce cost and schedule overrun risks for nuclear energy projects, U.S. Army efforts underway to develop a deployment program for advanced nuclear reactors, and financial assistance to help support additional nuclear power generation.[23] To the degree that a Harris-Walz administration placed even greater emphasis on climate and environmental justice, as some have suggested it might, requests for federal assistance or approvals for projects of any kind, including those related to nuclear energy, could face greater scrutiny.[24]

In 2019, Harris cited storage as the biggest issue related to nuclear energy, adding that Yucca Mountain serving as a permanent repository is "a nonstarter for me" and that "we have to make sure that this is not about the federal government coming in and [making] decisions about what each state can do in terms of the nuclear waste issue which is the biggest part of the concern about nuclear energy."[25]

Asked whether she agreed with U.S. Senator Bernie Sanders' (I-ME) call to phase out nuclear energy, she reiterated the need to solve the waste issue, stating "people are working on it…[b]ut we have to figure it out" and that "it's going to have to be those states who make that decision" rather than the federal government.[26]

If elected, former President Trump has pledged to "embrace" nuclear energy and support its production, including through efforts to modernize the Nuclear Regulatory Commission, ensure that operations continue at existing nuclear power plant sites, and invest in small modular reactors.[27]

Trump's campaign notes that domestic nuclear power generation hit a record under his watch in 2019, and highlights Trump administration efforts that were supportive of nuclear energy, including financing for the first new construction of nuclear reactors in over thirty years, project support for a small modular reactor, establishment of the National Reactor Innovation Center, interagency collaboration in support of microreactor deployment for U.S. military use, and cooperation with European governments on civilian nuclear energy projects.[28]

Areas likely to be watched closely under a second Trump administration would include decisions relevant to nuclear energy project financing, including Inflation Reduction Act tax incentive guidance and Civil Nuclear Credit Program implementation, and any restructuring or program reforms at entities such as the Department of Energy.

VI. Critical Minerals/Batteries

The Biden-Harris administration and the Departments of Energy, Interior, Commerce, State and Defense have significantly bolstered federal involvement in the advancement of policies supportive of the critical minerals industry. While triggered by the increased dialogue surrounding electric vehicles (EVs), the critical minerals policy engagement has grown to cover the economy writ large. The renewed debate was not solely a product of the Biden-Harris Administration, as the Trump administration initiated discussions regarding supply chain vulnerabilities and competition with China for batteries and other critical mineral applications.

With respect to the electrification of US transportation, President Biden announced a goal that 50% of all new vehicle sales be electric by 2030, triggering additional private and federal investment in critical minerals, batteries, and EVs. A Harris-Walz administration would likely defend and maintain policies supportive of EV adoption, as well as seek to address alongside congressional leadership the diversification of global supply chains for critical minerals and related batteries. That said, policies supportive of domestic production of minerals via new mining operations in the US would potentially remain a challenge for a Harris-Walz administration to strike a balance between environmentalist priorities and mining industry efforts. Walz enjoys support from the mining industry in Minnesota particularly because of his cautious support for the NewRange Copper Nickel project in the state. While the project's states permits are currently under review per court mandate, Walz has not opposed the project likely due to his understanding that domestic minerals production and clean energy priorities are directly tied to together.

The Biden-Harris administration continues to push out both funding announcements and awards aimed at drawing private sector partners into government efforts around growing a domestic critical minerals and battery supply chain. In 2022, The Biden-Harris administration released a Fact Sheet on "Securing a Made in America Supply Chain for Critical Minerals," which detailed federal funding opportunities and investments and highlighted Executive Order 14017 on "America's Supply Chains" as a solution to an over-reliance on foreign sources and adversarial nations.[29]

In April 2024, the Biden-Harris administration announced $75 million in funding,[30] also highlighting the Department of Energy's Office of Fossil Energy and Carbon Management (FECM) commitment to an estimated $58 million to critical minerals projects since 2021. The Biden-Harris administration and the Department of Energy in April also announced funding to build a domestic supply chain for critical minerals. Then in July, the FECM awarded another $30 million for the Advanced Processing of Critical Minerals and Materials for Industrial Manufacturing Applications specifically to reduce costs and environmental impacts from extraction to meet rising demand.[31] While additional funding announcements are expected under the umbrella of the Department of Energy's Loan Program Office and the 48(c) grant program, these efforts are meant to pair with tax incentives for this sector included in the 30D and 45x tax credit priorities. In 2019, the Trump administration released "A Federal Strategy to Ensure a Reliable Supply of Critical Minerals," which directed agencies to consider ways to manage and reduce the nation's critical minerals supply vulnerabilities.[32] The report highlighted American reliance and increased vulnerability to foreign nations and related economic and military risks.

While critical minerals and battery funding are not detailed in the former President's campaign messaging, his antipathy toward EVs and related tax credits are notable. Furthermore, Project 2025 calls for the elimination of various Department of Energy programs, including those that, under the Biden-Harris administration, have allocated funding for critical minerals projects. The report notes that repeal of both the IIJA and IRA would limit access to federal funding, but also notes that the critical minerals sector promotes domestic energy dominance and reduces adversaries' dominance.

Project 2025 stresses the current market dominance of China and Russia, recommending reforms to DOE's FECM to pursue the processing of critical minerals – key in the minds of many industry leaders due to China's unregulatable monopoly over the midstream sector. With respect to the Department of Interior's jurisdiction here, Project 2025 discusses the portion of critical minerals presiding on Indian land and the Biden administration's lack of assistance to advance potential projects in those areas.[33] Project 2025 argues for an extension of the Export-Import Bank (EXIM), arguing that China operates with no limitation and with export credit financing and continues to commit "strategic plunder" abroad through its acquisition of foreign mining assets and growing processing dominance. Project 2025 also argues for strengthening America's defense industrial base and suggests a review of onshoring manufacturing, especially for critical minerals and EV batteries, by the Department of Defense.

VII. Hydrogen

The Vice President's record on hydrogen is scant. However, she remains an avid supporter of the President's signature energy and environmental law, the Inflation Reduction Act. The IRA includes a Clean Hydrogen Production Tax Credit (Sec. 45V), a 10-year incentive for clean hydrogen production worth up to $3.00/kilogram, as well as a 30% investment tax credit under Section 48. Notably, the 45V Treasury guidance remains unfinished, and, should that persist into the beginning of a Harris-Walz administration, the current Vice President will have significant influence over the final regulations, including the extent to which blue hydrogen (derived from natural gas and other fossil fuels) might qualify for the credit and the stringency of any hourly and annual time matching requirements.

Moreover, the Vice President's primary climate policy advisor, Ike Kirby, indicated that a Harris-Walz administration would remain focused on implementation of the IRA, a formidable undertaking given that the executive agencies, most notably DOE, have tens of billions of dollars of unallocated funds to support the development of hydrogen and other technologies. According to a Politico analysis, spending as of April had "totaled less than 17 percent of the $1.1 trillion that Biden's climate, infrastructure, technology and pandemic relief laws had provided for direct investments on climate- and energy-related needs."[34] To that end, of the 7 "hydrogen hubs" authorized by the Infrastructure Investment and Jobs Act (IIJA), only three – the California Hydrogen Hub, the Pacific Northwest Hydrogen Hub and the Appalachian Regional Clean Hydrogen Hub – have received initial funding totaling $87 million. The Hydrogen Hub program, still largely in its infancy, has a total budget of $7 billion and is designed to effectively kickstart a hydrogen economy for energy production, transport, and industrial decarbonization.

In short, given the significant implementation challenges that will remain after President Biden's term expires, it is not anticipated that a Harris-Walz administration would take significant new action to further expand and incentivize hydrogen production and transport.

As noted previously in this document, former President Trump has vowed to gut the Inflation Reduction Act, with a particular focus on energy tax incentive regimes, including the hydrogen production tax credit. However, given the support of the oil and gas industry for section 45V, it appears unlikely that Trump would pursue a wholesale repeal of the hydrogen credit. Instead, Trump would likely aim to make the credit more technology-expansive, expressly including hydrogen derived from fossil fuels, while also limiting any hourly and annual time matching requirements. Moreover, Trump does not appear to harbor public animosity toward hydrogen as a fuel source, a stark contrast to his visceral dislike of wind energy, for example. However, he does view hydrogen's utilization as a regulatory compliance mechanism as untenable. On his campaign website, the former President specifically takes issue with the EPA's utilization of hydrogen to comply with its greenhouse gas emissions regulations for power plants, calling hydrogen blending "untested technology" that is "plagued with safety and effectiveness concerns."[35]

To the extent the former President publicly embraces hydrogen, perhaps at the behest of his oil and gas industry supporters, a second Trump administration could include pursuing regulations to more easily site, permit, and operate hydrogen production, transmission, and distribution infrastructure. Similarly, grant and loan-making regimes – if not shut down or paused – could become more technology-expansive, with entities like DOE's Loan Program office aggressively funding hydrogen projects, especially those making use of traditional energy sources, such as natural gas, nuclear, or coal.

VIII. Renewables

During her tenure in the United States Senate, Vice President Harris did not establish a robust record on energy and climate issues, including renewables. Similarly, during her time in the White House, VP Harris remained largely in the background on energy policy debates while consistently supporting the President's climate and energy policy agenda.

As a former California attorney general, however, she took an aggressive stance against traditional energy companies, "suing to block fracking off the coast of California, scoring tens of millions of dollars in settlements with oil majors and halting oil sands shipments to a refinery."[36] Similarly, during her brief 2020 presidential campaign, the then-Senator pledged to ban fracking nationally, co-sponsored the Green New Deal, and agreed that the US Justice Department should investigate oil majors for misleading the public about the dangers of burning fossil fuels. In short, her climate and energy policies were left of the party's eventual nominee and future President, Joe Biden.
One energy-adjacent policy area where the Vice President clearly established herself as a vocal leader in both the Senate and the White House is environmental justice and equity. As a Senator, she offered the "Clean School Bus Act",[37] the "Water Justice Act",[38] "the Environmental Justice for All Act"[39] and the "Climate Equity Act"[40] As Vice President, she sought to center environmental justice and equity issues in administrative actions, most

conspicuously via the "Justice40 Initiative." It is expected that environmental justice issues will remain a focus of a Harris-Walz administration, especially as it relates to energy infrastructure siting and development.

As with President Biden, a Harris-Walz administration is expected to push aggressively for the development of renewable and carbon-free energy sources on public and private lands (including nuclear), the phase-out of unabated traditional energy sources, the adoption of hydrogen fuels, and the robust deployment of transmission infrastructure to facilitate the energy transition. A Harris-Walz administration could also work vigorously to prevent any congressional action to undermine or repeal the renewable energy provisions and incentives contained in the Inflation Reduction Act.

Finally, it is expected that the Vice President will moderate – though not abandon – her prior opposition toward oil and gas interests, particularly as her running mate has struck a balance in policy support for clean energy and the fossil industry. Indeed, Vice President Harris already eschewed her prior support for a nationwide fracking ban, and presided, along with President Biden, over a domestic crude oil production boom. The complex politics of this fossil fuel legacy, juxtaposed with her prior support for progressive policies like the Green New Deal, will remain a persistent issue for the duration of the presidential election.

Both during his administration and again on the campaign trail, President Trump has championed an "all of the above" energy policy. Regarding offshore wind energy specifically, the President pledged that, "We are going to make sure that that ends on day one." As a result, a second Trump term would likely result in the "slow walking" or denial of any administrative action that facilitates offshore wind development.

The former President's position on solar energy is less clear. During his first administration, President Trump expanded Obama-era solar tariffs as a mechanism to spur domestic solar manufacturing. It is likely that the former President would expand yet again on the tariffs levied on solar energy equipment implemented during the Biden-Harris administration. However, many Republican districts have benefitted from the solar energy investments spurred by the Inflation Reduction Act, making repeal of the legislation's solar energy tax incentives politically complicated.

Nevertheless, the former President pledged to undo most of President Biden's clean energy policies and spending. The latest GOP platform calls for "terminating the Socialist Green New Deal" and ending President Biden's "electric vehicle mandate." To accomplish this, a second Trump administration could pause and revisit any pending executive rulemakings to fully implement the IRA or pursue the repeal and revisitation of existing rules via new agency rulemakings or congressional action. This could include rules around electric vehicles, hydrogen, sustainable aviation fuels, energy efficiency, solar and wind power, and carbon capture.

The former president also pledged to halt the disbursement of any unspent climate and clean energy dollars through a legally dubious process called "impoundment." During his acceptance speech in Milwaukee, Trump said, "All of the trillions [sic] of dollars that are sitting there not yet spent, we will redirect that money for important projects like roads, bridges, dams and we will not allow it to be spent on meaningless Green New Scam ideas."[41]

The former President could also slow-walk any unspent grant dollars, leaving those funds undistributed for the majority or his term, and/or redirect spending at agencies like DOE's Loan Program Office towards technologies he favors. At a minimum, Trump would seek to dramatically scale back climate and clean energy spending and programs across the executive agencies, including DOE's Office of Energy Efficiency and Renewable Energy and Office of Clean Energy Demonstrations. Wood Mackenzie, an energy data and analytics company, projected that a second Trump term could put $1 trillion in low-carbon energy investments at risk by 2050.[42]

IX. Pipelines

Under the Biden-Harris administration, actions focused on moving energy projects through implementation and completion as part of the 'Investing in America' agenda. Key priorities involved making generational investments in America's infrastructure and clean energy future to create good-paying and union jobs, establishing and growing new industries in the United States, tackling the climate crisis, and helping lower energy costs for families.[43]

The Biden-Harris administration developed and is currently implementing a Permitting Action Plan;[44] secured funding from the Inflation Reduction Act to improve permitting; and changed the environmental review process by setting deadlines for completion of reviews and making documents more readable by limiting their length. Efforts to expand the use of categorical exclusions for projects are moving ahead, including the Bipartisan Permitting Reform Implementation Rule[45] as required by the Fiscal Responsibility Act of 2023.[46]

A Harris-Walz administration would likely continue current policy efforts to improve project coordination and permitting reforms, meet the 2030 Biden goal of deploying 30 gigawatts of offshore wind, bring more renewable energy projects online, and expand environmental and labor protections.

While the House Committees on Transportation and Infrastructure and Energy and Commerce passed relevant pipeline safety and permitting reform legislation from their respective Committees, neither the full House nor the Senate Committee on Commerce, Science, and Transportation and full Senate have acted. Pipeline energy permitting policy, overseen by FERC, appears to be a higher priority than pipeline safety programs run by DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA). Either a Harris-Walz or Trump-Vance administration may utilize their DOT(PHMSA) to provide Congress a multi-year pipeline safety reauthorization and permitting reform policy framework.

However, as Vice President, Harris supported the cancellation of the Keystone XL Pipeline, the passage of the Inflation Reduction Act, delays on permitting of oil and gas pipelines, refusals by the Interior Department to hold timely federal lease sales, and the current "pause" in permitting for LNG export infrastructure.[47] As noted earlier, her running mate, Governor Walz, took a different stance on the controversial Line 3 replacement pipeline, striking a bit of a contrast in the two leaders' approaches to pipeline projects.

A Trump-Vance administration would seek to restore policy initiatives from Trump's previous term, such as permitting the Keystone XL pipeline, supporting development of oil and gas pipeline projects, and easing natural gas shipping.

At the end of 2020, President Trump signed into law the Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (2020 PIPES Act). This legislation was a multi-year effort to reauthorize the nation's federal pipeline safety program, the first since 2016.[48] The 2020 PIPES Act increased safety funding for general programs, hiring and recruitment initiatives coupled with policy directives, and grant programs. Key policy requirements from that bill include a 3-year technology demonstration, completion of previously ordered rulemakings, new rulemakings from PHMSA on LNG, leak detection, maintenance plans, shut-off valves, valve pressure, and class location standards.[49] As mentioned above, neither the House nor Senate has acted upon a pipeline safety reauthorization, which expires in September 2024.

While Senator Vance's energy policies focused on environmental permitting streamlining, along with Senator Tammy Baldwin (D-WI), he also supported the Compressed Gas Cylinder Safety and Oversight Improvements Act of 2023, which would require the Secretary of Transportation to promulgate regulations, via PHMSA, relating to the approval of foreign manufacturers of cylinders.[50] While not pipeline safety-related, this does highlight potential actions on the hazardous materials side of PHMSA. Senator Vance also is leading efforts on railroad safety legislation in the wake of the February 2023 Norfolk Southern derailment in East Palestine, OH.

Like the above-mentioned opportunity to utilize their DOT/PHMSA to provide Congress a multi-year pipeline safety reauthorization and permitting reform policy framework, Trump-Vance policy would focus on promoting pipeline safety inspection technologies, modernizing the workforce, approving and implementing fossil fuel projects, and providing a more efficient environmental review process.

X. LNG

Buoyed in part by the Biden-Harris administration's commitment to help ensure an additional 50 billion cubic feet of U.S. liquefied natural gas (LNG) to Europe annually until at least 2030 in the wake of Russia's invasion of Ukraine,[51] U.S. LNG export activity increased significantly in recent years, with the United States becoming the world's largest exporter of LNG in 2023.[52]

However, in January 2024, the Biden-Harris administration announced a "temporary pause" in its review of applications to export LNG to non-free trade agreement countries. In doing so, it cited a need to update economic and environmental analyses associated with such exports, including impacts of methane and carbon dioxide emissions, to ensure that future LNG export application reviews are "consistent with the public interest" and "protect against unintended or unnecessary energy cost increases on everyday American consumers and businesses."[53]

Expected to be concluded by March 2025,[54] the study is being led by the Department of Energy's National Energy Technology Laboratory and Pacific Northwest National Laboratory.[55] While the pause has impacted several pending projects including two in Louisiana and one in Texas, a federal district court judge recently froze the pause, saying it was imposed in violation of the Natural Gas Act.[56] Recent legislation introduced by U.S. Senators Joe Manchin (I-WV) and John Barrasso (R-WY) includes provisions that would end the pause and require the study to be subjected to peer review and public comment. [57]

Regardless of the outcome of litigation over the Biden-Harris administration's pause on LNG export approvals and the recently introduced permitting reform legislation, a Harris-Walz administration would likely place LNG export project decisions under more significant scrutiny in light of Vice President Harris's longstanding emphasis on environmental justice. Additionally, new FERC appointments could revive recent FERC efforts to make LNG projects subject to new greenhouse gas emissions and climate impact analysis, as well as potential mitigation requirements as conditions of approval.[58]

Mitigating factors that could limit the potential for a more restrictive posture on LNG exports include both geopolitical considerations for close allies of the United States and political implications in critical swing states ahead of the 2028 presidential election. Broadcasting an energy dominance agenda and having granted over twenty approvals for LNG exports to non-free trade agreement countries between 2017 and 2020 clearly indicates that the Trump-Vance administration would take steps to ensure more prompt reviews and approvals of LNG export projects.[59] Following the Biden-Harris administration's decision earlier this year to pause reviews of applications to export LNG to non-free trade agreement countries, former President Trump said "I will approve the export terminals on my very first day back," calling them "good for the environment" and "good for our country."[60]

Under a Trump-Vance administration, FERC would likely feel little pressure nor interest in revisiting its decision not to implement a new greenhouse gas policy statement. Trump would likely take steps to ensure that the LNG-by-rail regulations issued by the Pipeline and Hazardous Materials Safety Administration in 2020 are reinstated following the Biden-Harris administration's decision to overturn it pending the outcome of a new rulemaking. [61]

A more aggressive trade policy - and retaliatory tariffs imposed by other countries on imports from the United States as a result - could present new headwinds for U.S. exports.

XI. Carbon Management

Given the Vice President's strong commitment to addressing climate change, a Harris-Walz administration would support carbon capture and storage (CCS) and carbon capture utilization and storage (CCUS) projects . While some climate activists view CCS/CCUS to prolong the life of fossil energy, it is highly unlikely that Harris would turn against it given the high-profile role it has taken and the enormous commitments that are being made to carbon capture projects.[62]

The Inflation Reduction Act (IRA) and Bipartisan Infrastructure Law (BIL) are touted as hallmark achievements for the Biden-Harris Administration, especially as they relate to climate change. Carbon capture and storage is a key component of the IRA and BIL greenhouse gas emissions reduction strategy. Within the Department of Energy, enormous commitments have been made in terms of directing billions of dollars in funds to be awarded to CCS/CCUS demonstration projects, including regional direct air capture (DAC) hubs. Industry, academia, and other non-governmental institutions have responded by making huge investments in technology and resources directed at those projects.[63]

The IRA extended and expanded the 45Q federal tax credit, increasing credit values to $85 per ton of carbon. This has also resulted in major CCS/CCUS investments by companies and institutions seeking to develop projects. It is highly unlikely that a Harris-Walz administration would take action to negate those investments - which represent billions of dollars in economic activity, significant employment opportunities, enhanced U.S. competitiveness, and significant GHG emissions reductions. Carbon capture is also critical to enabling other important technologies and processes that contribute to overall reduction in fossil fuel use and greenhouse gas emissions. For instance, CCS is an important tool in reducing greenhouse gas emissions from biofuels production, including ethanol and biodiesel.

While the risk of a Trump-Vance administration taking policy actions to hinder CCS/CCUS projects is slightly higher than that of a Harris-Walz administration, it is not likely to proactively thwart these more mature efforts. Former President Trump and many Republicans have formally opposed the IRA and BIL and their clean energy and climate provisions and have vowed to overturn DOE programs and federal spending. However, the Trump administration is also unlikely to undercut massive investments already made by energy and technology companies.

For instance, the Carbon Capture Coalition is an organization made up of over 100 industry, energy, and technology companies, energy and industrial labor unions, and conservation, environmental, and energy policy organizations that are all focused on advocating for CCS/CCUS projects and related policies. Many of its members, especially its energy producers and service companies, would be considered core constituencies of a Trump administration. A wholesale overturning of policies and programs, such as BIL grants and a repeal of the IRA extensions and expansion of the 45Q tax credit, would cause enormous economic harm. This would be counterproductive to an administration that is focused on restoring "U.S energy dominance" in terms of traditional energy production.[64]

Opposition to reversing policies supporting CCS/CCUS would also come from several red states, including North Dakota, Oklahoma, Wyoming, Louisiana, and Texas, where CCS/CCUS are either underway or are being planned. This includes states that are potential locations for the Regional DAC Hubs that are eligible to receive $3.5 billion in DOE funding.[65]

Several energy producing states are in various stages of seeking primacy from U.S. EPA for permitting of Class VI wells for geological storage of captured CO_2. Through primacy, states are seeking ways to simplify the processes and shorten the timeline for permitting approval for projects. Those efforts demonstrate the commitment by states to host and support CCS/CCUS projects.

North Dakota Gov. Doug Burgum, rumored to be a potential Energy Secretary under a Trump-Vance administration, is a big supporter of CCS/CCUS as a GHG solution and jobs creator in his state and beyond. Other prominent Republicans are also on record as supporting CCS/CCUS. This will pressure a Trump-Vance administration not to enact policies that harm CCS/CCUS projects.[66]

What is more likely in a Trump-Vance administration is a rewrite of the guidance and rules for several clean energy and climate programs and of the regulations under which the tax credits are issued. This could impact CCS/CCUS programs and projects. For instance, we might see a greater emphasis on the carbon utilization aspect of carbon capture under programs administered under a Trump administration.[67]

XII. Artificial Intelligence (AI) and the Energy Sector

In 2019, the Trump administration launched an artificial intelligence (AI) initiative aimed at establishing initial policy goals for all sectors of the economy grappling with the risks and opportunities created by the growing use of AI. Before leaving office, President Trump issued Executive Order 13960[68] regarding federal government use of AI in decision-making processes. The order stressed accuracy and reliability of the use of AI and sought to limit overreach over the government's ability to regulate the use of AI by private companies. This principle is of particular interest when one considers the role of the Department of Energy and related agencies in potentially regulating the energy efficiency of data centers and AI models. That said, it is notable that the Republican Party platform released contemporaneous to the RNC in Milwaukee pledged to ensure the repeal of the Biden-Harris administration's Executive Order on the same topic[69] issued in October 2023.

In late July, the Department of Energy announced the Frontiers in Artificial Intelligence for Science, Security, and Transparency (FASST) on the heels of the release of the Department of Energy AI Act, a bipartisan bill[70] seeking to leverage DOE's National Labs and establish DOE as a center the intersection of AI and energy data and production.

These dual efforts signal what we believe will be an inevitable policy priority for the next administration whether for Trump or Harris. Elected officials and regulators are increasingly signaling that we have reached a crossroads in the AI debate and the energy sector is not immune. Whether to create mining efficiencies, track workforce trends, or reduce the energy consumption of data centers, the implications of AI for the energy sector are numerous. While there is not a large amount of detail about where a Harris-Walz or Trump-Vance administration would steer that conversation, early indicators reflect both candidates are paying attention.

Vice President Harris's speech at a global AI Summit stressed the importance of safety as AI adoption and AI learning itself grows. She applauded the Biden Executive Order. After the release of ChatGPT, Harris convened major tech executives at the White House in an effort to initiate a conversation about voluntary commitments regarding individual rights and safety in the context of an AI future.[71] [72]

Trump noted he would repeal the Biden order but has also been quoted as saying AI is a "very dangerous thing".[73] His running mate, in a recent hearing indicated that he was watching "some preemptive overregulation attempts that would frankly entrench the tech incumbents that we already have."[74]

XIII. Competitive Grants

As the tie-breaking vote in the Senate for the Inflation Reduction Act (IRA), we expect Vice President Harris to continue the implementation of the competitive grant programs that are supported by the IRA and the Infrastructure Investment and Jobs Act (IIJA), aiming competitive grant funding on renewable and clean energy projects and those that promote environmental justice. The Biden-Harris administration set a goal of cutting U.S. emissions by half by 2030 and initiated competitive funding programs to work toward this goal, such as the Greenhouse Gas Reduction Fund and Climate Pollution Reduction Grants. In response to the IIJA and IRA, the DOE Office of Energy Efficiency and Renewable Energy (EERE) has taken on an outsized role as a significant contributor to federal grantmaking in the research and development space. We expect that in a Harris-Walz administration, EERE will continue and work to expand their implementation of programs funded through IIJA and IRA that support research, development, and demonstrations in clean energy innovation.

We expect a continued emphasis on directing funding to identified underserved communities, by using the criteria established in the Biden-Harris administration's EJScreen tool, which uses environmental and socioeconomic indicators to determine eligibility.[75] In Executive Order 14008, the Biden-Harris administration created the Justice40 Initiative, which mandates that 40% of the overall benefits of certain climate, clean energy, and affordable housing funding opportunities flow to disadvantaged communities that are "marginalized by underinvestment and overburdened by pollution."[76] The Biden-Harris administration's Climate and Environmental Justice Screening and Mapping Tool helps agencies to determine which community investments are covered by the Justice40 Initiative. Executive Order 14096 emphasized the "whole government" approach to climate justice, directing agencies to create Environmental Justice Strategic Plans.[77] This order outlines the objectives agencies should incorporate into strategic plans to prevent pollution, enforce civil rights laws, and address the effects of climate change.

In the same vein, we expect a Harris-Walz administration to emphasize providing technical assistance support to underserved applicants, a main goal of the Environmental Justice Thriving Communities Technical Assistance Centers program, which established regional centers to "provide training and other assistance to build capacity for navigating federal grant application systems, developing strong grant proposals, and effectively managing grant funding."[78]

Finally, while former President Trump has sought to stop all electric vehicle (EV) sales, a Harris-walz administration would continue and expand the Biden administration's support for EVs. This could include increasing funding to grant programs, including the National Electric Vehicle Infrastructure (NEVI) Formula Program, EPA's Clean Heavy Duty Vehicle Program and the DOT Charging and Fueling Infrastructure (CFI) Grant Program. NEVI and the CFI programs provide funding for EV charging stations in communities throughout the country, while the Clean Heavy Duty Vehicles program invested $1 billion to replace existing Class 6 and Class 7 non-zero-emission heavy-duty vehicles with zero-emission models.[79]

A Trump-Vance administration may divert or work to impound funds away from grant programs focused on renewable or clean energy sources, as well as EPA programs focused on environmental justice and reducing greenhouse gas emissions.[80] Additionally, we expect a second Trump administration to pause the distribution of competitive funding from the IRA, IIJA, and the CHIPS and Science Act; by law, Presidents are required to spend money in the way that Congress has appropriated it, but an examination of unobligated money is not out of the ordinary during a transition of administration.[81] This would jeopardize funding for many programs, including the DOE Home Energy Rebate Program (which provides funding to state governments that only a few have taken advantage of) and the DOE Hydrogen Hubs (under which only two of the hubs have fully negotiated their terms).[82]

Under his first administration, former President Trump proposed budget cuts at DOE, particularly the Office of Science, the Advanced Research Projects Agency-Energy (ARPA-E), and the Office of Energy Efficiency and Renewable Energy.[83] While it is unclear if there are specific programs or subagencies that would receive more funding during a second Trump administration, we expect those related to domestic energy production could receive more.

Additionally, Project 2025 provides some insights into conservatives' objectives with respect to competitive opportunities.[84] Additionally, we expect significant cuts to competitive programs at the Environmental Protection Agency, especially programs related to climate resiliency and environmental justice. Upon his inauguration in 2017, then-President Trump's administration imposed a freeze on EPA grants and contracts; the freeze only lasted a month.[85]

Consistently, President Trump's administration sought to cut the EPA budget (the FY21 Presidential budget cut EPA's budget by 30% with a focus on pollution-control programs). During the previous administration, the Office of Research and Development was slated to receive a 43% reduction.[86] Project 2025 calls for capping the number and dollar amounts of grants that the EPA's Office of Research and Development can award and require that they be reviewed by the Administrator's Office. While there were significantly less opportunities, EPA annually funded Wetland Program Development Grants, the Healthy Communities Grant Program, Brownfields Cleanup projects, and various workforce-related grants, illustrating areas that competitive grants would continue in a Trump-Vance administration.

ENDNOTES

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[3] It is also notable that, as California's Attorney General, Vice President Harris sued major oil companies for damages from pollution impacting environmental justice communities. And, under Governor Walz's administration, Minnesota joined the lawsuit claiming that Exxon Mobil, Koch, and the American Petroleum Institute misled the public about the fossil fuel industries contributions to climate change. Politico Pro. "Walz Boosted Minnesota's climate lawsuit against Big Oil". Conversely, Walz did not join efforts to block Line 3 in Minnesota (a 370-mile pipeline replacement project completed in 2021 and primarily located in Minnesota. Environmental groups criticized Walz for allowing the project to move forward despite other policy efforts to cut emissions. See: Politico Pro. "Walz Boosted Minnesota's climate lawsuit against Big Oil"; "Tim Walz's energy record: Political asset or liability?"

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