Hogan Lovells

Election 2020 Snapshot:
Helping our clients make sense of the U.S. election results

On Tuesday, November 3, 2020, Americans **chose** the presidency and the makeup of the United States Congress. With the U.S. election now decided, **with the exception of the Georgia Senate races**, we are delighted to share with you our Election 2020 Snapshots. In this publication we anticipate the potential impacts, **share and analyze** insights, and understand the implications of the political landscape under a Biden Administration and its outcomes for global business and **many** industries. For each of these snapshots, we have asked our industry thought leaders throughout the country to write about trends and compelling legal issues that are both of interest to them and **ones** they believe will impact our clients in the near future and beyond.

We hope that you find the brochure insightful. If you would like to discuss our capabilities or the outlook for your industry in more detail, please do not hesitate to get in touch.

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While there is an anticipation of greater predictability under a President Joe Biden, which is critically important to the commercial real estate industry, expected and potential changes in trade, taxation, housing and health care policy are all factors that could affect the industry.

In November 2020, Democrat Joe Biden defeated incumbent Republican Donald Trump to become the President-elect of the United States. During the election cycle, the Biden campaign proposed policy changes that could have broad consequences for the real estate sector, including eliminating certain tax-advantaged treatments of real estate assets, and encouraging public and private investment in low-income housing, infrastructure projects and renewable energy. Whether the Biden administration can implement any of the goals of the Biden campaign will largely depend on two factors, (i) macro-economic trends and (ii) who wins the Georgia run-offs for two Senate seats on January 5, 2021.

Like most other major sectors of the economy, the future of real estate over the next year and beyond will be largely dependent on the success of COVID-19 vaccines and their distribution to a large percentage of the public and thereafter, and how fast the economies of the country and the world can bounce back from the pandemic. These factors would be accelerated if Washington is able to approve another meaningful COVID-19-related stimulus package.

The Biden administration has repeatedly discussed adopting a more cohesive national approach to COVID-19, and one of its first steps post-election was to appoint a task force to help the country better respond to the pandemic. So, there is some reason for optimism that a rebound in the sector may be coming soon.

The Georgia Special election on January 5, 2021 for two Senate seats will determine which party will control the Senate. If Democrats win both races, then the Senate would be split 50-50 with the Vice President-elect breaking any ties. If Republicans win one or both Georgia seats, then they will retain control of the Senate. Holding the presidency and a Democratic Senate and House would enable Biden to enact large portions of his agenda and implement policies that would affect the real estate sector. If Republicans retain the Senate, the Biden agenda will have a less impactful effect on the broader economy and commercial real estate.

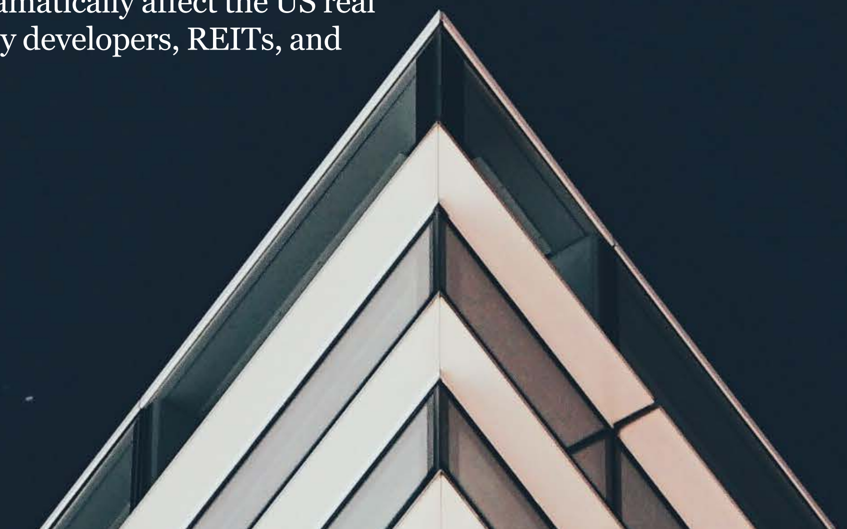
Taxation

President-elect Biden has generally proposed increasing taxes on the real estate industry. During the 2020 campaign, President-elect Biden proposed a number of changes to the Internal Revenue Code including raising individual and corporate income tax rates, increasing capital gains tax rates, eliminating 1031 like-kind exchange deferrals, investing in the Low Income Housing Tax Credit Program, and reforming the statutory rules relating to qualified opportunity zones. President-elect Biden will also seek to increase the tax rate on carried interest, at least for high-income taxpayers. While an increase in tax cost may lead some potential sellers to stay on the sidelines, tax impacts are typically just one of many factors motivating transactions.

Increases in corporate tax rates have historically been connected to increases in demand for tax credits, as companies look for new ways to reduce their tax liability. Accordingly, if a Biden administration is able to pass a corporate income tax increase, as well as legislation providing for investments in the Low Income Housing Tax Credit program, investors could see an increase in opportunities to develop and in invest in low income multifamily properties. Similarly, increases in the corporate income tax rate could also provide opportunities for investment in properties involving tax credits relating to energy efficiency or historic preservation.

Additionally, an increase in capital gains rates, coupled with the elimination of the like-kind (1031) exchange deferral, which allows property sellers to defer recognition of tax gain when sale proceeds are re-invested in like-kind properties, could even more dramatically affect the US real estate market. Many developers, REITs, and funds rely on 1031 exchanges to freely buy and sell properties, without having to worry about taxes resulting from such sales hurting cash flow. If 1031 tax deferral for these exchanges is eliminated, the tax cost would significantly hurt rates of return. Moreover, if a Biden administration is successful in increasing capital gains and Section 1231 tax rates, this would serve to further increase the amount of tax due on these real property sales. Finally, any restrictions added to the opportunity zones program, which offers deferral of capital gains or 1231 gains for sales proceeds invested in designated areas ("opportunity zones") of the country, or if this program is eliminated entirely, would further limit deferral options and increase tax cost.

It's worth noting that a number of these potential changes would likely have little to no impact on the tax liability of foreign investors into U.S. real estate. Foreign investors generally have limited U.S. capital gains, and are often subject to a withholding regime which makes it nearly impossible for them to take advantage of tax deferral programs like the Opportunity Zones Program. As such, an increase in capital gains rates and/or an elimination of 1031 exchange deferral may with respect to non-U.S. entities do little to cool the desirability of investing in U.S. Real Estate. With this said, any potential changes in the tax arena will likely be priced into the market, so even if investors find that these potential changes to the tax code have no substantial impact on their U.S. tax liability, they will still likely have an impact on the valuations of various investments and real estate assets.



Foreign Investment

A Biden administration will have power to influence spending priorities and the regulatory environment and to enact trade policy. The Trump administration has generally taken a nationalistic approach to foreign investment and has not hesitated to publicly undermine, or attempt to block, foreign acquisitions of U.S. companies or investments into U.S. projects. In contrast, President-elect Biden has generally taken a less antagonistic view towards foreign investment and has emphasized the opportunities in international economic cooperation. This difference in approach could lead to substantial changes in how investments in certain U.S. companies and projects are reviewed, as well as increased opportunities for immigration-related investments such as those made pursuant to the EB-5 Program. The potential for less trade friction, especially with U.S. allies, may be a helpful factor as the economy pulls out of the pandemic-induced recession.

On February 13, 2020, the Council for Foreign Investment in the United States ("CFIUS") was granted new authority to review foreign direct investments into real estate assets located near military bases or critical infrastructure (including energy and IT-infrastructure), as well as investments into this infrastructure itself. Notably, CFIUS is under the purview of the executive branch and as such, the President has substantial authority over its approach to reviewing and approving foreign investment transactions. It is reasonable to expect that while CFIUS under a Biden administration will continue to scrutinize the flow of foreign capital into these critical assets, it will potentially take a much less antagonistic approach towards these investments, as compared to the Trump administration, unless they pose security risks. Thus, foreign investors may find it easier to invest in U.S. energy projects such as wind farms and powerplants, data centers, and other infrastructure projects. This could greatly increase the potential for investment opportunities if a Biden administration is also able to get an infrastructure bill through Congress. While a Biden administration will likely be no less aggressive in prosecuting and restricting Chinese interests than the Trump administration, it is anticipated that Chinese investments will be reviewed by CFIUS in a less public manner and that Biden will seek opportunities to reduce tensions in U.S.-China relations.

One of President-elect Biden's priorities has been modernizing America's immigration system and welcoming immigrants into the U.S. This stance could encourage more foreign nationals to reconsider attempting to obtain citizenship through programs like EB-5, which allows foreign nationals to obtain United States green cards by investing in job-creating real estate projects. Additionally, as part of this modernization of the immigration system, it is feasible that there could be changes to the EB-5 Program itself. Accordingly, it is possible that a Biden administration could provide a rejuvenation of EB-5 financing and lead to an increase in the number of projects financed by this capital source.

A Biden presidency will likely represent a departure, or attempted departure, from the Trump administration's policies in the realms of taxation and foreign investment.

Infrastructure

The Biden infrastructure proposal also has the potential to positively impact real estate property values and operations in the United States. Biden has advocated for the Federal Government to invest in the repair and creation of public transportation systems, green spaces, water systems, electricity grids, and broadband connections throughout the country. Owners and tenants of real estate in densely populated regions, such as New York City and the surrounding areas, could benefit greatly from the repair and modernization of high speed rail lines. Increased availability and capacity of broadband through high-speed fiber optic cables could significantly expand the geographic areas of the U.S. that are able to support the demands of modern businesses with increasing broadband communications and cloud storage needs. Without infrastructure spending by the Federal Government, state and local governments, as well as specific improvement districts set up to pay for infrastructure projects would be required to come up with the money themselves, often through additional taxes on real estate. Large, costly infrastructure projects can quickly become infeasible without contribution from the Federal Government. However, with a proposed $1.6 trillion of spending for infrastructure and R&D under a Biden administration, real estate demand for sectors such as office and industrial should be positively impacted. The residential real estate sector could see positive effects if housing policy initiatives, such as tying federal funding to zoning changes spur affordable housing development in suburban areas. Alternatively, the tax law changes necessary to achieve the infusion of federal funds for such additional spending could lower consumer spending in the luxury retail segment and some areas of the housing market. Increases in corporate taxes may impact capital expenditures by businesses and wage and job growth. Developers will also be keeping an eye on Biden's environmental agenda which may also have implications for commercial building operating costs in order to meet higher energy efficiency standards.

COVID

Possibly the largest single determinant of the health and vitality of the real estate market will be the timing of recovery from the COVID-19 pandemic. The pandemic has presented legitimate questions as to the projected investment outlook for various asset classes in the U.S. real estate market. The disruption and changes in the economy have inflated rents in some asset classes while creating distress in others. However, it is difficult to predict with certainty which, and to what degree, trends initiated or accelerated by COVID-19, such as remote working office policies and avoidance of retail centers, will become permanent. COVID-19 will continue to affect the U.S. real estate industry regardless of which administration controls the Federal Government. However, while the Trump administration has largely left specific decisions about the response to the pandemic to state and local government, Biden has campaigned on a different approach. He has proposed dedicating more federal resources to slow the spread of COVID-19, including increasing the number of drive-through testing sites, as well as hiring additional federal workers to coordinate contact tracing. He has also discussed additional COVID-19-related stimulus packages to individuals and businesses, though it is unclear what exactly those packages would include, or whether they could pass through a likely Republican-controlled Senate. A relief package of less than $2 trillion is expected under a Republican controlled Senate but the amount of stimulus could be higher and implemented in multiple phases if the Democrats gain control over the Senate.

If effective at slowing the spread of the virus, the incoming administration's policies may be helpful in stabilizing U.S. real estate values and operations. However, we note that the widespread rollout of an effective vaccine will be the most likely catalyst for a return to normal and initial indications are that such trend will occur, at best, by the end of the second quarter of 2021.

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Post-election enforcement and regulatory waves: how the financial services industry can prepare

Brace for increased regulation of the financial services industry and federal enforcement under the Biden Administration with a focus on consumer protection and debt collection, discrimination in the housing and consumer credit markets, and climate change disclosure. If Republicans maintain control of the Senate, continued legislative gridlock will likely prevent new legislation that would broadly impact the industry except to perhaps extend mortgage forbearance programs and eviction moratoriums into 2021.

What to expect from a Biden Administration

A Biden inauguration on January 20, 2021 looks all but certain. What policy and regulatory changes the Trump Administration will implement before leaving the White House, however, is somewhat unpredictable. Removing Fannie Mae and Freddie Mac from conservatorship – a long-time goal of the Trump administration – could be on the list.

Once a Biden Administration is in place with adequate staffing, we expect much activity in the first 100 days. Biden will likely replace the Acting Comptroller of the Currency (OCC) as well as the Director of the Consumer Financial Protection Bureau (CFPB). Soon thereafter, we anticipate an uptick in enforcement, particularly at the CFPB, once a new director is installed and President Trump's political appointees leave. Although we expect federal financial regulators and enforcement agencies to be more aggressive in a Biden Administration, they will not be the only cops on the beat. Many state enforcement agencies that strengthened their own enforcement activities over the last several years will remain active and will perhaps even be emboldened by the support from a consumer-friendly federal administration (i.e. New York's Department of Financial Services (DFS), the Attorneys General Offices in New York and Massachusetts; the new California Department of Financial Protection & Innovation).

The Biden campaign has identified curbing racial discrimination in the housing market as a key priority and indicated that a Biden Administration would work specifically toward: (1) Ending redlining and other discriminatory practices; (2) Holding financial institutions accountable for discriminatory practices; (3) Strengthening and expanding the Community Reinvestment Act to ensure banks and non-bank financial services institutions are serving all communities; and (4) Enacting regulations that will require communities receiving certain federal funding to proactively examine housing patterns. We also expect that under a new Director, the CFPB will move expeditiously to enact more stringent Payday lending regulations, perhaps resurrecting an Obama-era regulation that would have required payday lenders to check that borrowers could afford to pay back their loan on time.

The Securities Exchange Commission is expected to move to require disclosures related to climate change risk and other environmental, social and governance (ESG) disclosures. Finally, the impact that the Biden Administration will have on FinTech is unclear. We will be watching to see if a new Comptroller defends the OCC's current litigation position for its FinTech charter. Biden's position on policies designed to facilitate FinTech innovation could shape the future for FinTech. These include the efforts by agencies like the CFPB to give limited assurances that innovative products are compliant with existing laws or will not prompt enforcement actions (i.e., "innovative sandbox" policies such as the CFPB's No-Action Letter Policy, Compliance Assistance Sandbox, and Trial Disclosure Sandbox). Conventional wisdom suggests that a Democratic administration will move to strengthen regulations and that these programs could draw scrutiny. However, because many FinTech innovations serve populations that have been under-served by traditional financial products, and may be a critical component to curbing lending discrimination, they could remain unchanged. FinTech is an area ripe for bipartisanship as key Congressional Republicans have all staked out an interest in this policy area, including Leader Kevin McCarthy (R-CA), House Financial Services Committee Ranking Member Patrick McHenry (R-NC) and soon-to-be Senate Banking Committee Chairman Pat Toomey (R-PA).

Although we do not expect an ambitious legislative agenda in the next Congress if the Senate is controlled by Republicans, Representative Maxine Waters, Chairwoman of the House Financial Services Committee, is focused on leveling the financial playing field. We therefore expect congressional hearings related to her efforts to expand access to lending and to hold financial institutions accountable for discriminatory practices to continue. We also think further congressional hearings on topics related to the CARES Act mortgage forbearance programs are likely. However, if the outlook for the Senate changes, the agenda would be more aggressive. The two Senate seats in Georgia are headed to a run-off on January 5th, and Democrats would need to win both seats to attain a 50-50 majority in the U.S. Senate with Vice President Harris casting the tie-breaking vote. If they do so, we may also see the Biden Administration look to use the Congressional Review Act to reexamine or reverse some Trump Administration rules.

Prepare now for changes ahead

Financial services companies can take several actions now to prepare for 2021.

- Work to resolve any outstanding investigations before Biden appointees are in place.
- Focus on compliance by: (1) reviewing past examination issues to ensure they have been fully resolved; (2) perfecting compliance policies and procedures – especially related to fair lending, CARES Act, and areas related to rules or amendments that have taken effect in the past four years; (3) ensuring compliance staffing is sufficient and considering appointing a fair lending officer if one is not yet in place; (4) examining and refreshing compliance training programs; and (5) ensuring compliance procedures include a mechanism to review consumer complaints regularly to spot potential problems early. It is also critical that companies thoroughly document these efforts, and any efforts to investigate and remedy compliance problems.
- Begin reviewing risks associated with climate change and designate a specific officer to asses these risks.
- Remain steadfast in building good relationships with your state and federal regulators so that you are in a position to quickly and effectively respond to any future regulatory inquiries.
- Identify the products that are currently benefiting from the CFPB "innovation sandbox" policies and closely monitor any changes to these programs.
- Prepare for requests for your executives to participate in congressional oversight hearings – this is especially true for larger financial institutions and leading FinTech companies. Taking time to prepare a potential witness before receiving a hearing invitation is always a good idea.

We can help

As your company prepares for 2021, keep the following in mind:

- Our Government Relations and Public Affairs and Legislation teams can help you strategize in the face of emerging policy risks and opportunities. With team members having served in prior administrations, the government relations team monitors, advises on and helps shape legislative and executive branch actions – including appointments to key administration positions – and can help you prepare for what's around the corner.
- Our regulatory team is equipped to assist you in implementing compliance for current or proposed regulations, drafting comments to proposed regulations, and analyzing potential regulatory risks for current or planned products. We can also conduct an audit of your compliance programs, and review and revise compliance policies, to put you in the best position in the face of increased enforcement.
- Our Government Relations and Public Affairs and Investigations, White Collar and Fraud teams have deep experience preparing executives to provide congressional testimony and responding to congressional requests for documents.
- Our Financial Services Regulatory Investigations and Enforcement and Financial Services Litigation teams are ready to help you navigate any supervision or enforcement inquiries. Whether it's the CFPB, an attorney general's office, or a state department of financial services, our Consumer Finance Litigation and enforcement teams have handled inquiries, investigations and enforcement actions for our financial services clients.
- Our FinTech team can help you navigate ensuing legal shifts and new regulations as financial services players continue to adopt and deploy innovations and new technologies.
- With more than 6,000 people globally, across 14 U.S. offices and 35+ other offices around the world, we are ready to assist.

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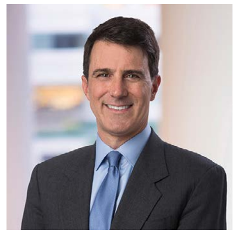

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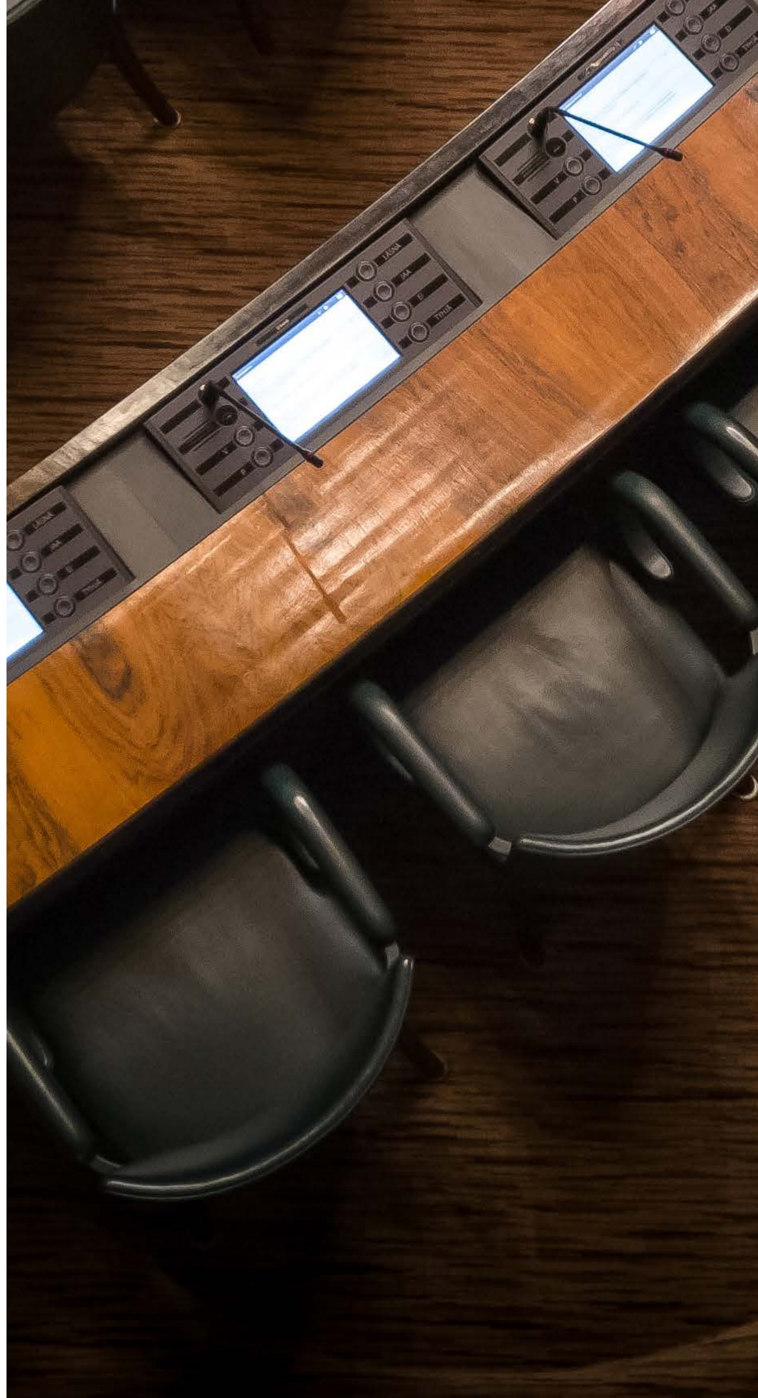
Useful resources

- The CRA: Schumer-led Senate Could Overturn Trump Deregulatory Legacy
- Litigation and regulatory risks of LIBOR cessation guide launched
- How tolling orders may complicate NY mortgage collections
- FATF reviews progress on the implementation of its standards on virtual assets and VASPs



Election 2020 Snapshot: Impacts on the technology and telecoms industry sector

An overhaul of tech antirust policy? Increased telecommunications regulations coupled with expanding telecoms infrastructure? Business as usual for Committee on Foreign Investment in the United States (CFUIS) investigations? We explore these questions and more in our analysis of the Biden administration's potential approach to technology and telecommunications policy.

Increased antitrust scrutiny?

Antitrust enforcement in the technology sector has received significant political and popular press attention over the past several years, and it will likely continue to be a focus for the Biden Administration. The belief that so-called "Big Tech" has gotten too big gained bipartisan support among policymakers and enforcers during the Trump Administration, with many expressing support for closer scrutiny and tougher antitrust enforcement in the sector. Last month, the House Judiciary Committee, following months of hearings, issued an extensive report calling for new antitrust legislation aimed at the largest companies in the digital economy. Since then, the Department of Justice (DOJ) has filed lawsuits against major tech companies. The Biden Administration likely will move forward with pending tech antitrust litigation, particularly actions that are supported by state antitrust enforcers. Further, the Biden administration could pursue new enforcement actions against other tech companies, possibly taking an even more aggressive stance than the prior administration.

President-elect Biden has not provided details regarding his administration's antitrust and tech policy, but leading Democrats and members of his transition team have expressed their support for an overhaul of antitrust policy and enforcement. Representative David Cicilline, Chairman of the House Judiciary Antitrust Subcommittee, has said that he will begin working on new antitrust legislation in the coming weeks. Senator Amy Klobuchar, who is a possible Attorney General under Biden, has also pushed for new antitrust legislation and expressed support for the Google antitrust lawsuit. Gene Kimmelman, a member of Biden's DOJ transition team and former senior official of the DOJ antitrust division during the Obama Administration, testified in the House hearings and has advocated for increased oversight and regulation in the tech industry. As a further indicator that the Biden Administration will take a hardline on enforcement in the tech industry, a spokesman for Biden said that tech giants' alleged abuse of power will "end[] with... President Biden."

In short, technology companies should anticipate increased antitrust scrutiny related to their mergers, including particular attention on acquisitions of nascent competitors, and potential exclusionary conduct related to digital platforms and big data. New antitrust legislation may also be on the horizon; however, the precise aim and scope of such legislation is unclear. The Biden Administration likely will increase funding and resources for the DOJ and Federal Trade Commission (FTC), expanding their capacity for enforcement.

We do not expect that significant change will occur overnight. Despite the administration change, leadership at the FTC, one of the two federal antitrust enforcement agencies, is not likely to change immediately. Although it is likely that FTC Chairman Joe Simons will resign (as is common when the Presidency switches parties), Republicans will hold three of the five FTC commissioner seats until then, and it will take some time for the Biden Administration to name and confirm a successor (although Biden can immediately name one of the current Democratic commissioners as the new chair). The current Republican commissioners have been more reluctant to pursue aggressive enforcement or major policy changes than the Democratic commissioners. At DOJ, Biden will appoint a new U.S. Attorney General who will lead overall DOJ enforcement policy, as well as an Assistant Attorney General to lead the Antitrust Division. Biden's selection of DOJ leadership will have a significant impact on the government's antitrust priorities during his term. The full antitrust overhaul urged by some legislation and policy proposals is unlikely to gain sufficient bipartisan support in the agencies or in Congress. Thus, in the immediate term, antitrust policy in the Biden Administration is unlikely to significantly depart from the status quo. However, more expansive changes could occur if Democrats take control of both houses of Congress, and after Democrats take control of the FTC.

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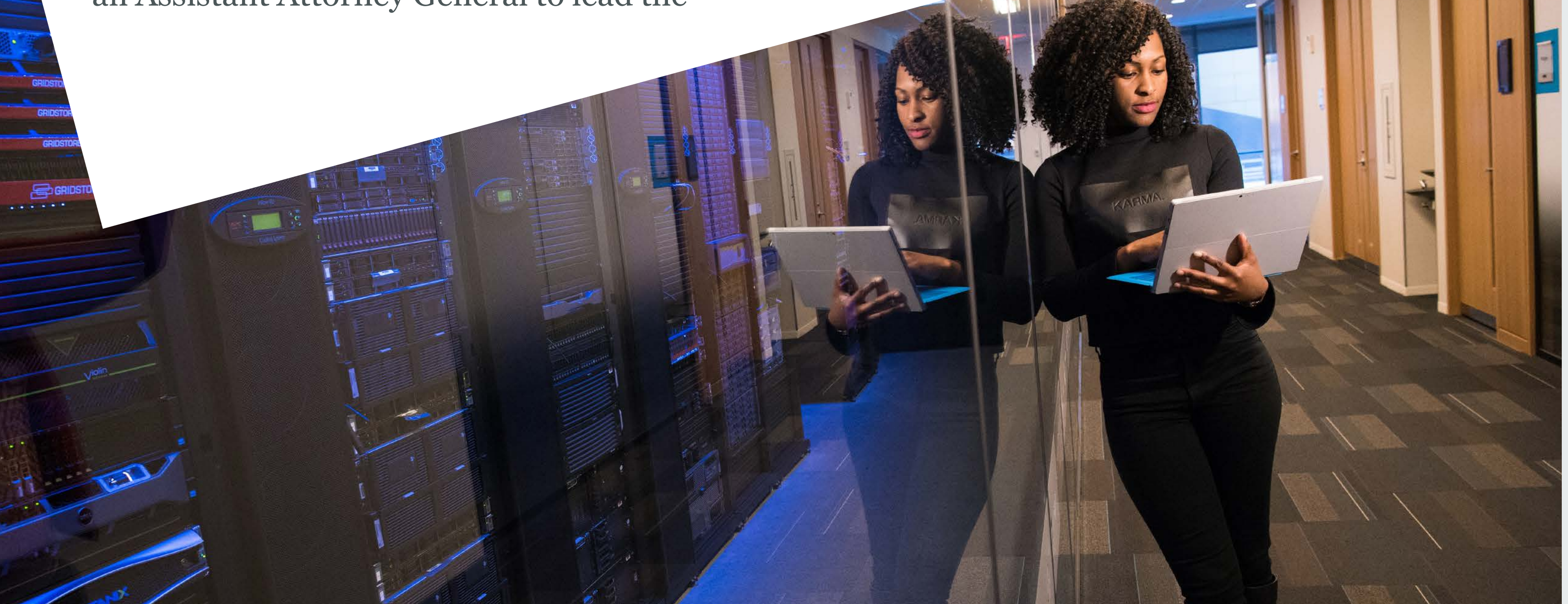

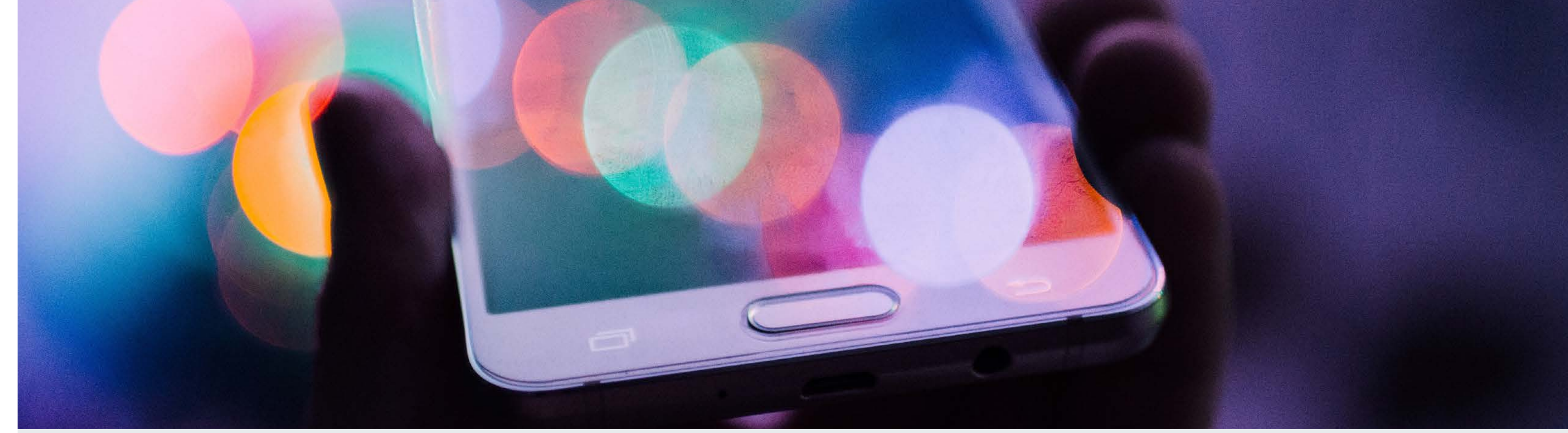

Expanding connectivity, also regulation?

The central role of telecommunications in our personal and commercial lives has only deepened since the COVID-19 pandemic. We expect the Biden administration to pursue significant new investment in telecommunications infrastructure, especially in rural areas, and increased regulation of the telecommunications and information service industries, with a focus on increasing access, expanding consumer protections, and increasing service provider competition.

Efforts to deploy vast amounts of spectrum and expand infrastructure for broadband and 5G will continue under the Biden administration, but shifts in underlying priorities may affect program implementation. The Biden campaign platform included US$20 billion for rural broadband, but if Congress aligns on an infrastructure bill, we could see significantly more funding. In addition to ongoing efforts to deploy rural and tribal broadband infrastructure, the Biden administration will likely seek to address broadband deserts in urban and suburban areas and barriers to broadband adoption. We expect a Democratic-led Federal Communications Commission (FCC) to encourage a collaborative approach between carriers and state and local governments, and potentially pull back on some of the preemption of local zoning laws that occurred under the Trump administration's FCC. Under Democratic leadership, we may see efforts to incorporate social policy goals into spectrum policy and more consideration of ideas such as:

- *Smaller license areas*
- *Higher auction bidding credits*
- *More extensive spectrum sharing of unlicensed spectrum*
- *More promotion of O-RAN technology*
- *Embracing of municipal broadband to spur competition.*

In addition, net neutrality will continue to be hotly contested. A Democratic-led FCC will likely move to reclassify broadband as a Title II telecommunications common carrier service, allowing the FCC to expand its regulatory authority and reestablish Obama-era net neutrality rules. The prospect of re-regulation may create the opportunity for a legislative compromise that could end the pendulum swings and provide market stability.

We also expect to see significant legislative and regulatory activity on data and platform regulation during the Biden administration. Additional efforts to modify tech platform immunity for third party content under Section 230 of the Communications Decency Act seems likely, though a Democratic-led FCC is likely to leave that task to Congress and not seek to interpret Section 230's social media platform immunity shield as the Trump FCC committed to do. Both parties in Congress have shown significant interest in this issue for different reasons. Democratic-proposed legislative reforms will likely emphasize transparency regarding algorithms and moderation procedures. Republican-proposed reforms will likely continue to focus on perceived bias against conservative viewpoints. Consumers and policymakers continue to show a high level of interest in data privacy and security, big data, artificial intelligence, and automated decision-making, and Congressional Democrats have already laid significant policy and legislative groundwork in these areas. We also expect the FCC in a Biden Administration to prioritize consumer protection matters, including accessibility, robocalls, and call blocking issues. While big legislative or regulatory developments do not seem imminent, the possibility of a galvanizing event is always on the horizon.

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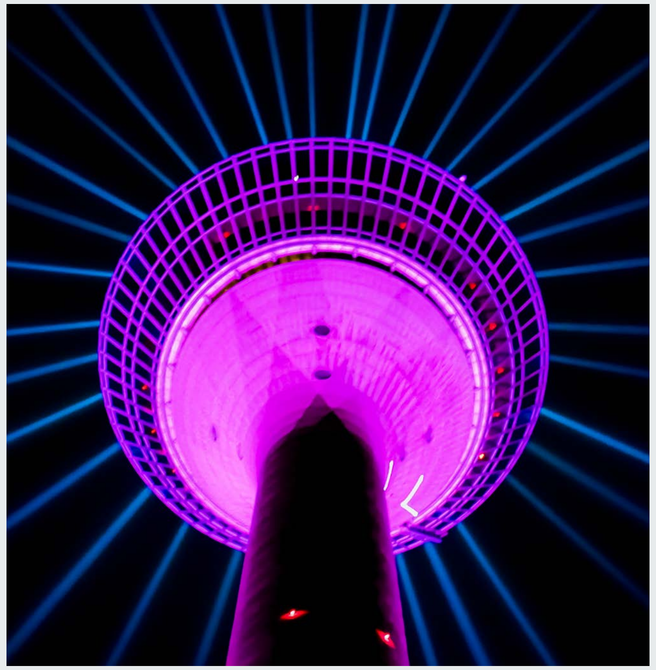

CFIUS: business as usual?

Since the enactment of the Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA), every foreign investment in a U.S. business is potentially subject to a mandatory filing with CFIUS, and CFIUS has expanded its jurisdiction to review the national security implications of even non-controlling investments in certain types of U.S. businesses.

In contrast to certain other areas of U.S. trade policy, we anticipate that continuity, not change, will be the hallmark of the Biden administration's approach to CFIUS. We expect such continuity because the concern that national security threats may appear in the guise of foreign investments is a bipartisan one (e.g., FIRRMA was passed by large bipartisan majorities in Congress). Moreover, FIRRMA, in effect, codified much of what we already had been seeing in practice since the Obama administration – namely, CFIUS concerns about foreign investments (particularly Chinese investments) in U.S. businesses involved in critical technologies, critical infrastructure, and sensitive personal data (technology, infrastructure, and data businesses now called "TID U.S. Businesses" in the regulations). Accordingly, we do not expect a significant change in CFIUS trends as we transition from the Trump administration to the Biden administration, although we have highlighted, below, areas to watch.

During the Biden administration, we expect to see a continuation – and in some cases, an acceleration – of the most prominent CFIUS trends that we have observed since the passage of FIRRMA, as described below:

- *Increased importance of CFIUS-export controls intersection* – (i) an increase in the number of TID U.S. Businesses, as the U.S. Department of Commerce identifies additional emerging and foundational technologies (a subset of "critical technologies") in sectors such as biotechnology, artificial intelligence, robotics, data analytics, quantum computing, and advanced materials, and (ii) a greater demand for export controls expertise with the addition of an export licensing criterion to CFIUS's critical technologies mandatory filing program.
- *Non-notified transaction inquiries* – continued inquiries of parties that did not submit a filing to CFIUS for certain completed transactions, even ones that closed years ago and involved relatively small investments.
- *Investment fund exemption* – increased use of the investment fund exemption for certain U.S.-controlled funds with foreign limited partners.
- *Excepted investors exemption* – increased number of Australian, UK, and Canadian investors taking advantage of the excepted investor exemption from the CFIUS mandatory filing programs and potentially more allied countries added to the excepted foreign states list (as such countries develop or enhance their own foreign investment review regimes and cooperate with the U.S. Government on investment security issues).
- *Rise in declarations* – increase in the number of allied country investors that seek to file short-form declarations (a type of CFIUS filing introduced by FIRRMA), as CFIUS's rate of clearance for these 30-day filings continues to rise.

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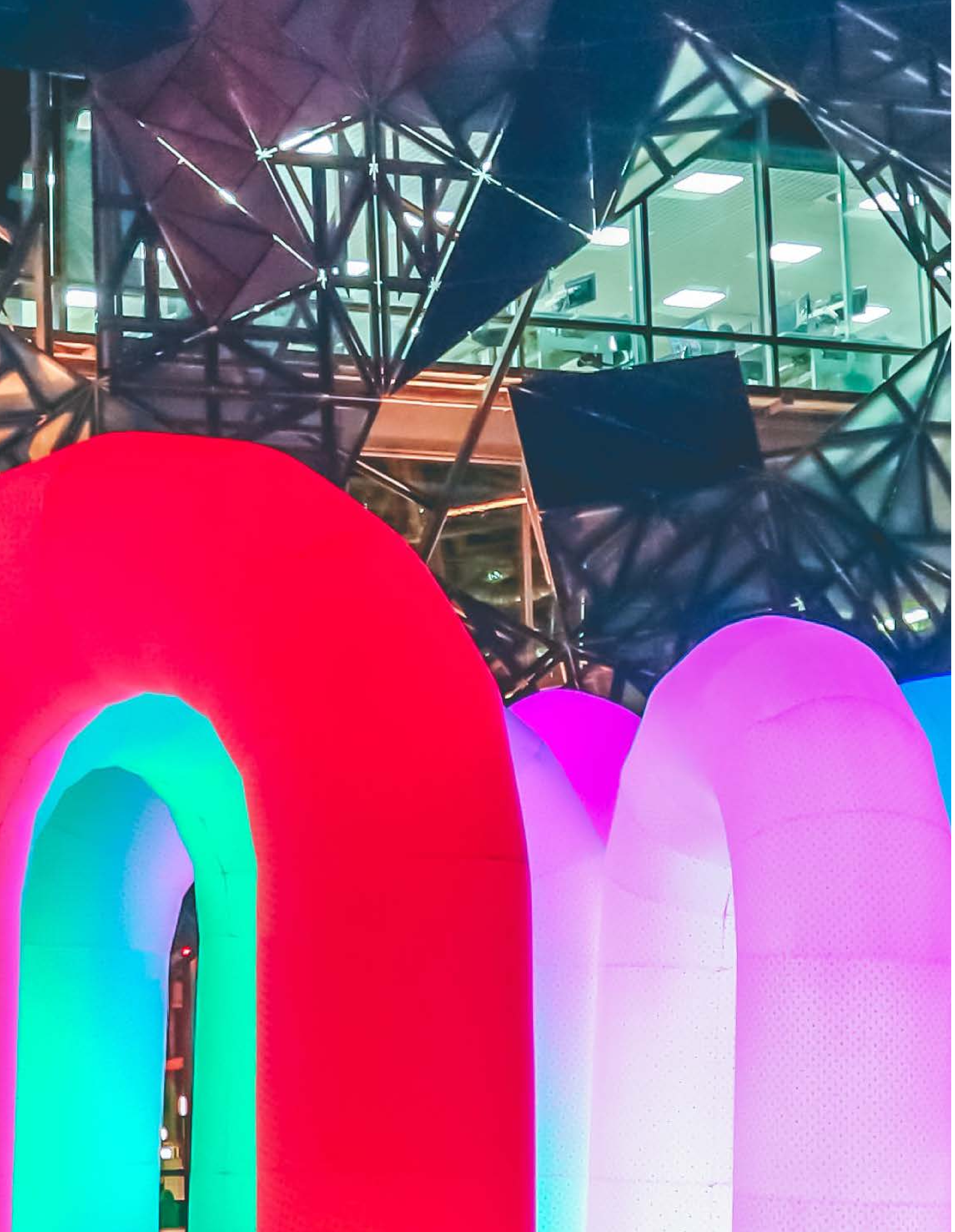


We can help

As you prepare for 2021, our Technology and Telecommunications industry sector teams can help.

Our Government Relations and Public Affairs team can help you strategize in the face of emerging policy risks and opportunities. With team members having served in prior administrations, the government relations team monitors, advises on, and helps shape legislative and executive branch actions – including appointments to key administrative positions – and can help you prepare for what's on the horizon.

Our Tier 1 ranked Communications practice possesses a deep understanding of the telecommunications sector, working closely with cable, mobile, satellite, and all types of advanced broadband network operators, internet service providers; broadcasters and media companies; and equipment providers. We are equipped to assist you in implementing compliance for current or proposed regulations, drafting comments to proposed regulations, and analyzing potential regulatory risks. We can conduct an audit of your compliance programs, and review and revise your policies to put you in the best position in the face of increased enforcement.

Our International Trade and Investment practice, recently named "International Practice Group of the Year" for 2020 by *Law360*, brings together CFIUS, export control, and sanctions know how to help you navigate all things related to International Trade and Investment. Coupled with a top notch Antitrust and Competition team, we can help you anticipate and deal with competition law risks before they become problems.

With more than 6,000 people globally, across 15 U.S. offices and 35+ other offices around the globe, we are ready to assist.

Election 2020 Snapshot: Helping our life sciences and health care clients make sense of the U.S. election results

President-elect Joe Biden has pledged to expand the role of the federal government in response to the COVID-19 public health emergency, build on the Affordable Care Act, and continue drug pricing reform efforts. These actions will create opportunities for companies in the life sciences and health care space, who may find more ways to partner with the government under the Biden administration.

Anticipated policy changes

In response to the COVID-19 pandemic, President-elect Joe Biden has pledged to ramp up testing to prevent spread of the disease. Efforts to expand testing could include offering free testing regardless of insurance, increasing drive-by testing, and promoting the creation of at-home tests and instant tests. Biden said he would also invest in next-generation testing, create a pandemic testing board, and establish a U.S. Public Health Jobs Corps to perform contact tracing.

Joe Biden has further pledged to expand the federal response by using the Defense Production Act to ramp up production of masks, face shields, and other personal protective equipment, while promoting American-sourced manufacturing capabilities. Biden would encourage more CDC guidance, establish a renewable fund for state and local governments to help prevent budget shortfalls, and press Congress to pass additional funding measures to support schools and small businesses, including full federal subsidies for COBRA premiums during the pandemic.

In addition to these increases in federal spending, Biden would invest $25 billion in a vaccine manufacturing and distribution plan, and establish a COVID-19 Racial and Ethnic Disparities Task Force that would transition to a permanent Infectious Disease Racial Disparities Task Force, and create the Nationwide Pandemic Dashboard. Last, Biden would promote greater international cooperation, including restoring the White House National Security Council Directorate for Global Health Security and Biodefense, as well as the United States' relationship with the World Health Organization

Meanwhile, the Biden Administration will seek to protect the Affordable Care Act and Biden said he would also build on the ACA to create "Bidencare" – a program that would offer all Americans a public health care option similar to Medicare, which would be available on the ACA insurance exchanges. Bidencare would have power to negotiate lower prices from hospitals and other health care providers, coordinate among all of a patient's doctors, cover primary care without any co-payments, increase the value of tax credits to lower premiums, and offer premium-free access to the public option for people in the 14 states that have not taken up the ACA's expansion of Medicaid eligibility.

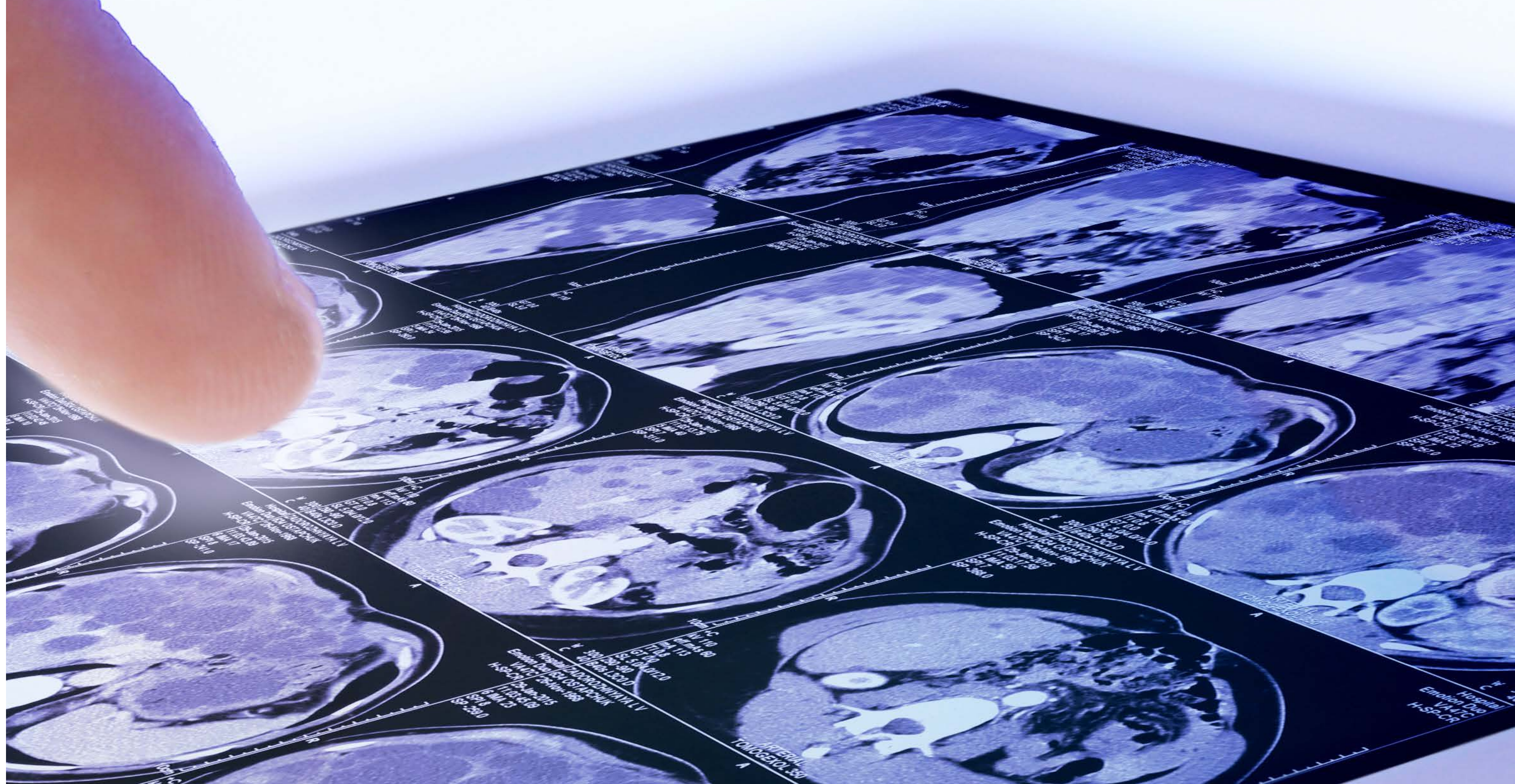
Continuing the efforts of the Trump administration, Joe Biden said he would push drug pricing reforms including permitting drug importation, stopping surprise billing, and repealing the existing law explicitly barring Medicare from negotiating lower prices with drug corporations. Biden also pledged that the Department of Health and Human Services (HHS) would work in his administration to establish an independent review board to assess drugs' value and recommend a reasonable price, based on the average price in other countries (a process called external reference pricing); or, if the drug is entering the U.S. market first, based on an evaluation by the independent board members. In addition, Biden said he would work to prohibit all brand, biotech, and "abusively priced" generic drugs from increasing their prices more than the general inflation rate. Furthermore, Biden said he would end the tax deduction for prescription drug ad spending, and he supports proposals to accelerate the development of safe generics.

Implications/Opportunities

While some of the reform efforts promised by Joe Biden can be accomplished through executive action, some larger changes will require legislation, because statutes would need to be changed. However, with Congress divided, and the Senate likely to continue under Republican control, the passage of any health care reform legislation will be difficult and time-consuming. For example, Biden's plans to expand to a public health care option and to expand Medicare to younger people would face huge obstacles in a Republican-controlled Senate, and could be challenging to pass even if the Democrats win the two seats in Georgia that will have run-off elections in January. Even in areas where both parties' goals align, such as drug pricing reform, partisanship may continue to keep each party from approving the other's proposals.

Nevertheless, we should expect the Biden administration to work to make health care more affordable to patients through mechanisms already available in the law. For example, Biden likely will encourage states to expand their Medicaid programs without work requirements or eliminate those requirements in existing programs. Biden can also seek to increase advertising for the open enrollment period and expand that period.

Regarding COVID-19, we can expect the Biden administration to be focused on a national plan for testing, vaccines, and PPE production and distribution, along with the dissemination of federal public health guidelines. This will create opportunities for life sciences and health care companies to partner with the government, as Biden considers the creation of a Health Advanced Research Projects Agency and plans to create new task forces.



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Useful resources

- FDA advises drug manufacturers on best practices for restarting operations during COVID-19 pandemic
- COVID relief legislation update (Phase 4/CARES 2.0)
- HHS tackles barriers to value-based care: Part 1 – new protections for value-based arrangements under Stark and the AKS and other key AKS changes
- Trump administration reversal would take away FDA's authority to approve biosimilars
- Protecting biomedical innovation as a national security asset
- HHS ends EUA requirement for Laboratory Developed Tests; FDA may continue to assert authority
- FDA, CMS actions on drug importation promise much, likely deliver little

Public policy has a significant and direct impact on businesses in the Transportation and Mobility area.

Those businesses are highly regulated in the U.S. but are global in scope and the technology deployed is evolving rapidly and changing business models. Emission limits, safety issues, and trade rules are particularly important.

Anticipated changes

Vehicle Emissions:
A Biden victory suggests the stringency of federal GHG emission limits and fuel economy will increase significantly. Many of these changes can be made through existing regulatory authority, and will essentially force the heavy use of electric vehicles before wide acceptance by consumers has been achieved.

Were there a "Blue Wave" of Democratic President and Congressional control, as many anticipated, comprehensive environmental legislation likely would have funded EV charging infrastructure and support for consumer purchases of EVs. Republican control of the Senate makes that type of support for EVs less likely and more challenging to achieve.

"Divided" government could provide a difficult context for the auto companies: imposing more strict federal emission limits necessitating EVs without the legislation to help facilitate a significant transformation.

Vehicle Safety Rules:
The rapid technological change in the industry with new driver assist methods and a goal of autonomous vehicles (AV) means regulations on safety will need modification. Shifting from crash survivability to crash avoidance is a significant change. While Republicans have nominally been more accepting of risk and willing to pass legislation to advance AV development, Democrats have remained more hesitant. This legislative challenge will continue. A Biden Administration is also likely to be more cautious on regulatory issues regarding new autonomous technologies.

Aviation:
The single most important issue currently facing the aviation industry is the impact of COVID-19. President-elect Biden has indicated his support for further stimulus funding to assist the aviation industry. Congress has also expressed bi-partisan support for the same, however, deadlocked negotiations on broader stimulus issues continue to stifle progress.

Commercial Drones:
The Biden Administration can be expected to support enabling regulation for the commercial drone industry, allowing safe and secure drone operations at scale which will unlock a multi-billion dollar industry with huge benefits for the American public. There is bipartisan support for American leadership in aviation innovation, and so a Republican Senate would likely agree with this approach.

Passenger Rail:
The Biden Administration has expressed strong support for a transformative high speed rail infrastructure program, but if Republicans retain control in the Senate, and with competing needs for COVID recovery and other infrastructure funding, a major high speed rail program is unlikely. Incremental improvement in higher speed passenger rail is more likely.

Trade:
Both parties are concerned about jobs in the U.S. and believe various policy actions in China require a more active U.S. policy in response to preserve U.S. jobs and the nation's technology leadership and capacity. The "tone" around these trade related issues is likely to change with more discussion with U.S. allies and less abrupt changes, but the policy goals and substance should not shift dramatically.

Privacy, cybersecurity and artificial intelligence are significant issues for the industry. In general, Democrats are more restrictive on data use and more worried about artificial intelligence. We expect regulatory oversight to reflect that concern.

We can help

We routinely and actively assist clients on all aspects of the many regulatory and legislative issues involved with the rapid transition of the industry. We are recognized thought leaders that help clients anticipate, and get ahead of, regulatory and legislative change, while also impacting the development of those regulatory structures.

Government policy will help shape a rapidly evolving technological landscape that is altering long settled business models. We advise clients on all related regulatory and legislative issues and strategies.

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Election 2020 Snapshot: Helping our aerospace and defense (A&D) clients make sense of the U.S. election

The election of Joe Biden as the 46th President of the United States likely will result in significant shifts in U.S. aerospace and defense industry priorities, revocation of certain Trump administration policies applicable to government contractors, strengthened "Buy American" requirements, and increased use of defense and National Aeronautics and Space Administration (NASA) budgetary authority to combat climate change.

Government spending priorities and resulting opportunities and challenges

Under the Biden administration, U.S. defense budgets are expected to face increased pressure, with the expectation that Biden's initial ***defense budgets will be no greater than flat*** compared to the current proposed defense budget. It is worth noting that Michèle Flournoy, a former undersecretary of defense for policy in the Obama administration and one of the leading candidates for secretary of defense, has publicly **criticized** the Obama-era budget sequestration cuts in defense spending. If Flournoy becomes the defense secretary, she is unlikely to support major defense cuts, reflecting the consensus among defense establishment figures across both parties.

While Republican representation in the Senate is expected to counter calls from progressive House Democrats for significant decreases in defense spending, the flat demand is likely to ***stimulate further merger and acquisition (M&A) activity in the defense industry*** as companies look to grow revenue and increase competitiveness non-organically. M&A activity, however, may face increased scrutiny under a Biden administration, pushed by progressive Democrats who are seeking more aggressive enforcement of antitrust laws.

Additionally, based on historical experience, we expect there to be increased bid protest and claim litigation activity between contractors and their government customers as contractors in low-growth defense environments tend to be less willing to forego revenue without a strong justification. And, while spending on certain legacy and nuclear programs is likely to face increased scrutiny, Biden's past statements suggest ***strong support for unmanned aerial systems and increasing cyber warfare, artificial intelligence (AI), and hypersonic missile capabilities***. Moreover, defense spending will continue to focus on competition with "near-peer" countries China and Russia.

Small businesses are in a good position to benefit from some of Biden's pronouncements that signal support for aerospace and defense contractors. For example, Biden has signaled an intention to leverage a ***"scaled-up" version of the Small Business Innovation Research (SBIR) program*** to fund small businesses and to commercialize cutting-edge technology. This bodes well for those companies that qualify for the SBIR program and whose technology is of interest to the government (e.g., AI, cyber, robotics, advanced manufacturing, communication technologies, batteries, and biotech, to name a few).

The aerospace and defense industry will also face opportunities and challenges as Biden pivots the government to focus more on combating ***climate change***. As perhaps the largest consumer of fossil fuels and producer of carbon emissions, the Biden DoD is expected to accelerate its research and use of green technologies, while ***subjecting its contractors to green requirements***. For example, the department is likely to hasten its shift to more efficient consumption of energy sources at its bases (including use of efficient microgrids); increase its focus on compact nuclear fusion; and require the purchase of, and its contractors to use, environmentally friendly technologies.

Although Biden has been relatively silent regarding space policy, his administration is expected to continue President Trump's ambitious agenda of pushing human exploration of space. Based on the Democratic Party platform, a Biden administration is also likely to leverage space, and in particular NASA's budget, for scientific research, including to ***study climate change using space-based technologies.***

Finally, the aviation industry is looking for stronger prospects of reimplementation of pandemic-related support under Biden, to the extent it does not occur earlier. At this time, the prospects for an economic stimulus package being passed during the "lame duck" session of Congress are uncertain. Additionally, Biden's statements regarding ***increased infrastructure spending extends to the nation's airports***, which will be welcomed by both airlines and aircraft original equipment manufacturers (OEMs).

Regulatory changes

President-elect Biden is likely to continue the Trump administration's strengthening of regulations focused on contractor **cybersecurity** and **supply chain security**, which include support of the new rules requiring cybersecurity assessments and restrictions on the use of certain Chinese telecommunication and video surveillance technology. Biden has also signaled, however, a ***strengthened commitment to "Buy American"*** procurement and supply chain requirements. Although the Trump administration issued several policy announcements aimed at strengthening "Buy American" policies, Biden has been critical of those announcements as ineffective.

In his "Made in All of America" policy paper, Biden stated a commitment to "[l]everage federal buying power and the full range of government authorities, including the Defense Production Act, BARDA, and federal procurement, to make sure that we make critical products in America." Biden's pronouncement, if implemented, will provide a significant competitive advantage to two audiences: 1) those companies in the federal government market that offer U.S.-made products, and 2) potentially countries with reciprocal trade agreements covering government procurement – if the enhanced requirements extend beyond strictly U.S.-made end products.

Biden reportedly is eager to repeal several labor-related requirements that Trump imposed on government contractors. For example, Biden is expected to rescind the Trump Executive Order on Combating Race and Sex Stereotyping, which prohibits federal contractors from conducting certain diversity training. Also, Biden is expected to reinstate Obama-era procurement policies that had been revoked by Trump, including former Executive Order 13495 Nondisplacement of Qualified Workers Under Service Contracts (EO 13495). EO 13495 required contractors to offer a right of first refusal of employment to certain service employees who worked on predecessor contracts.

Biden may also reinstate the Obama executive order that banned federal contractors from discriminating against employees on the basis of sexual orientation or identity. Also, in a **pre-election pronouncement**, Biden stated that he would "require that companies receiving procurement contracts are using taxpayer dollars to support good American jobs, including a commitment to pay at least [US]$15 per hour, provide paid leave, maintain fair overtime and scheduling practices, and guarantee a choice to join a union and bargain collectively."

For trade and its impact on commercial aerospace, one major development to watch is the outcome of the longstanding World Trade Organization (WTO) dispute between the United States and the European Union over aircraft subsidies, which may or may not be settled before Biden takes office. While the United States has had punitive duties in effect on US$7.5 billion of EU aircraft, aircraft parts, cheeses, whiskies, alcoholic beverages, woolens, and hand tools since October 2019, a WTO arbitrator just authorized the European Union to impose sanctions on US$4 billion of U.S. products, which they began imposing on November 10. This includes a levy of 15 percent on aircraft.

While some member states reportedly supported suspending the duties to encourage settlement talks, the European Union reportedly has decided to go ahead with the duties instead, while making it clear it is prepared to remove them if the case can be settled. This risks a further escalation of the dispute, since United States Trade Representative Robert Lighthizer has threatened to respond in kind by "carouseling" the European products subject to duties and raising the duties as high as 100 percent. Such an escalation could further complicate U.S.-EU trade in aerospace and other products that are subject to penalty duties. While the sensible thing would be to settle the WTO dispute, a settlement poses technical challenges and has eluded the parties during 15 years of litigation. If that dispute can be settled, a Biden administration may have an opportunity to work with the European Union to craft new global rules on aircraft subsidies, or tackle China's growing aerospace industry.

On Biden's trade policy more generally, it remains to be seen who Biden will nominate as his trade representative, or for other key administration posts responsible for trade and investment policies. Biden has, however, said that he will not pursue trade agreements during his first year in office. Significantly, fast track Trade Promotion Authority expires on June 30, 2021, which could preclude any new major trade deals unless Congress renews the authority.

Elsewhere on international trade, Biden is expected to continue to put pressure on China. For example, Biden is likely to continue to expand export control restrictions to counter Chinese efforts to acquire strategic technology from the United States. He also is likely to maintain or expand sanctions in response to Beijing's actions in Hong Kong and its detention of religious and ethnic minority groups in Xinjiang. Relatedly, Biden is likely to defer action on the Section 301 tariffs imposed on Chinese goods with respect to intellectual property/forced technology transfers, as well as restrictions on certain Chinese-made telecommunications and video technology items and services. The continued deterioration of U.S.-China trade, economic and security relations, and the expansions of U.S. export controls pose challenges for the U.S. commercial aerospace sector, since China is one of the world's biggest markets for U.S. aircraft. At the same time, it may benefit the defense aerospace sector if it leads to more sales to Taiwan and U.S. allies in the Asia-Pacific region.

At the same time, absent any more meaningful concessions by China or other action-forcing events, the Biden administration will likely leave the Section 301 tariffs and China Phase One trade agreement in place for the foreseeable future. There is bipartisan support for a tougher U.S. policy toward China, so any effort to unwind the Section 301 tariffs faces serious challenges, at least in the short term.

Where Biden's policies on China may differ from the Trump administration's are with respect to climate, where the Biden team has said a Biden administration would seek to find common ground, although it remains to be seen if this is possible. Biden also has said that he will work closely with allies to confront China on trade, national security, and human rights issues.

Our Aerospace & Defense team

Our **Aerospace & Defense** team includes more than 75 industry-leading lawyers with corporate, regulatory, government affairs, investigations, commercial, and litigation experience. We work closely with some of the largest and most established aerospace and defense companies in the United States, Europe, and Asia. We advise dozens of middle market businesses, emerging companies, new ventures, and global entities, along with investment banks and private equity firms that are active in the industry. We actively monitor governmental and industry developments so that we can provide timely and on-target strategic advice to clients. We offer practical advice on industry-specific considerations that have a material impact on our clients' operations and strategic plans, including the challenges presented by government contracting regulations, national security issues, and regulations that impact commercial aerospace companies.

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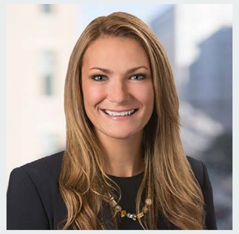

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Through the last several Administrations (Democrat and Republican) the mantra has been “we support an all-of-the-above strategy” to meet U.S. energy needs. Expect that to change. The Biden Administration’s focus will shift to how to achieve sharp greenhouse gas emissions reductions across the economy in the relatively near-term. President-elect Biden has stated that there needs to be a transition away from fossil fuels but acknowledged that it will not happen overnight. However, the net zero carbon emission goals and strategies announced by some of the Nation’s largest electric utilities, oil companies and others outside the energy industry provide an indication of what may be achievable as the new Administration develops energy policy.

Many Agencies Have a Role

All energy agencies will see a change in emphasis. The Department of Energy will focus on advancing energy technologies that facilitate carbon emissions reductions. Battery improvements and other energy storage, along with hydrogen, will also get attention in DOE’s R&D portfolio, along with continued efforts to optimize solar and wind technology. Advanced nuclear technologies are also likely to receive continued support, not only as carbon-free power sources but also for their value to international trade and national security.

Given its abundance and established infrastructure in the U.S., DOE will likely acknowledge – at least for the near term – the central role natural gas will continue to play in our energy supply, but with an emphasis on reducing carbon impact. The Environmental Protection Agency will directly regulate methane emissions, while DOE focuses on technology solutions.

The Biden Harris Plan for a Clean Energy Revolution and Environmental Justice establishes a goal of reaching a 100% clean energy economy, and net-zero emissions, by 2050. Many of the proposals in this Plan, such as expanding tax incentives for electric vehicles, eliminating tax preferences for oil and gas production, and increased federal appropriations for clean energy investments, cannot be achieved without congressional action, which will be difficult without strong Democratic majorities in both houses. Many things can be accomplished, however, by executive action under existing statutory authority. This includes, for example, use of the federal procurement system,”which spends $500 billion every year,’ to drive toward 100% clean energy and zero emissions vehicles.[1]

The largest sources of carbon emissions are from the transportation and building sectors. A push for improved efficiency in those sectors is also likely to be high on the Biden Administration’s agenda and may include a renewed focus on advanced biofuels, as well as vehicle electrification. In addition, DOE has missed statutory deadlines for proposing new efficiency standards for more than two dozen types of appliances and commercial equipment. It is reasonable to expect a flurry of new efficiency standards proposals, although the “process rule” that the Trump Administration put in place requires greater efficiency to justify new standards.

DOE also plays a role in securing the interstate power grid. President Trump’s Bulk Power Supply Executive Order, which focused attention on the threat to the grid from equipment supplied by “adversary countries,” will continue to be an issue of concern to the industry. There has been no indication that this Executive Order is on the new President’s chopping block. DOE is in the early stages of the rulemaking process to implement the Executive Order, and there is ample room for unintended consequences in this effort, including for the renewable energy industry. It warrants close engagement with DOE as the agency develops the rules.

Once it has a Democratic majority in place, the Federal Energy Regulatory Commission will also be looking for ways to contribute to the climate action effort. Although it operates under statutes passed many decades ago, FERC will look for new ways to apply those statutes to give a greater weight to state carbon reduction goals and new technologies, including energy storage, in the markets it regulates. Democratic Commissioner Glick’s dissents over the past few years likely provide a guide to what is coming. Additionally, the climate impact and “social cost of carbon” will likely gain new prominence in FERC’s environmental evaluation of projects requiring its approval.

The Department of the Interior, with its vast federal land holdings and its jurisdiction over the Outer Continental Shelf, also plays an important part in the U.S. energy picture. President-elect Biden has indicated that there will be no new oil and gas leasing on federal lands and has sent mixed messages regarding hydraulic fracking activity. Legal rights under existing leases may prevent an outright moratorium on oil and gas development, but DOI will seek to regulate methane emissions and hydraulic fracturing activity on public lands, and it may also adopt enhanced impact mitigation requirements. And it will be no surprise if the new Administration looks for ways to roll back any oil and gas leases in the Alaskan National Wildlife Refuge that the Trump Administration may conclude in its waning days.

The new Administration will seek to advance renewable energy development on federal lands. To be successful, that initiative will need to be accompanied by efforts to accelerate permitting processes, which may prove challenging given the new Administration’s concomitant goals of landscape conservation and wildlife protection. DOI will also be under immediate pressure to “unstick” the review processes for offshore wind development, which have languished under the Trump Administration.

[1]https://joebiden.com/climate-plan/#

No Nirvana for Advocates of the New Energy Economy

Supporters of carbon-free energy need only to think back a few years to recognize that having friends in the White House does not mean clean energy projects will move forward at lightspeed. Multi-agency jurisdiction over most energy projects results in bureaucratic delays that every Administration in modern times has committed to fixing, with little apparent success. That effort is further complicated by the recent re-write of the regulations that implement the National Environmental Policy Act. The new rules face numerous legal challenges, and a Biden team cannot simply revert to the old rules that they may prefer. A new rulemaking will be required. In the meantime, successfully navigating NEPA reviews will require a careful look at the risks under the rule changes and ensuring an appropriate level of conservatism in environmental reviews.

The Endangered Species Act and wetlands protections under the Clean Water Act, to name just two, bedevil many energy projects. A change in the White House does not change that, and it can slow approvals for any energy project with a significant federal involvement, particularly on federal lands. Careful attention to risk management strategies is key.

The same is true on the Outer Continental Shelf. Experienced wind developers are anxious to finally move forward expeditiously, but they cannot ignore the fishery, maritime and U.S. shipbuilding industries that all seek to protect their interests in how offshore wind development proceeds. Those competing interests, too, can expect a sympathetic hearing from the Biden Administration. The Jones Act may be ancient and protectionist, but it has a lot of enthusiastic supporters who will not be ignored.

Fossil fuel interests, which make important contributions to many regional economies, may wish to engage with the Biden Administration not only on high tech solutions for sequestering carbon, but also on its plans to work with farmers to create “carbon banks,” sequestering carbon emissions in soil and vegetation, and other potential carbon offset initiatives.

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New Opportunity for the Industry

One of the most notable developments in energy industry over the last four years is the embrace of sustainability goals and carbon emissions reduction plans, along with new types of partnerships with state and local governments to advance their goals. The opportunity exists now to engage the Biden Administration, not just in its regulatory function, but as a partner, to advance shared goals and identify the problems where government can uniquely help in creating solutions. Engaging early may provide the best strategy for ensuring that the next four years produce important advances for the energy industry consistent with the new Administration’s climate objectives.

CLICK HERE to find out more on our election 2020 insights.

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