

James Danly Nomination for FERC Commissioner Returned to White House for Renomination

Article By:

Randall S. Rich

Andrew O. Kaplan

On January 3, 2020, James Danly's nomination for Commissioner of the Federal Energy Regulatory Commission (FERC) was returned to the White House for renomination, due to the Senate's failure to confirm or reject the nomination during its first annual session. Pursuant to Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate, nominations not acted on during the session at which they were made must be made again by the president before action can be taken at a succeeding session.

James Danly, FERC's current general counsel, was nominated by President Trump on September 30, 2019 to fulfill the remainder of the late Chairman Kevin McIntyre's term, expiring June 30, 2023. Danly's testimony before the Senate Energy and Natural Resources Subcommittee on November 5, 2019 was favorably reported.

Although Democratic lawmakers expressed frustration that Danly's nomination had not been paired with a Democratic nominee to fill the seat vacated by Commissioner Cheryl LaFleur, they provided assurance that his confirmation would not be postponed to wait for the appointment of a Democrat. Due to a focus on end-of-year spending legislation, Senate Majority Leader Mitch McConnell was unable to schedule floor votes on the matter. Renomination will provide President Trump with the opportunity to pair Danly's nomination with a Democratic nominee and restore the Commission to a full quorum.

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