

## **Status of the Energy Bill (S. 2012)**

- **The bill was punted until after the Senate returns from recess due to internal discord surrounding the Flint, Michigan water crisis.**
- **The controversy surrounding Flint has been considerable and has centered to a great extent on how to wind down a Department of Energy auto industry loan guarantee program to pay for water assistance.**
- **Sen. Bill Nelson (D-Fla.) placed a hold on the deal because of concerns surrounding a scheduled vote on an amendment by Sen. Bill Cassidy (R-La.) that would increase royalty payments to coastal states from offshore oil and gas drilling.**
- **Even if it were to pass the Senate, it would still need to be reconciled with the House version teeing up another round of negotiations concerning the inclusion of additional amendments.**
- **Unlike previous amendment negotiations, the conference rules regarding germaneness suggest a more timely conclusion of negotiations.**



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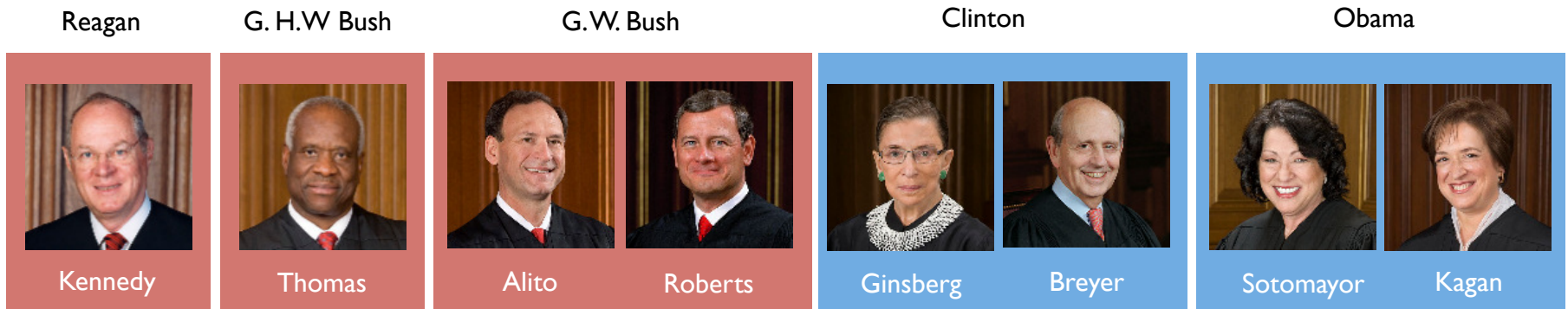
## Status of the Clean Power Plan (CPP)

- On February 9, 2016, the Supreme Court voted to stay the CPP after twenty-seven states and countless private groups sued to block the rule.
- This was the first time the Court has ever stayed a regulation before a judgment by the lower Court of Appeals.
- Litigation will proceed in the lead up to and following the 2016 elections. The Supreme Court is widely expected to take up the case.
- The Court vacancy and the possible replacement by Justice Merrick Garland may signal a more favorable outcome for EPA.
- Republicans have pledged to overturn the CPP if they take the White House, whereas Democrats have pledged to uphold and possibly even expand it.

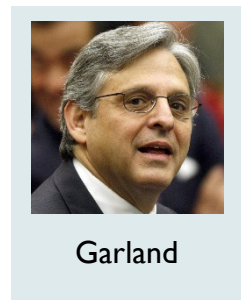


# If Garland is Appointed, the Supreme Court Would be Composed of Democratic Appointees for the First Time in Decades

## Justices by Political Party of Appointing President



- If Garland is confirmed, it would mark the first time since 1970 that the Supreme Court is composed of justices appointed by Democratic administration
- Garland would replace Justice Antonin Scalia, one of the court's most conservative Justices – if Garland turns out to be similar in ideology to Obama's two previous nominees, it will make the Supreme Court the most liberal in decades

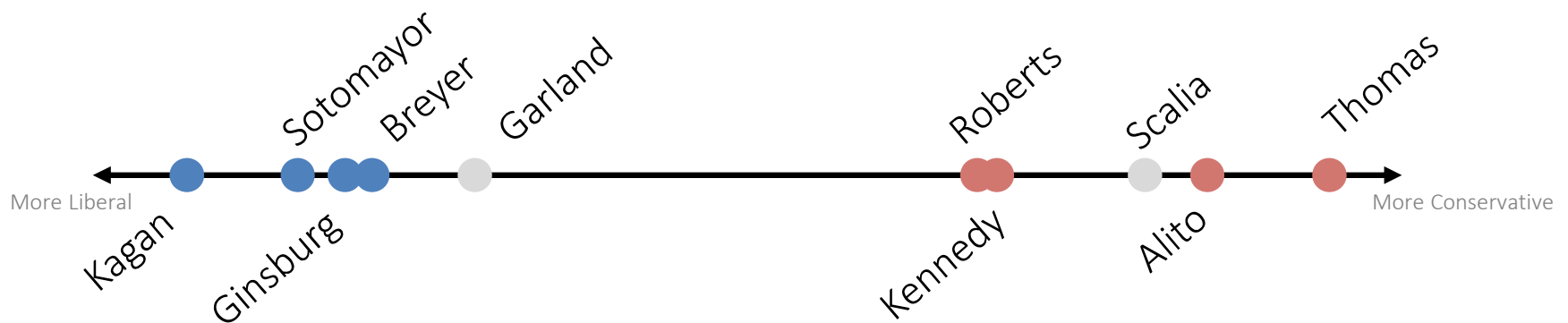


Source: Joel Eastwood and Jessie Ma, "How Obama's Nominee Could Change the Face of the Supreme Court," Wall Street Journal, March 16, 2016.

## Based on Ideology of Judges' Clerks, Garland Would be the Median Judge if Appointed

### Justices Ideology Based on Average Cfscore\* of Clerks

\*Cfscore is determined by the political leanings of judges' clerks – the method relies on political donations to determine whether clerks are liberal or conservative



- The Cfscore metric assumes that judges hire clerks who have roughly the same beliefs, however using clerks as a proxy for judges is not a perfectly accurate system because clerks' ideologies do not always match with the judges they work for
- In Garland's case, his middling placement on the Cfscore spectrum may suggest that he either hired an ideologically heterodox group of clerks or that his clerks made political donations suggesting they are political moderates

Source: Libby Nelson, "Why political scientists think Merrick Garland is more liberal than lawyers do," Vox, March 16, 2016.

# Presidential Primaries Move Northeast and West Through April

## Primary Calendar, March-April

Date	State	Dem Delegates	GOP Delegates	
March 22	Arizona	85	58*	*Winner-take-all †Winner-take-most Democratic Delegates are allocated proportionally unless they are unpledged to a candidate.
	Idaho (Democratic Caucus)	27	-	
	Utah	37	40	
March 26	Alaska (Democratic Caucus)	20	-	
	Hawaii (Democratic Caucus)	34	-	
	Washington State (Democratic Caucus)	118	-	
April 5	Wisconsin	96	42†	
April 9	Wyoming (Democratic Caucus)	18	-	
April 19	New York	291	95	
April 26	Connecticut	70	28	
	Delaware	31	16*	
	Maryland	118	38†	
	Pennsylvania	210	71†	
	Rhode Island	33	19	

Source: Wilson Andrews, Matthew Bloch, Jeremy Bowers, and Tom Giratikanon, "2016 Delegate Count and Primary Results," *The New York Times*, March 17, 2016.

# Primaries Enter Home Stretch, Finishes With Big Delegate Prizes in California and New Jersey

## Primary Calendar, May-June

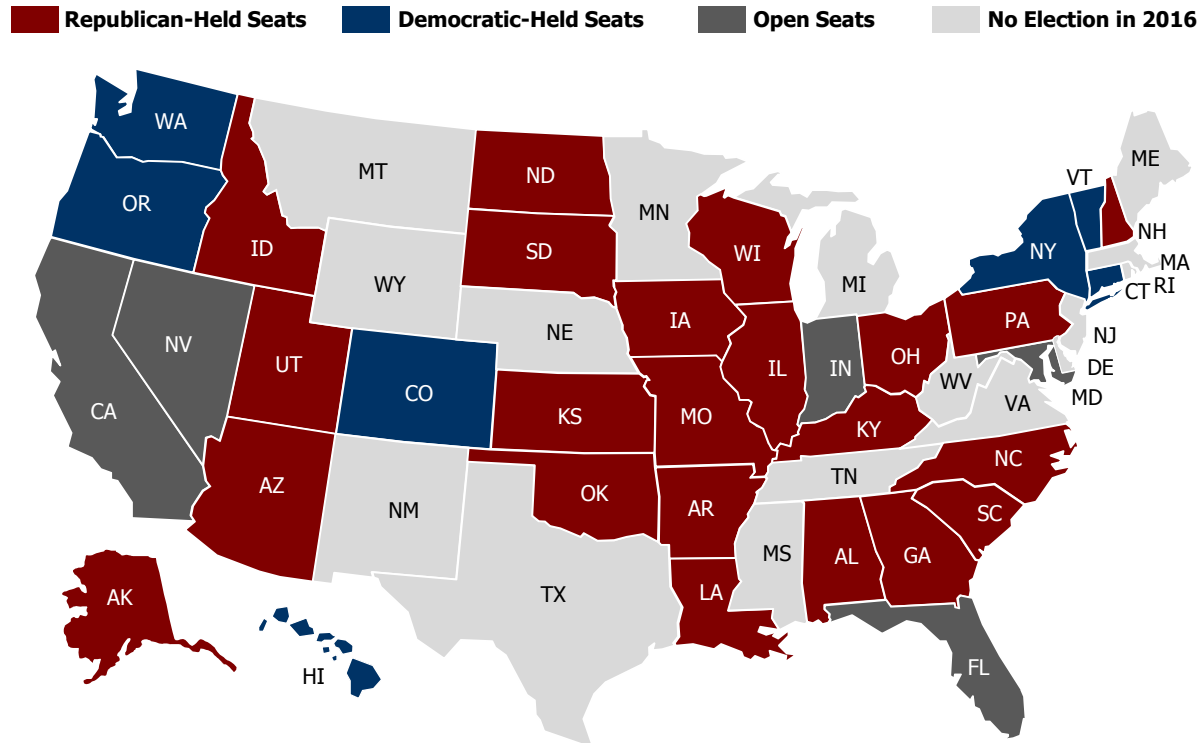
Date	State	Dem Delegates	GOP Delegates	
May 3	Indiana	92	57†	
May 7	Guam (Democratic Caucus)	12	-	*Winner-take-all †Winner-take-most Democratic Delegates are allocated proportionally unless they are unpledged to a candidate.
May 10	Nebraska (Republican Primary)	-	36*	
	West Virginia	37	34	
May 17	Kentucky (Democratic Primary)	61	-	
	Oregon	74	28	
May 24	Washington State (Republican Primary)	-	44	
June 4	Virgin Islands (Democratic Caucus)	12	-	
June 5	Puerto Rico (Democratic Caucus)	67	-	
June 7	California	546	172†	
	Montana	27	27*	
	New Jersey	142	51*	
	New Mexico	43	24	
	North Dakota (Democratic Caucus)	23	-	
	South Dakota	25	29*	
June 14	District of Columbia (Democratic Primary)	45	-	

Source: Wilson Andrews, Matthew Bloch, Jeremy Bowers, and Tom Giratikanon, "2016 Delegate Count and Primary Results," *The New York Times*, March 17, 2016.

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# Republicans Hold Majority of Senate Seats Up For Election in 2016

## 2016 U.S. Senate Elections by Incumbent Party



### Analysis

- The U.S. Senate elections in 2016 feature 22 seats with Republican incumbents, 7 seats with Democratic incumbents, and 5 open seats
- The five open seats are in the Democratic strongholds of California and Maryland, Republican-leaning Indiana, and the swing states of Nevada and Florida

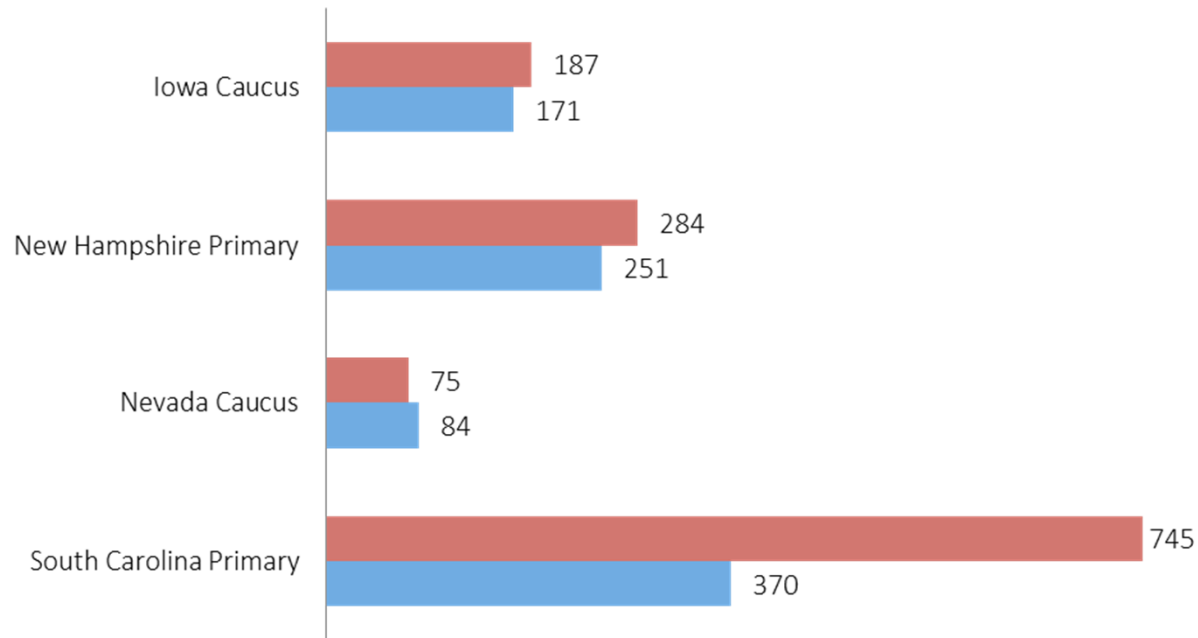
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# Presidential Primaries See Higher Turnout for Republicans than Democrats So Far

## 2016 Presidential Primaries Turnout, by State

Thousands of Voters

■ Republican ■ Democrat



Sources: Michael P. McDonald, "2016 Presidential Nomination Contest Turnout Rates," United States Election Project



# Changes in the House Energy and Commerce Committee

## Membership

<sup>1</sup> Energy and Power Subcommittee

<sup>2</sup> Environment and Economy  
Subcommittee

~~Retirement/Lost Leadership Position~~

### Republicans:

~~Fred Upton, Michigan, Chairman~~<sup>1,2</sup>

Joe Barton, Texas, Chair Emeritus<sup>1</sup>

~~Ed Whitfield, Kentucky~~<sup>1,2</sup>

John Shimkus, Illinois<sup>1,2</sup>

Joseph R. Pitts, Pennsylvania<sup>1,2</sup>

Greg Walden, Oregon

Tim Murphy, Pennsylvania<sup>2</sup>

Michael C. Burgess, Texas

Marsha Blackburn, Tennessee, Vice  
Chairman

Steve Scalise, Louisiana

Bob Latta, Ohio<sup>1,2</sup>

Cathy McMorris Rodgers,  
Washington

Gregg Harper, Mississippi<sup>1,2</sup>

Leonard Lance, New Jersey

Brett Guthrie, Kentucky

Pete Olson, Texas<sup>1</sup>

David McKinley, West Virginia<sup>1,2</sup>

Mike Pompeo, Kansas<sup>1</sup>

Adam Kinzinger, Illinois<sup>1</sup>

Morgan Griffith, Virginia<sup>1</sup>

Gus Bilirakis, Florida

Bill Johnson, Ohio<sup>1,2</sup>

Billy Long, Missouri<sup>1</sup>

Renee Ellmers, North Carolina<sup>1</sup>

Larry Bucshon, Indiana<sup>2</sup>

Bill Flores, Texas<sup>1,2</sup>

Susan Brooks, Indiana

Markwayne Mullin, Oklahoma<sup>1</sup>

Richard Hudson, North Carolina<sup>1,2</sup>

Chris Collins, New York

Kevin Cramer, North Dakota<sup>2</sup>

### Democrats

Frank Pallone, New Jersey, Ranking  
Member<sup>1,2</sup>

Bobby Rush, Illinois<sup>1</sup>

Anna Eshoo, California

Eliot Engel, New York<sup>1</sup>

Gene Green, Texas<sup>1,2</sup>

Diana DeGette, Colorado<sup>2</sup>

~~Lois Capps, California~~<sup>1,2</sup>

Michael F. Doyle, Pennsylvania<sup>1,2</sup>

Jan Schakowsky, Illinois

G. K. Butterfield, North Carolina

Doris Matsui, California

Kathy Castor, Florida<sup>1</sup>

John Sarbanes, Maryland<sup>1</sup>

Jerry McNerney, California<sup>1,2</sup>

Peter Welch, Vermont<sup>1</sup>

Ben R. Luján, New Mexico

Paul Tonko, New York<sup>1,2</sup>

John Yarmuth, Kentucky<sup>1</sup>

Yvette Clarke, New York

Dave Loebsack, Iowa<sup>1</sup>

Kurt Schrader, Oregon<sup>2</sup>

Joseph P. Kennedy III, Massachusetts

Tony Cárdenas, California<sup>2</sup>

# The Senate Environment and Public Works Committee – Membership

## Republicans:

- James M. Inhofe (Chairman), Oklahoma
- David Vitter\*\*, Louisiana
- John Barrasso, Wyoming
- Shelley Moore Capito, West Virginia
- Mike Crapo, Idaho
- John Boozman, Arkansas
- Jeff Sessions, Alabama
- Roger F. Wicker, Mississippi
- Deb Fischer, Nebraska
- Mike Rounds, South Dakota
- Dan Sullivan, Alaska

## Democrats:

~~Barbara Boxer, California~~  
Thomas R. Carper, Delaware  
Benjamin L. Cardin, Maryland  
Bernard Sanders\*\*, Vermont  
Sheldon Whitehouse, Rhode Island  
Jeff Merkley, Oregon  
Kirsten Gillibrand, New York  
Cory A. Booker, New Jersey  
Edward Markey, Massachusetts

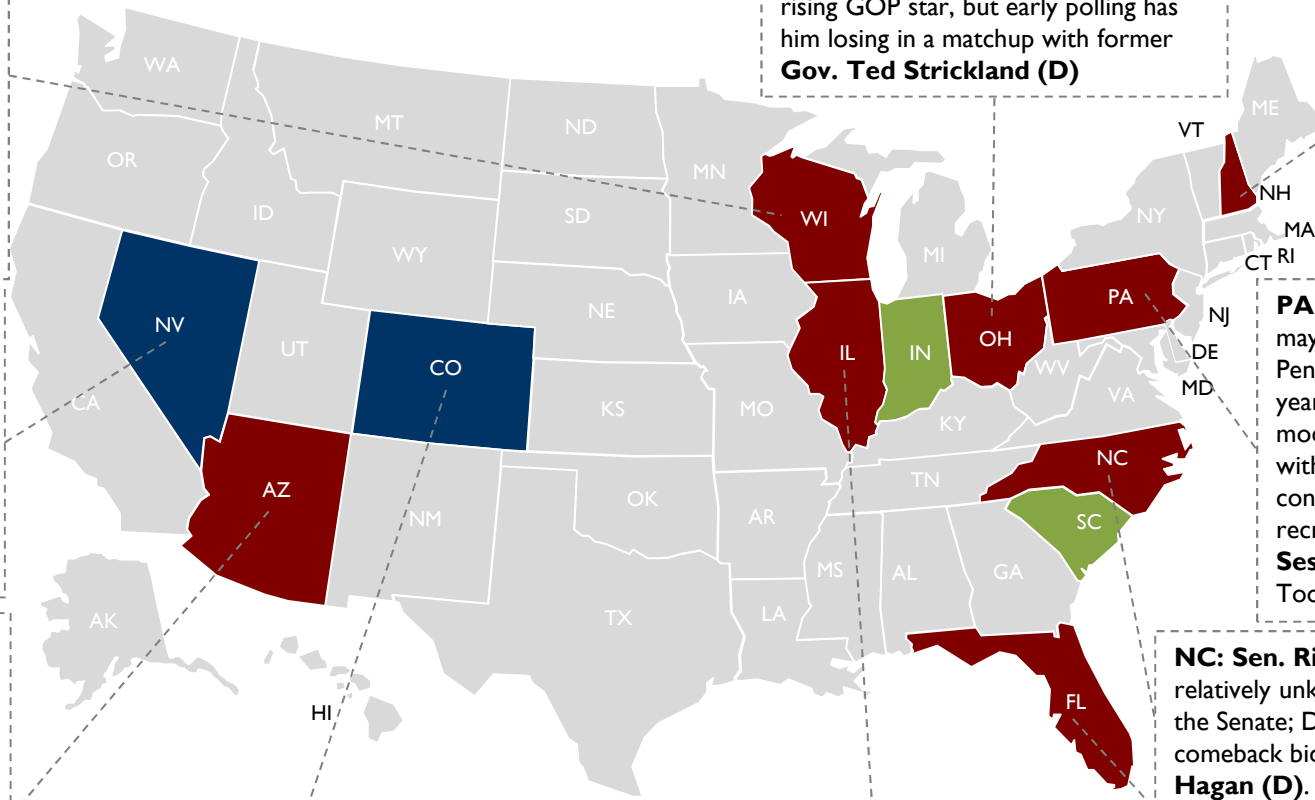
\*\* David Vitter is running for Governor of Louisiana in 2015.

\*\* Bernie Sanders is running for President in 2016.

# Most Competitive 2016 Senate Seats Held by GOP

## Competitive Senate Races in the 2016 Election

■ Republican-Held Seats
 ■ Democratic-Held Seats



**WI: Sen. Ron Johnson (R)** is a relatively unknown quantity in his home state, and may be too conservative for a presidential-year electorate; Dems are hoping that **former Sen. Russ Feingold (D)** is interested in a rematch.

**NV: Sen. Harry Reid (D)** is retiring, leaving a competitive open seat race; Reid has indicated that he would support a run by former attorney general **Catherine Cortez Masto (D)**.

**AZ: Sen. John McCain (R)** is running for re-election, but he may face stiff primary competition; Democrats have a number of competitive candidates, including **Rep. Kyrsten Sinema (D)**.

**CO: Sen. Michael Bennet (D)** won a surprise victory for this seat in 2010, and is likely to have another tough race in 2016 against an energized Republican base still celebrating the defeat of Mark Udall in 2014; the GOP's top potential recruit is **Rep. Mike Coffman (R)**.

**IL: Sen. Mark Kirk (R)** won a close race against a scandal-plagued opponent in 2010 and faces Iraq War veteran **Rep. Tammy Duckworth (D)** in a presidential election year in a very blue state.

**OH: Sen. Rob Portman (R)** is a rising GOP star, but early polling has him losing in a matchup with former **Gov. Ted Strickland (D)**

**NH: Sen. Kelly Ayotte (R)** is well-liked, but running in a blue state in a presidential year; Democrats are hoping popular **Gov. Maggie Hassan (D)** enters the race

**PA: Sen. Pat Toomey (R)** may be too conservative for Pennsylvania in a presidential year, but has worked to moderate his record, working with Democrats on gun control; currently, Dems' only recruit is **former Rep. Joe Sestak (D)**, who lost to Toomey in 2010.

**NC: Sen. Richard Burr (R)** is still relatively unknown after two terms in the Senate; Democrats are hoping for a comeback bid by **former Sen. Kay Hagan (D)**.

**FL: Sen. Marco Rubio (R)**'s entrance into the presidential contest leaves a competitive open seat in a presidential swing state; moderate **Rep. Patrick Murphy (D)** has already entered the race

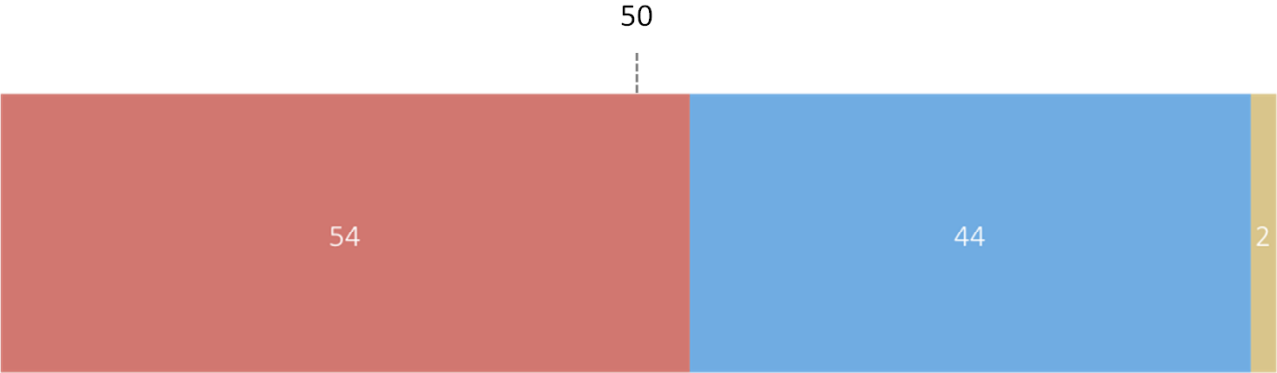
Source: National Journal Membership, National Journal Research 2015; Josh Kraushaar, "The 7 Senate Races to Watch in 2016," National Journal, Jan. 1, 2015; Kyle Kondik, "Senate 2016: The Republicans' 2012 Homework," Sabato's Crystal Ball, Dec. 11, 2014; Kyle Cheney, "16 in '16: The New Battle for the Senate," Politico, Dec. 29, 2014.

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# Breakdown of Current Senators

Number of Senate Seats in the 114<sup>th</sup> Congress, by Party

■ Republican ■ Democrat ■ Independent

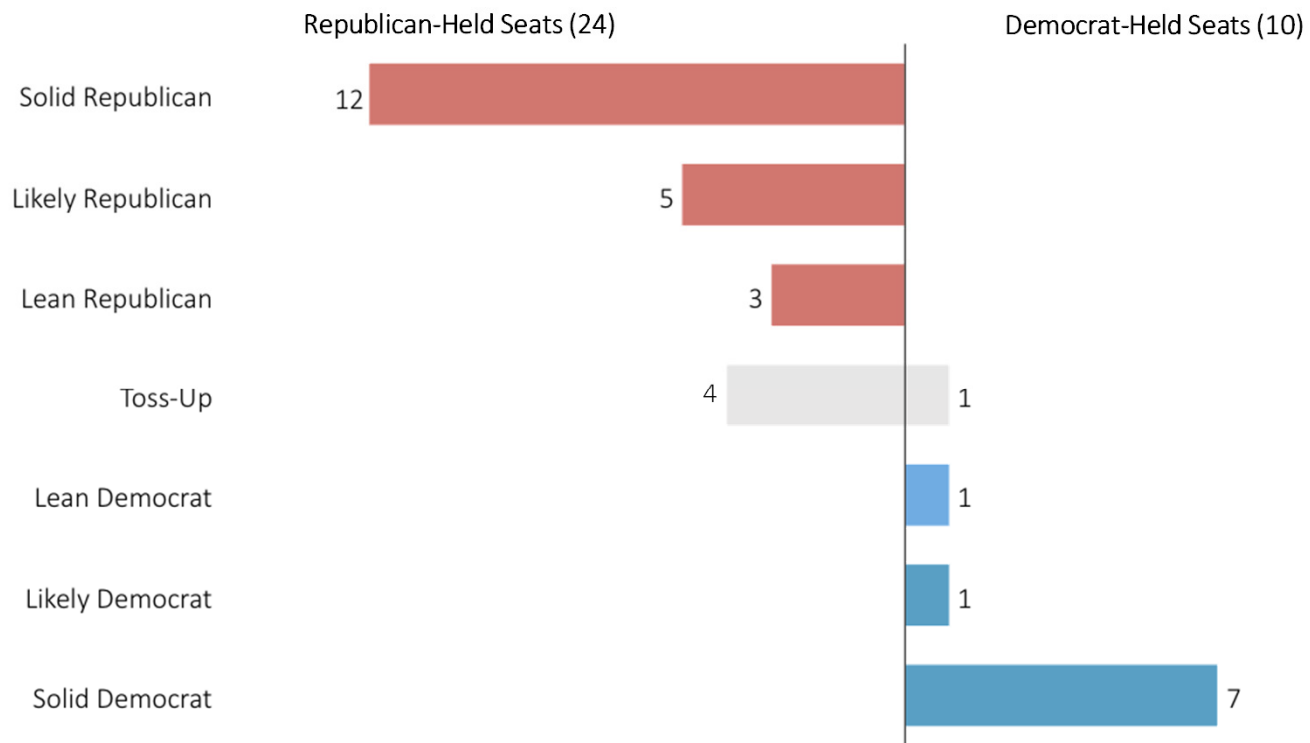


Source: The Cook Political Report

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## 15 of 34 Senate Seats In Play in 2016

### Breakdown of 2016 Senate Races, by *Cook Political Report* Rating

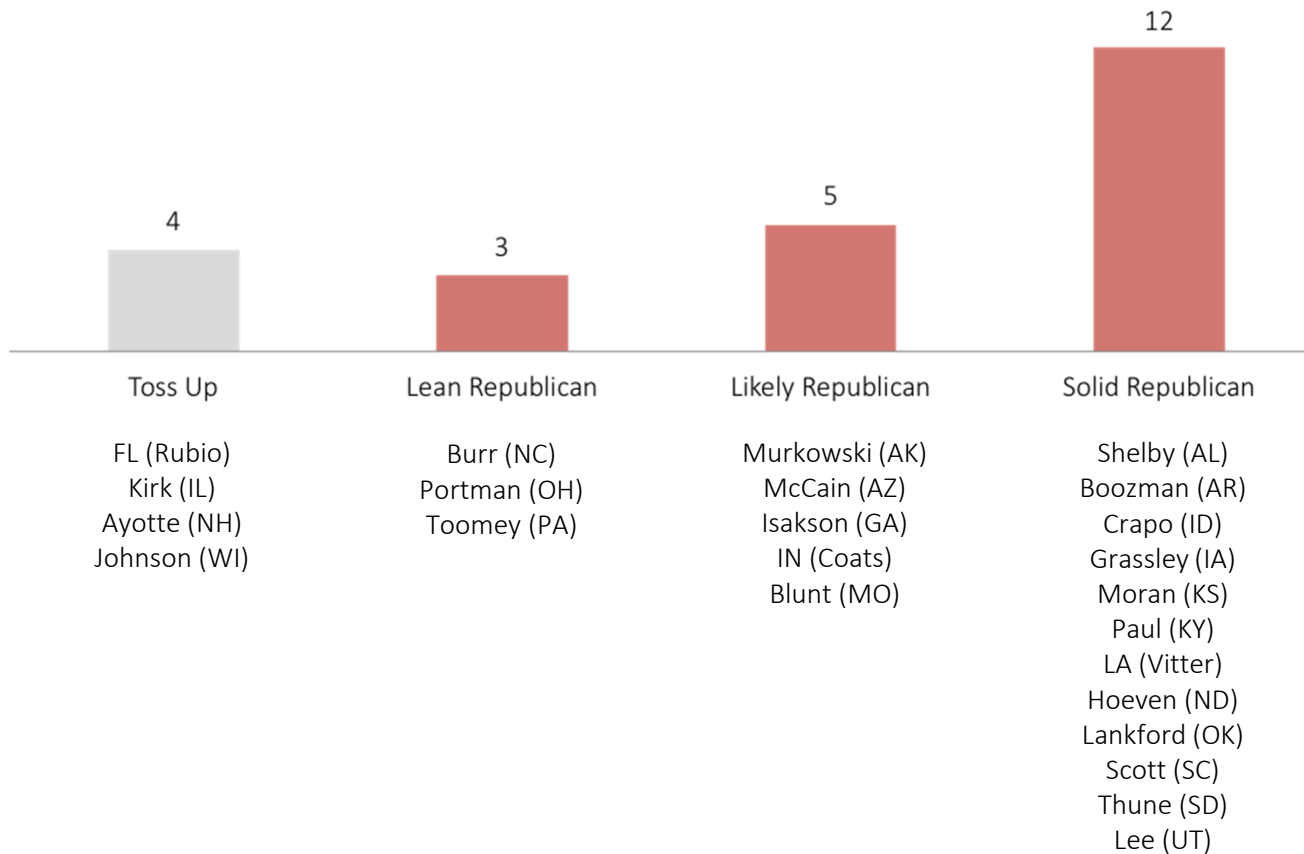


Source: *The Cook Political Report*

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## Status of Republican Senate Seats Up This Cycle

Breakdown of 2016 Senate Races, by *Cook Political Report* Rating

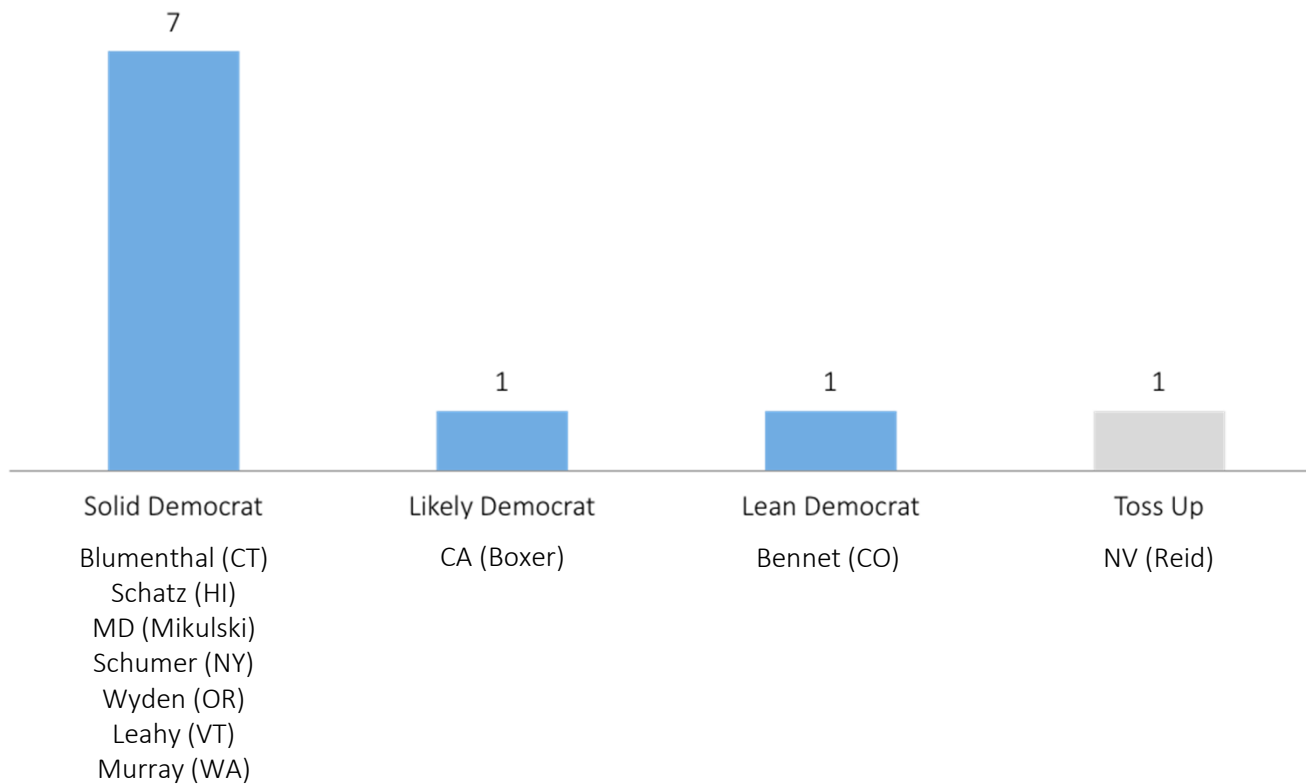


Source: *The Cook Political Report*

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# Status of Democratic Senate Seats Up This Cycle

Breakdown of 2016 Senate Races, by *Cook Political Report* Rating

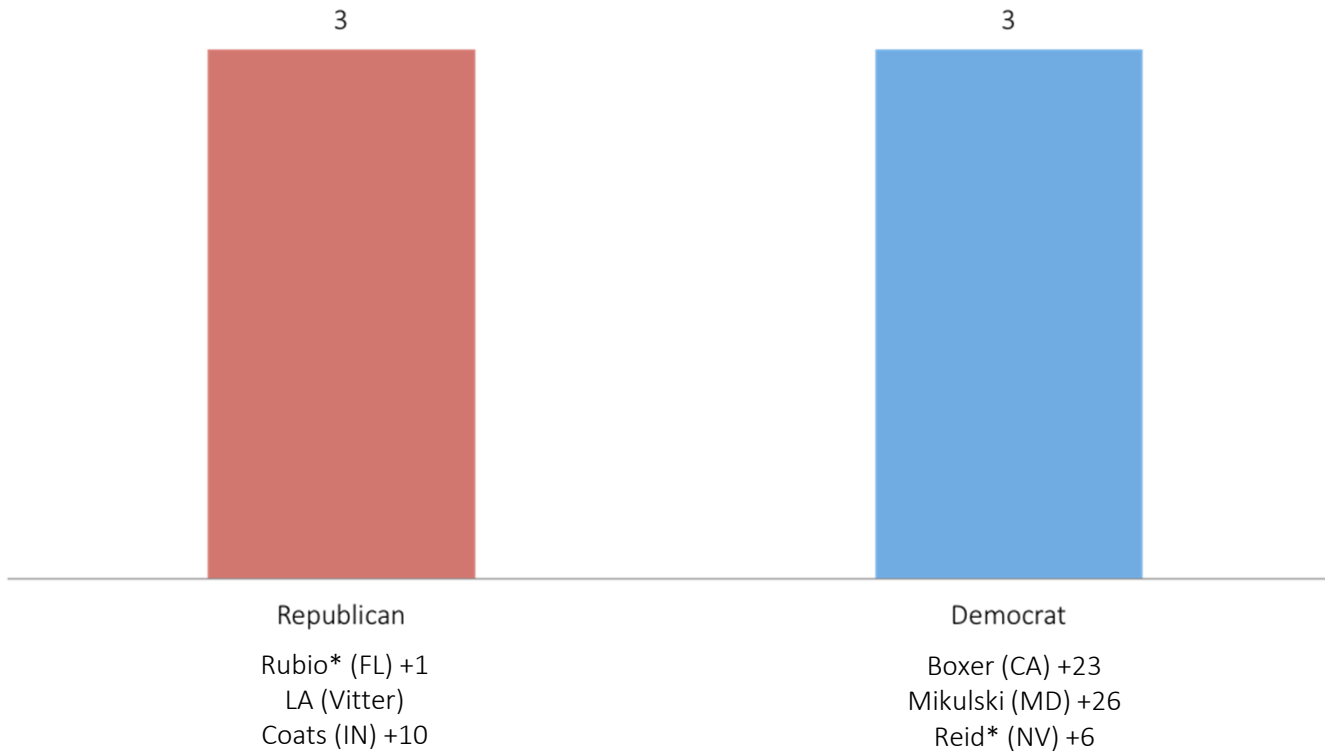


Source: *The Cook Political Report*

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# Democrats And Republicans Have the Same Number of Open Seats at Risk in 2016

## Open Senate Seats by Party



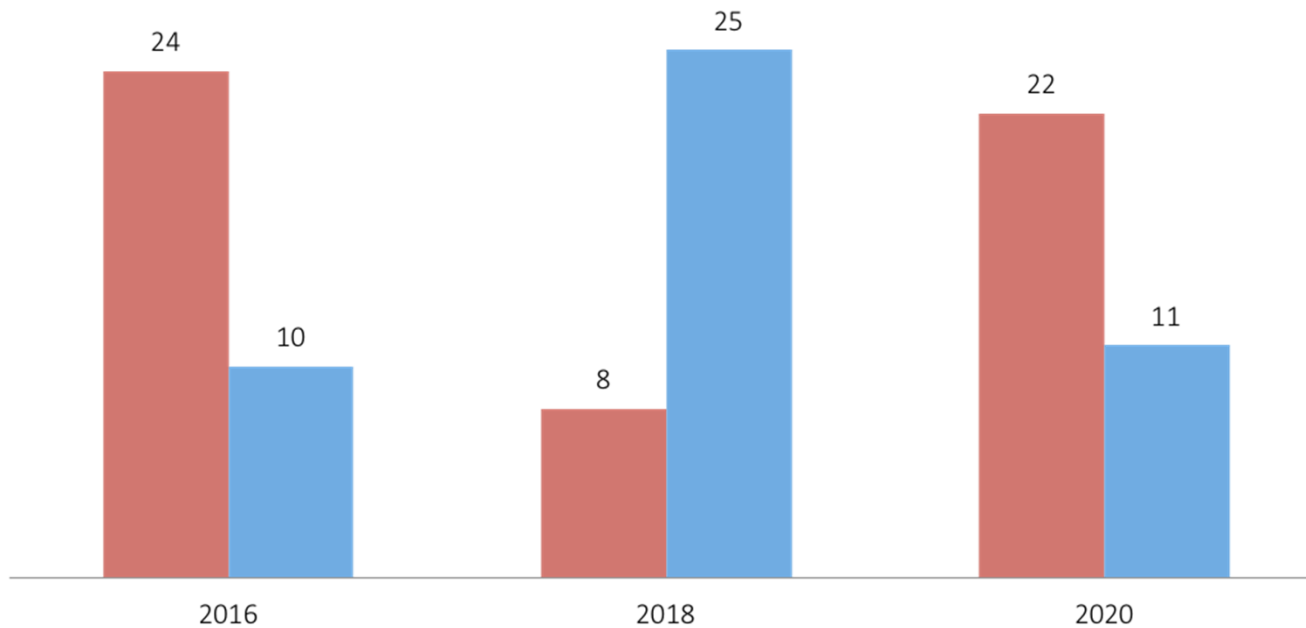


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## Democrats, Republicans Will Take Turns Playing Defense in Elections Ahead

### Senate Seats in Play, by Election Year

■ Republican Seats ■ Democratic Seats



Source: *The Cook Political Report*

## 2016 Senate Races by 2012 Presidential Performance

### Senators Running in 2016 by 2012 Presidential Performance (Obama vs. Romney)

Obama + 15 or Greater	Obama +5 to +14.9	Obama +4.9 to Romney +4.9	Romney +5 to +14.9	Romney +15 or Greater
<b>DEMOCRATS (10)</b>				
Boxer (CA) +23 Blumenthal (CT) +17 Schatz (HI) +43 Mikulski (MD) +26 Schumer (NY) +28 Leahy (VT) +36 Murray (WA) +15	Wyden (OR) +12 Bennet (CO) +5 Reid (NV) +6			
<b>REPUBLICANS (24)</b>				
Kirk (IL) +17	Grassley (IA) +6 Ayotte (NH) +6 Toomey (PA) +5 Johnson (WI) +7	Rubio (FL) D+1 Burr (NC) R+2 Portman (OH) D+3	Murkowski (AK) +14 McCain (AZ) +9 Isakson (GA) +8 Coats (IN) +10 Blunt (MO) +10 Scott (SC) +11	Shelby (AL) +22 Boozman (AR) +24 Crapo (ID) +32 Moran (KS) +22 Paul (KY) +22 Vitter (LA) +17 Hoeven (ND) +20 Lankford (OK) +34 Thune (SD) +18 Lee (UT) +48

Source: The Cook Political Report

## 2018 Senate Races by 2012 Presidential Performance

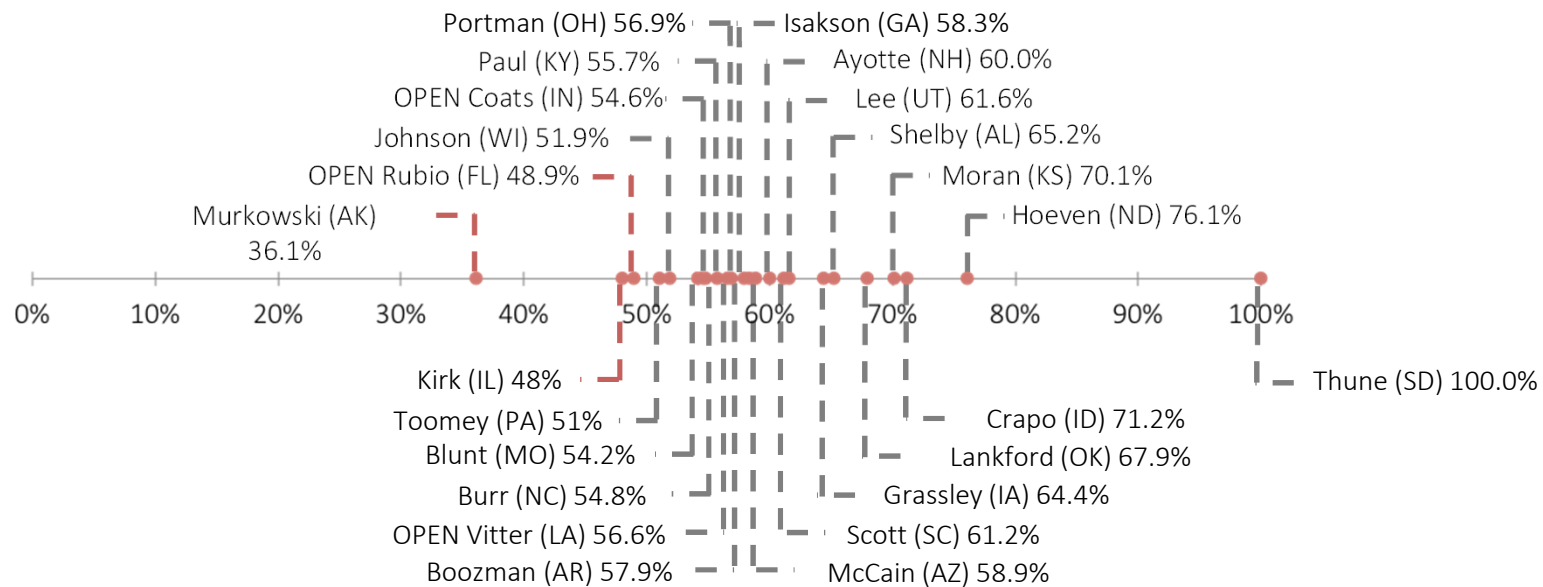
### Senators Running in 2018 by 2012 Presidential Performance (Obama vs. Romney)

Obama + 15 or Greater	Obama +5 to +14.9	Obama +4.9 to Romney +4.9	Romney +5 to +14.9	Romney +15 or Greater
<b>DEMOCRATS (25)</b>				
Feinstein (CA) +23 Murphy (CT) +17 Carper (DE) +19 Hirono (HI) +43 King (ME)(I) +15 Cardin (MD) +26 Warren (MA) +23 Menendez (NJ) +18 Gillibrand (NY) +28 Whitehouse (RI) +27 Sanders (VT)(I) +36 Cantwell (WA) +15	Stabenow (MI) +10 Klobuchar (MN) +8 Heinrich (NM) +10 Casey (PA) +5 Baldwin (WI) +7	Nelson (FL) D+1 Brown (OH) D+3 Kaine (VA) D+4	Donnelly (IN) +10 McCaskill (MO) +9 Tester (MT) +14	Heitkamp (ND) +20 Manchin (WV) +27
<b>REPUBLICANS (8)</b>				
	Heller (NV) +7		Flake (AZ) +9 Wicker (MS) +12	Fischer (NE) +22 Corker (TN) +20 Cruz (TX) +16 Hatch (UT) +48 Barrasso (WY) +41

Source: The Cook Political Report

## 3 GOP Senators Won With Less Than 50% of the Vote in 2010

Republican Senators Who Won With Less Than 55% of the Vote in the 2010 Election

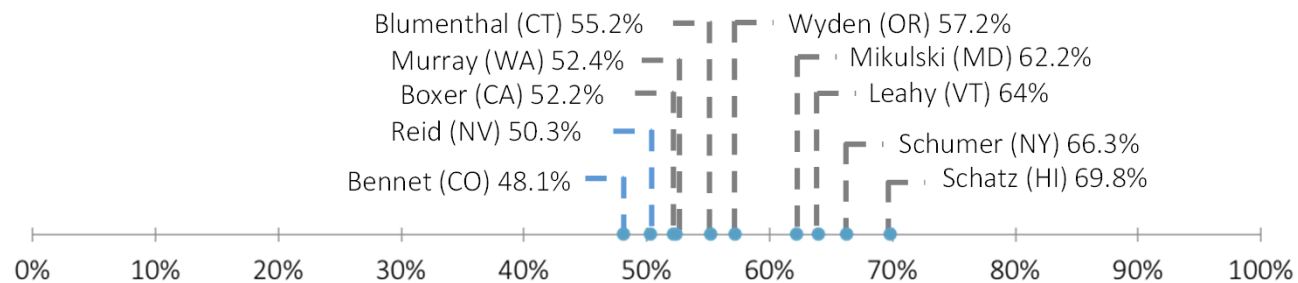


Source: The Cook Political Report

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## Only 1 Democrat Senator Won With Less Than 50% of the Vote in 2010

### Percentage Democratic Senators Who in the 2010 Election



Source: *The Cook Political Report*