

**From:** POLITICO Pro Energy  
**To:** [megan\\_bloomgren@ios.doi.gov](mailto:megan_bloomgren@ios.doi.gov)  
**Subject:** Afternoon Energy, presented by Trout Unlimited: Methane CRA shut down — Cramer stirs Senate speculation — Trump delay offers hope to Paris supporters  
**Date:** Wednesday, May 10, 2017 3:33:50 PM

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By Kelsey Tamborrino | 05/10/2017 04:28 PM EDT

*With help from Alex Guillén, Darius Dixon and Esther Whieldon*

**METHANE CRA SHUT DOWN:** In an unexpected turn of events, the Senate today failed to advance legislation to repeal the Obama-era rule that would curb methane emissions from oil and gas operations, leaving the regulation in place for now. The 49-51 vote marks what likely was Republicans' last chance to repeal an Obama administration regulation through the Congressional Review Act. After Thursday, the Senate will no longer be able to take advantage of special CRA rules that shield resolutions from being filibustered.

**'Thank you' notes:** Opponents of the repeal have Republican Sens. [Susan Collins](#), [Lindsey Graham](#) and [John McCain](#) to thank, all of whom joined Democrats this morning in voting against a procedural motion to take up the resolution, Ben Lefebvre [reports](#). In a statement, McCain said he voted "no" over concerns that Interior would not be able to rewrite a new version of the rule. "While I am concerned that the BLM rule may be onerous, passage of the resolution would have prevented the federal government, under any administration, from issuing a rule that is 'similar,' according to the plain reading of the Congressional Review Act," he said. Read more [here](#).

**What's next?** The Interior Department is taking aim at the rule, Eric Wolff [reports](#). "As part of President Trump's America-First Energy Strategy and executive order, the Department has reviewed and flagged the Waste Prevention rule as one we will suspend, revise or rescind given its significant regulatory burden that encumbers American energy production, economic growth and job creation," said Kate MacGregor, acting assistant secretary of the Interior for Land and Minerals, in a statement.

**Welcome to Afternoon Energy** and welcome to Wednesday! I'm your host Kelsey Tamborrino. Send your thoughts, news and tips to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), [mdaily@politico.com](mailto:mdaily@politico.com) and [njuliano@politico.com](mailto:njuliano@politico.com), and keep up with us on Twitter at [@kelseytam](#), [@dailym1](#), [@nickjuliano](#), [@Morning\\_Energy](#) and [@POLITICOPro](#).

**\*\* A message from Trout Unlimited:** For over 50 years, Trout Unlimited has been dedicated to conserving, protecting and restoring North America's coldwater fisheries and watersheds on behalf of today's anglers and coming generations of sportsmen and women. Join us as we support America's public lands and national monuments: <http://bit.ly/2paVoYB> \*\*

**CRAMER FOR SENATE?** Fueling speculation that he may challenge Sen. [Heidi Heitkamp](#) for her seat, North Dakota Rep. [Kevin Cramer](#) today ripped the Senate for its failure to repeal the methane rule, Ben [reports](#). The failed CRA was "a huge missed opportunity to protect our energy jobs in Western North Dakota and across America, and any senator who voted against this rule should be ashamed of themselves," Cramer said in a statement. "I thank Senator [ [John\] Hoeven](#) for his unwavering support for the BLM Methane CRA, and I hope we see stronger support from our senators for America's energy industry in the future." North Dakota

is the nation's No. 2 oil and natural gas producer, and many wells there have not yet been hooked up to pipelines that could ship the excess gas to market. Cramer has been mentioned as a possible challenger to Heitkamp when the first-term senator's seat comes up next year.

**After the vote,** Heitkamp and [Joe Manchin](#) (D-W.Va.) [sent a letter](#) to the Interior Department recommending it halt enforcement of an Obama-era methane emissions rule that the Senate failed to repeal this morning.

**HOPE FOR PARIS:** Those who support the U.S. staying in the Paris climate deal expect the president and his team to be inundated in the coming weeks with calls from foreign leaders and diplomats who will make the case that a U.S. withdrawal could have disastrous political consequences, Andrew Restuccia [reports](#). One U.S. official said President Donald Trump is expected to receive a "fact check" from the international community in the coming days. Already, proponents on either side have begun weighing in. A source close to former Vice President Al Gore confirmed to POLITICO that he had a Tuesday phone call with Trump to discuss the deal.

**WALDEN WANTS UPDATES ON HANFORD:** House Energy and Commerce Chairman [Greg Walden](#) (R-Ore.) said today that he's been in touch with the Energy Department over Tuesday's train tunnel collapse at Hanford that triggered an emergency — and he wants the information. Walden, whose sprawling Oregon congressional district is downriver from the Cold War nuclear weapons cleanup site, said he's asked that DOE provide a bipartisan briefing on the incident for lawmakers and staff. The partial cave-in, which occurred near a defunct plutonium extraction facility, hasn't led to any reports of injuries and many employees were told not to report in today, but workers began filling the hole with about 50 truckloads of soil.

**HE'S BAAAAAACK:** It didn't take long for Don Blankenship to get back in the saddle this morning after ending his one-year prison sentence in connection with the 2010 Upper Big Branch Mine disaster that killed 29 people. "Ann Coulter free speech in news lately. She's lucky — govt put me under \$5M bond, gag order, and in prison said my speech 'troubles the US'," [@DonBlankenship](#) wrote at the beginning of a string of tweets, referring to the conservative commentator's recent controversial appearances on college campuses. Blankenship went on to reiterate his claim that government-ordered actions actually triggered the deadly blast, an argument independent investigators have long refuted. He also criticized Sen. Manchin for saying in 2014 that Blankenship has "blood on his hands," tweeting: "I challenge Sen. Manchin to debate UBB truth. A U.S. Senator who says I have 'blood on my hands' should be man enough to face me in public."

**APPEALS COURT DELAYS AIR WAIVER SUIT:** The 9th Circuit Court of Appeals today [granted](#) EPA's request to postpone oral arguments over a Clean Air Act waiver allowing California to more strictly regulate emissions from certain engines. Alex Guillén reports that the order directs EPA to file updates on its review of the waiver every 90 days, and says arguments will be rescheduled "if and when appropriate." Arguments had been slated for May 18. More [here](#).

**MOVERS, SHAKERS:** The American Wind Energy Association has hired Amy Farrell, a former market development director at the American Petroleum Institute, as AWEA's head of government and public affairs. Farrell also previously worked at Exxon Mobil and at the EPA, OMB and Council on Environmental Quality during the George W. Bush administration. Farrell fills the position vacated by Rob Gramlich in January.

— **Cornerstone adds Shimkus aide:** Cornerstone Government Affairs is adding Chris Sarley, a longtime aide to Rep. [John Shimkus](#) (R-Ill.), as a vice president. Sarley spent nearly a decade working for Shimkus as his liaison to the House Energy and Commerce Committee. He'll focus on health care, energy and environmental work. (h/t [POLITICO Influence](#))

**EEI OUTLINES VIEWS ON ENERGY STORAGE:** The Edison Electric Institute in a new [white paper](#) on electricity storage says its member investor-owned utilities should be able to own and invest in energy storage regardless of a state's regulatory regime. The paper also argues that states should ensure retail rates avoid cost shifting to customers who do not own storage — something utilities have said happened with rooftop solar under net metering programs. The paper says FERC and states should define storage products in a technology-neutral way and that utilities should have some control over how the devices are operated and where they are built to ensure grid reliability.

**INTERIOR PUBLISHES NOTICE OF COMMENT:** The Interior Department is slated to publish a [Federal Register notice](#) tomorrow officially opening the comment period on Secretary Ryan Zinke's [review](#) of nearly two dozen national monuments. Zinke is in Utah this week touring two monuments, including Bears Ears, and hearing from local groups and officials.

**EXXON MOBIL HIRES NEW LOBBYISTS:** Williams & Jensen has signed five new clients, including Exxon Mobil. Susan Hirschmann, the firm's chief executive, will lobby for Exxon on "general issues related to oil and natural gas exploration and production and gasoline refining; issues related to energy tax provisions and impact on oil and gas industry," according to the filing. The firm also signed the American Association of Crop Insurers, the Global Healthy Living Foundation, the News Media Alliance and the Amalgamated Sugar Company. (h/t [POLITICO Influence](#))

## QUICK HITS:

- Trump takes aim at Western monuments that may hold oil, coal, [Bloomberg](#).
- Who stands behind Suniva's trade case? [E&E News](#).
- Dakota pipeline is ready for oil, without spill response plan for Standing Rock, [InsideClimate News](#).
- U.S. crude oil stockpiles take a steady dip, [FuelFix](#).
- In Massachusetts, utilities take a collaborative approach to EV infrastructure, [Utility Dive](#).

## WIDE WORLD OF POLITICS:

- Behind [Comey's firing](#): An enraged Trump, fuming about Russia
- California takes center stage in battle for [House majority](#)
- [Ricky Waddell](#) named White House deputy national security adviser

**\*\* A message from Trout Unlimited:** For over 100 years the Antiquities Act has been a bipartisan tool for conserving America's public lands and our outdoor heritage. Since the time President Theodore Roosevelt signed the Act into law, the Antiquities Act has provided for the

long-term conservation of some of the best fish and wildlife habitat and hunting and angling opportunities in the country, spurring local economies. In these places, locally driven conservation efforts need to be preserved and celebrated. Currently, the Department of the Interior is reviewing national monuments designations. Secretary Zinke has strongly supported keeping America's public lands in public hands. Join us in showing him that we support upholding our national monuments: <http://bit.ly/2paVoYB> \*\*

*To view online:*

<https://www.politicopro.com/tipsheets/afternoon-energy/2017/05/methane-cra-shut-down-022775>

## Stories from POLITICO Pro

### Senate fails to advance methane CRA [Back](#)

By Ben Lefebvre | 05/10/2017 10:33 AM EDT

Republicans may have seen their last chance to easily overturn an Obama-era regulation disappear this morning after the Senate failed to advance legislation to repeal an Obama-era rule on methane emissions.

Senators voted 49-51 against a procedural measure to take up the Congressional Review Act resolution reversing the BLM regulation tightening limits on methane leaking from oil wells and pipelines. This week is the last chance for Senate Republicans to block late Obama-era regulations under special CRA rules that block CRA resolutions from being filibustered. Sens. [Susan Collins](#), [John McCain](#) and [Lindsey Graham](#) joined all Democrats in voting against the motion.

Oil companies have fought to repeal the rule, arguing it would raise their cost of doing business. Democrats and environmentalists have said the rule would increase the amount of methane sold on federal lands, increasing royalty payments into federal coffers.

**WHAT'S NEXT:** The failed vote prevents Congress from easily reversing the BLM methane rule, but President Donald Trump has directed his administration to review and possibly revise it.

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### Senate fails to overturn Obama-era methane rule [Back](#)

By Nick Juliano, Darius Dixon and Ben Lefebvre | 05/10/2017 12:12 PM EDT

Republicans' last chance to block an Obama-era energy rule may have just evaporated into thin air.

The Senate on Wednesday unexpectedly failed to advance a filibuster-proof resolution that would have allowed them to prevent the Interior Department from cracking down on the amount of methane oil and gas companies release from their wells and pipelines. Three

Republicans — [John McCain](#), [Lindsey Graham](#) and [Susan Collins](#) — joined all Democrats in blocking the resolution.

Had the vote succeeded, it would have been the 15th time this year that lawmakers deployed the Congressional Review Act to help President Donald Trump erase his predecessor's late-term regulations. The CRA, which had only been used once before this year, gives Congress a short amount of time to block rules completed since about the middle of last year, but that clock runs out on Thursday

The methane resolution narrowly passed the House last February, but [John Barrasso](#), who sponsored the Senate companion, had been unable to round up the votes he needed from his colleagues. It was the only such measure to come to a vote and fail, although Republicans targeted numerous other Obama rules with CRA resolutions that never made it to the floor of either chamber.

For now, the Bureau of Land Management's methane rule remains in place, but Trump has directed his administration to consider repealing it.

"It's disappointing but I'm going to call on the secretary of Interior to withdraw the rule immediately," Barrasso said after the vote.

While Collins and Graham had announced their opposition weeks ago, McCain's vote came as a surprise. Other closely watched GOP moderates, including [Jeff Flake](#) (Ariz.) and [Dean Heller](#) (Nev.), who are up for reelection next year, backed the resolution. But there was no aisle-crossing from Democrats facing tough races in energy-producing states, such as [Heidi Heitkamp](#) and [Joe Manchin](#).

In a statement, McCain said he voted no over concerns that Interior would not be able to rewrite a new version of the rule.

"While I am concerned that the BLM rule may be onerous, passage of the resolution would have prevented the federal government, under any administration, from issuing a rule that is 'similar,' according to the plain reading of the Congressional Review Act," he said.

McCain, who labelled methane emissions an "important public health and air quality issue," called on Interior to "revise and improve the BLM methane rule."

[John Hoeven](#), who had been helping whip votes for the measure, said McCain had told Barrasso Tuesday night that he had concerns with the resolution. But Hoeven said they took a chance, hoping that some undecided Democrats would join them in voting for it.

"We had to go because May 11 — that's the last day we could do it. So, we had to go. ... And we had some Ds that were undecided so we thought we might still get it," Hoeven told reporters after the vote.

[Tom Carper](#), the top Democrat on the Environment and Public Works Committee, said he was not completely surprised by McCain's maverick vote.

"I think the Republican leader was looking at that time running out on the ability to bring up the CRAs and decided to roll the dice," Carper said. "I applaud those who saw the issues as we did and voted with us."

The methane rule adjusts how the government collects royalties for oil and gas extracted from public land to prevent drilling companies from wasting excess gas by flaring it off or venting methane straight into the atmosphere. Environmentalists and other rule supporters say the rule helps limit emissions of a powerful greenhouse gas and ensures taxpayers get a fair return for oil and gas extracted from public lands, though the energy industry argued that collecting the gas increases costs and could impede oil production.

"While it is disappointing that the Senate did not act to correct the rule more quickly, we look forward to working with the administration on policies that continue our commitment to safely produce the energy that Americans rely on, help consumers, create jobs, strengthen our national security, and protect our environment," said Erik Milito, of the American Petroleum Institute.

Democrats were elated at the resolution's failure.

"Today's vote is a win for American taxpayers, a win for public health and a win for our climate," [Ed Markey](#) (D-Mass.) said in a statement. "When it comes to natural gas production on public lands, the oil industry should embrace the slogan 'waste not, want not.' These commonsense rules issued by the Obama administration ensure that we can reduce methane emissions that contribute to climate change and ensure that taxpayers receive their fair share for their precious natural resources."

The Sierra Club and other green groups said they had been surprised by McCain's vote though they had been lobbying the Arizona senator as part of its campaign against the CRA in western states.

"We had high hopes on McCain, given his past history of action on climate change," said Lena Moffitt, director of the group's Dirty Fuels campaign. "But he remained mum" on his vote.

The resolution was briefly hung-up this month by requests from corn-state Republicans for help securing an EPA waiver that would benefit sales of higher-blend ethanol in exchange for their support. But [John Thune](#) (R-S.D.) said those lawmakers relented after [receiving assurances](#) from leadership.

While the result was disappointing for the oil industry, one lobbyist took solace in the diminished likelihood of an ethanol deal taking shape.

"Looks like we won't have to do the [ethanol waiver] circus at EPW after all," said Stephen Brown, with refining company Tesoro.

[Rob Portman](#), (R-Ohio) another longstanding holdout, surprisingly announced his support for the resolution on Monday, after Secretary Ryan Zinke sent him a letter promising to look for ways to limit methane emissions that would not have as large of an economic impact on the industry. But experts said that reassurance rested on [shaky ground](#) given the untested nature of the Congressional Review Act's prohibition on re-issuing regulations that are overturned.

First enacted in 1996, the CRA had been used just once before this year, to block a Clinton-era ergonomics rule in the first year of George W. Bush's presidency. The law prevents agencies from writing new rules that are "substantially the same" as those Congress overturns, but courts have never tested those limits nor weighed in on how to address a conflicting law telling an agency to write a rule Congress has blocked.



While Congress managed to block 14 Obama regulations so far this year, Democrats took solace in the fact that their last attempt came up short.

Carper plans to thank McCain the next time he sees him.

"He and I served in the Vietnam War together — both Navy veterans," Carper said. "When I see him I'll give him a hug. If not that, a salute."

*Alex Guillen, Eric Wolff and Esther Whieldon contributed to this report.*

To view online [click here](#).

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## **Interior to take aim at methane rule after failed CRA [Back](#)**

By Eric Wolff | 05/10/2017 01:32 PM EDT

The Interior Department is aiming to gut the Obama administration's methane waste rule that the Senate failed to kill off today.

"As part of President Trump's America-First Energy Strategy and executive order, the Department has reviewed and flagged the Waste Prevention rule as one we will suspend, revise or rescind given its significant regulatory burden that encumbers American energy production, economic growth and job creation," said Kate MacGregor, acting assistant secretary of the Interior for Land and Minerals, in a statement.

The Obama-era rule required companies drilling on public land to take steps to eliminate methane leakage or flaring from their operations. The rule was attacked by the industry and many Republicans as too expensive to comply with, but Republican Sens. [John McCain](#) (Ariz.), [Susan Collins](#) (Maine) and [Lindsey Graham](#) (S.C.) today joined with Democrats to [defeat](#) a resolution under the Congressional Review Act that would have nullified it.

"The vote today in the Senate doesn't impact the administration's commitment to spurring investment in responsible energy development and ensuring smart regulatory protections," MacGregor said.

"The rule is expected to have real and harmful impacts on onshore energy development and could impact state and local jobs and revenue. Small independent oil and gas producers in states like North Dakota, Colorado and New Mexico, which account for a substantial portion of our nation's energy wealth, could be hit the hardest," she added.

**WHAT'S NEXT:** Interior will have to issue a proposed rule to revise or withdraw the rule.

To view online [click here](#).

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## **Cramer rips Senate for not repealing methane rule [Back](#)**

By Ben Lefebvre | 05/10/2017 01:43 PM EDT

Rep. [Kevin Cramer](#) (R-N.D.) railed against the Senate's failure to repeal an Obama-era methane emissions rule today, again fueling speculation that he may seek to challenge Sen. [Heidi Heitkamp](#) (D-N.D.) for her seat.

Heitkamp and 50 other senators shot down the CRA in a procedural vote, an outcome that caught many Hill watchers by surprise. Republicans had more than a month to try to build support to repeal the BLM rule.

North Dakota is the nation's No. 2 oil and natural gas producer, and many wells there have not yet been hooked up to pipelines that could ship the gas to market.

The failure to adopt the CRA was "a huge missed opportunity to protect our energy jobs in Western North Dakota and across America, and any senator who voted against this rule should be ashamed of themselves," Cramer said in a statement. "I thank Senator [Hoeven](#) for his unwavering support for the BLM Methane CRA, and I hope we see stronger support from our senators for America's energy industry in the future."

Cramer, an at-large representative, has been mentioned as a possible challenger to Heitkamp when the first-term senator's seat comes up next year. He met with Majority Leader [Mitch McConnell](#) [last year](#) to discuss the move.

A Cramer spokesman did not reply to questions about the representatives plans for 2018. A Heitkamp spokesman did not immediately respond to questions.

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## **Heitkamp, Manchin tell Interior to suspend methane rule enforcement [Back](#)**

By Ben Lefebvre | 05/10/2017 03:40 PM EDT

Sens. [Heidi Heitkamp](#) (D-N.D.) and [Joe Manchin](#) (D-W.Va.) are recommending that the Department of Interior halt enforcement of an Obama-era methane emissions rule that the Senate failed to repeal this morning.

Heitkamp and Manchin surprised some by voting to block the Congressional Review Act that would have repealed the methane emissions rule. Republicans had hoped the two senators would join them in killing the measure, which uses royalty rates to push oil and gas producers to cut methane emissions from oil wells and pipelines.

But in a [letter](#) to Interior Secretary Ryan Zinke dated today, the two senators say they still think the methane rule goes too far. They write that they agree with President Donald Trump's March executive order calling for a review of the rule and suggest that BLM stop enforcing it in the meantime.



"Begin revising the rule by issuing both a rule suspending enforcement and a replacement rule to correct the inherent flaws in the current rule," the senators suggest to Zinke as one possible action.

Interior said earlier today that it planned to revise, suspend or rescind the regulation. Such a process could take years, however, and environmental groups have said any drastic action from the department could face legal action.

**WHAT'S NEXT:** Interior is expected to issue a review of the methane rule.

To view online [click here](#).

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### **Trump climate pact delay offers hope to Paris supporters** [Back](#)

By Andrew Restuccia | 05/10/2017 12:54 PM EDT

U.S. officials and outside groups pressuring President Donald Trump to stay in the Paris climate change agreement are taking some solace in the president's decision to [delay](#) his final verdict on the accord.

Those who support the U.S. staying in the 2015 climate deal expect Trump and his team to be inundated in the coming weeks with calls from foreign leaders and diplomats who will make the case that a U.S. withdrawal could have disastrous political consequences.

The delay until after the May 26-27 G-7 meeting also means Trump will probably receive some direct lobbying during the summit from the leaders of Japan, the United Kingdom, Italy, France, Germany and Canada, who all support the Paris agreement.

Just last week, it seemed like momentum was building inside the White House toward a withdrawal. But U.S. officials and outside groups who believe pulling out would greatly damage U.S. relations with other countries said the delay gives them more time to make their case, and to counter a campaign by some in the administration to [raise questions](#) about the legal implications of remaining.

One U.S. official said Trump is expected to receive a "fact check" from the international community in the coming days.

Already, Trump and his advisers have heard from a steady stream of voices calling on the president to stay in the agreement and dismissing concerns that the pact could put the administration in a legal bind as it tries to undo former President Barack Obama's climate agenda. Diplomats from the U.S., Germany, France and the European Commission have all reached out to the administration in recent weeks, sources [told POLITICO](#).

A European Union diplomat [pressed](#) the U.S. not to withdraw from the Paris deal during a United Nations Security Council meeting on Tuesday that included U.S. Ambassador to the United Nations Nikki Haley.

Former Secretary of State [Condoleezza Rice](#) and [Al Gore](#) have also spoken directly to Trump

about the benefits of remaining. A source close to Gore confirmed to POLITICO that the former vice president had a Tuesday phone call with Trump to discuss the Paris deal.

Trump's policy decisions have sometimes been influenced by conversations with foreign leaders. The National Post, a Canadian newspaper, [reported](#) this week that White House officials urged staff in Prime Minister Justin Trudeau's office to call Trump and press him not to withdraw from the North American Free Trade Agreement. Trudeau subsequently called the president, and Trump later said their conversation helped changed his mind, convincing him not to immediately withdraw from the agreement.

Trudeau will attend the G-7 meeting in Italy later this month and he is expected to again pitch Trump on staying in an international agreement: this time, the Paris climate deal.

Still, the delay could cut both ways by giving opponents of the agreement, including chief strategist Steve Bannon, more time to influence Trump.

"The simple reality remains and is inescapable: the president made an explicit promise, no one wants U.N. bureaucrats involved in energy decisions in this nation, and the State Department is hopelessly compromised on this," said Republican energy lobbyist Mike McKenna, a vocal critic of the agreement. "Paris is a corpse; more time is only going to make it smell worse."

McKenna added that the appeals of environmental groups and Democratic politicians will do little to sway Trump.

But other opponents of the Paris deal worried that the delay could give supporters of the accord time to mobilize.

"I think the remain crowd benefits from a delay because it gives them all time to lobby the president," said American Energy Alliance President Tom Pyle.

Defenders of the pact, which has won the backing of 195 nations, remain hopeful.

"I think it's an encouraging sign," Sen. [Ben Cardin](#) (Md.), the top Democrat on the Senate Foreign Relations Committee, told POLITICO. "It also means there will be more opportunities for the president to get input."

Noting that Secretary of State Rex Tillerson has called for keeping a seat at the table in international climate talks, Cardin argued that "it's good news for staying in Paris" if the State Department, which will likely coordinate much of the U.S. activity during the G-7, becomes more involved in the decision.

"There is counter-pressure at the White House — plus a lot of outside interest," Cardin added. "So I think that's good news."

*Nick Juliano contributed to this story.*

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## **Court delays lawsuit over California air waiver [Back](#)**

By Alex Guillén | 05/10/2017 01:33 PM EDT

The 9th Circuit Court of Appeals today [granted](#) EPA's request to postpone oral arguments over a Clean Air Act waiver allowing California to more strictly regulate emissions from certain engines.

The order directs EPA to file updates on its review of the waiver every 90 days, and says arguments will be rescheduled "if and when appropriate." Arguments had been slated for May 18.

The waiver, issued by EPA in 2013, gives California the authority to more strictly regulate pollution from "non-road" diesel engines such as tractors and bulldozers. EPA on Friday [asked](#) for a delay as it reviews the waiver and potentially reconsiders it.

California argues that the Clean Air Act does not give EPA the authority to revoke such a waiver after it is granted. This case is seen as a potential test of that legal dispute ahead of a bigger fight over California's waiver to more stringently regulate auto emissions.

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## **Interior asks for input on monument review [Back](#)**

By Esther Whieldon | 05/05/2017 05:21 PM EDT

The Interior Department is asking members of the public to weigh in on Secretary Ryan Zinke's review of national monuments spanning tens of millions of acres of federal land.

The department released a [list](#) of 22 monuments created since 1996 that Zinke will be reviewing in conjunction with an executive order President Donald Trump [signed](#) last month.

Zinke was given 45 days to review Bears Ears National monument in Utah and he is slated to visit with officials in the state early next week. The secretary has 120 days to examine the remaining 21 monuments on the list and come back with recommendations, which could include legislative fixes.

**WHAT'S NEXT:** The Interior said it will begin accepting public comments next Friday. Comments will be accepted for 15 days on Bears Ears and 60 days on the other designations.

*To view online [click here](#).*

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## **Behind Comey's firing: An enraged Trump, fuming about Russia [Back](#)**

By Josh Dawsey | 05/10/2017 12:02 AM EDT

President Donald Trump weighed firing his FBI director for more than a week. When he finally pulled the trigger Tuesday afternoon, he didn't call James Comey. He sent his longtime private security guard to deliver the termination letter in a manila folder to FBI headquarters.

He had grown enraged by the Russia investigation, two advisers said, frustrated by his inability to control the mushrooming narrative around Russia. He repeatedly asked aides why the Russia investigation wouldn't disappear and demanded they speak out for him. He would sometimes scream at television clips about the probe, one adviser said.

Trump's firing of the high-profile FBI director on the 110th day after the president took office marked another sudden turn for an administration that has fired its acting attorney general, national security adviser and now its FBI director, whom Trump had praised until recent weeks and even blew a kiss to during a January appearance.

The news stunned Comey, who saw news of his dismissal on TV while speaking inside the FBI office in Los Angeles. It startled all but the uppermost ring of White House advisers, who said grumbling about Comey hadn't dominated their own morning senior staff meetings. Other top officials learned just before it happened and were unaware Trump was considering firing Comey. "Nobody really knew," one senior White House official said. "Our phones all buzzed and people said, 'What?'"

By ousting the FBI director investigating his campaign and associates, Trump may have added more fuel to the fire he is furiously trying to contain — and he was quickly criticized by a chorus of Republicans and Democrats. "The timing of this firing was very troubling," said Sen. Ben Sasse, a Nebraska Republican.

Trump had grown angry with the Russia investigation — particularly Comey admitting in front of the Senate that the FBI was investigating his campaign — and that the FBI director wouldn't support his claims that President Barack Obama had tapped his phones in Trump Tower.

Bipartisan criticism of Comey had mounted since last summer after the director delivered a lengthy statement outlining why no charges would be brought against former Secretary of State Hillary Clinton for her use of a private email server.

But the fallout seemed to take the White House by surprise. Trump made a round of calls around 5 p.m., asking for support from senators. White House officials believed it would be a "win-win" because Republicans and Democrats alike had had problems with the FBI director, one person briefed on the administration's deliberations said.

Instead, Senate Minority Leader Chuck Schumer (D-N.Y.) told him he was making a big mistake — and Trump seemed "taken aback," according to a person familiar with the call.

By Tuesday evening, the president was watching the coverage of his decision and frustrated no one was on TV defending him, a White House official said. He wanted surrogates out there beating the drum.

Instead, advisers were attacking one another for not realizing the gravity of the situation as events blew up. "How are you not defending your position for three solid hours on TV?" the

White House aide asked.

Two White House officials said there was little communications strategy in handling the firing, and that staffers were given talking points late Tuesday for hastily arranged media appearances. Aides soon circulated previous quotes from Schumer hitting Comey. After Schumer called for a special prosecutor, the White House huddled in press secretary Sean Spicer's office to devise a strategy and sent "fresh faces" to TV, one White House official said.

By Tuesday night, aides were using TV appearances to spin the firing as a simple bureaucratic matter and call for an end to the investigation. "It's time to move on," Sarah Huckabee Sanders, the deputy press secretary, said on Fox News.

In his letter dismissing Comey, Trump said the FBI director had given him three private assurances that he wasn't under investigation. The White House declined to say when those conversations happened — or why Comey would volunteer such information. It is not the first time Trump has publicly commented on an ongoing investigation — typically a no-no for presidents. He said earlier this month that Comey had done Clinton a favor by letting her off easy.

Trump received letters from Rod Rosenstein, the deputy attorney general, and Jeff Sessions, the attorney general, calling for Comey's dismissal, on Tuesday, a spokesman said. The president then decided to fire the FBI director based on the recommendations and moved quickly. The spokesman said Trump did not ask for the letters in advance, and that White House officials had no idea they were coming.

But several other people familiar with the events said Trump had talked about the firing for more than a week, and the letters were written to give him a rationale for firing Comey.

The decision marked a turnabout for Trump. On the campaign trail, the candidate led chants of "Lock her up!" and praised Comey's "guts" in October for reopening the probe into her email server. He joked openly with Comey at the White House two days after the inauguration.

Trump, one White House official said, believed Comey was too soft on Clinton — not too unfair, as Rosenstein's letter Tuesday indicated.

At FBI headquarters, one senior official said the bureau was essentially in lockdown, not answering calls flooding in and referring all questions to the Justice Department. "I got nothing for you. Sorry," said the official. "We were caught totally off guard. But we are not commenting in any kind of way, and referring calls to DOJ."

Comey had flown on an FBI plane to Los Angeles for a "diversity and recruiting" event. Trump's director of Oval Office operations, longtime security aide Keith Schiller, hand-delivered the dismissal letter to FBI headquarters.

By Tuesday evening, the shock that had spread throughout the ranks of current and former FBI officials was mixed with a growing sense of anger among the many Comey loyalists, and demands for answers as to why the director had been fired — and why now.

"We just have no idea why this happened. No idea," said one recently retired top FBI official who worked closely with Comey on many high-profile investigations. "No one knew this was coming. Everyone is just shocked that this happened."

There was no immediate front-runner for the vacancy, one White House official said. "If there's a list, I haven't seen it," said one senior White House official.

While shock dominated much of the FBI and the White House, the mood at Roger Stone's house in Florida was one of elation. Several Stone allies and friends said Stone, a Trump associate who has been frequently mentioned in the investigation, encouraged the president to fire Comey in conversations in recent weeks.

On Twitter, Stone signaled praise for the move by posting an image of Trump from "The Apprentice" saying, "You're fired."

Stone declined to comment Tuesday night but said he was enjoying a fine cigar.

On Wednesday, Trump tweeted: "Have not spoken to Roger in a long time - had nothing to do with my decision."

*Josh Meyer, Tara Palmeri and Annie Karni contributed to this report.*

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## **California takes center stage in battle for House majority [Back](#)**

By Alex Isenstadt and Gabriel Debenedetti | 05/09/2017 06:59 PM EDT

California has emerged as the epicenter of the already-intense battle for the House in 2018, as both parties rush resources and manpower to a state that could determine the chamber's balance of power.

With 18 months still to go until the election, Democrats and Republicans are mapping out TV advertising plans across the state, setting up headquarters, digging into polling, and hiring operatives. The showdown has swiftly drawn in Hollywood players, major donors and grass-roots activists.

California is home to seven vulnerable Republican incumbents in districts where Hillary Clinton beat Donald Trump — more than a quarter of the seats Democrats need to flip. And there are early indications that the landscape taking shape will benefit Democrats: a turbocharged liberal movement galvanized by the House GOP-led Obamacare rollback, shifting demographics that have moderated California's last remaining conservative bastions, and rising discontent with the president.

"This struggle [in California] is the priority, no question," said Tom Steyer, the billionaire San Francisco environmentalist whose NextGen Climate group started running digital ads against the vulnerable Republicans after their votes for the House health care bill last week. "If you look at the numbers, the vulnerability of these Republican Congress people is disproportionately here."

The maneuvering is playing out in public — with both sides spending hundreds of thousands of dollars to advertise in the state's expensive media markets — and behind the scenes. The



Democratic Congressional Campaign Committee for the first time has moved its entire Western regional political office from Washington, D.C., to Irvine, California.

The department will house at least eight full-time staffers and be overseen by Kyle Layman, a veteran Democratic operative and former Capitol Hill chief of staff. The decision to open the office in Southern California, which will give the DCCC proximity to a handful of competitive contests, was made by the group's new executive director, Dan Sena.

Democrats this week began airing drive-time radio ads in Southern California aimed at a handful of House Republicans who backed the health care bill. The purchase, coming at such an early stage of the election cycle, reflects the high political stakes in California.

Republicans are mobilizing, too. Hoping to buttress the party's incumbents and blunt the Democratic offensive, Congressional Leadership Fund, a group closely associated with House Speaker Paul Ryan, has opened four field offices across the state. The organization has also begun work on a data project to gauge public opinion. And, like Democrats, Republicans are airing ads: Since January, its sister organization, American Action Network, has run commercials boosting nine California Republicans.

This week, the group shifted its focus to inoculating Republicans on the health care bill, launching an ad blitz geared toward generating support for the legislation. Every California Republican voted for the bill.

"I think if Democrats are going to win the majority, they'd have to win seats in California — they'd need to in order to make the math work," said Republican Carl DeMaio, a former San Diego city councilman who ran for Congress in 2014. But, he added: "There's no complacency here among Republicans who are being targeted."

Democrats are seeking out prized recruits with intriguing, outsider pedigrees. One is Josh Butner, a former Navy SEAL who has begun attacking his Republican opponent, Rep. Duncan Hunter, over [an investigation](#) into alleged campaign finance violations.

"People feel it's part of a systemic problem in the way Washington works," Butner said of the allegations against Hunter.

Party officials have also been in contact with Hans Keirstead, a biologist who in 2014 [sold](#) his stem-cell research firm for more than \$120 million. Keirstead, whose work was once [featured](#) on "60 Minutes," is seen as a possible challenger to veteran GOP Rep. Dana Rohrabacher, who has come under scrutiny for his ties to Russia.

As unrest simmers over the GOP's attempted Obamacare rollback, Democrats have also been in touch with another political newcomer with a medical background: Mai-Khanh Tran, a Wall Street analyst-turned-pediatrician. Tran, who plans to highlight her background as a refugee who worked her way through Harvard as a janitor, is expected to run against GOP Rep. Ed Royce, the powerful longtime chairman of the House Foreign Affairs Committee.

In going after entrenched figures like Rohrabacher and Royce, Democrats are re-engineering a strategy they last used with success in 2006. During that midterm election, then-Rep. Rahm Emanuel oversaw an offensive he described as "thinning the herd" — dislodging established Republican members of Congress who had grown complacent after coasting to reelection for years.

Emanuel sought out formidable challengers in many of the right-leaning districts. And with the help of a favorable political environment that year, some of them won.

This time, Democrats are also targeting newer, less established California Republicans, such as Reps. Mimi Walters and Steve Knight, as well as some lawmakers who represent more marginal districts, like Reps. David Valadao, Jeff Denham and Darrell Issa.

The Democratic focus on California is in part driven by the fact that seven of the state's Republicans reside in districts that Clinton won, and all of them took a major risk in voting for a GOP health care bill that lacks broad public support. A number of Democratic strategists took note when Issa and Walters were spotted near the front of the GOP celebration at the White House Rose Garden after the bill's passage last week, and have saved footage of them with Trump for future ads.

The push is also motivated by what Democrats see as a changing political landscape in the state. Many of the targeted districts are becoming younger, more diverse — and less conservative.

While Republicans have long been able to count on areas like Orange County, that region — filled with wealthier, highly educated voters who have been hostile Trump — may be less friendly in 2018.

"It's the natural evolution of where the Democrats go to pick up seats," said Ben Tulchin, a San Francisco-based Democratic pollster who worked for Bernie Sanders in 2016. "If you look at the middle of the country at the rural, exurban working-class districts where we didn't do very well, there's only so many Democrats you can squeeze out of those districts. But go to California and there's a higher number of younger voters, Latino voters. And you can go in, register and engage."

Dave Min, a law professor who is trying to unseat Walters, said the changing nature of the conservative district, combined with what he described as anger over the health care vote, had given him hope. His district, like the one Tran is running for, has attracted Asian-Americans in recent years.

"There's a lot of energy," he said.

The party's onslaught has drawn the interest of Hollywood donors. In the past, some have been reluctant to open their wallets for congressional races. But the desire to rein in Trump in the White House with a Democratic House has caused some to reconsider.

Donna Bojarsky, a Democratic strategist who has advised the likes of former Los Angeles Mayor Tom Bradley and actor and political activist Richard Dreyfuss, said the rise in activism is palpable. "People are impassioned now," she said.

If anything, some Democrats are worried that enthusiasm may be running too high at this early stage of the election cycle. With so many Democrats crowding into races, Democrats run the risk of crowded primaries that drain resources and undermine the goal of unseating GOP incumbents.

One concerning development for the party: Multiple Democrats already are challenging Issa and Walters.

"It isn't necessarily an organized effort," said Democrat Fabian Núñez, a former speaker of the state Assembly. Whether the party can work in unison, he said, is the "real question."

*Correction: The original version of this story misstated which conservative organization is setting up offices to boost California House Republicans. It is Congressional Leadership Fund, not American Action Network.*

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## **Ricky Waddell named White House deputy national security adviser [Back](#)**

By Tara Palmeri | 05/10/2017 10:08 AM EDT

Army Reserve Major General Ricky Waddell has been named deputy national security adviser, taking on a role that will soon be vacated by K.T. McFarland, two National Security Council officials told POLITICO.

Waddell will be second in command to National Security Adviser H.R. McMaster, the sources said. Waddell, who became commander of the 76th Operational Response Command infantry in 2015, is the latest NSC hire by McMaster after former adviser Michael Flynn was pushed out.

Prior to leading the ORC, Waddell was deputy commander for mobilization and reserve affairs.

Dina Powell, deputy national security adviser for strategy, and Waddell will both report directly to McMaster. Waddell will run day-to-day operations and meetings and Powell will oversee long-term strategy and manage senior inter-agency relationships, an NSC official said. They will each lead deputies committee meetings, depending on the topic.

POLITICO [previously reported](#) that White House Chief of Staff Reince Priebus earlier this month tried to keep McMaster from hiring Waddell as his deputy.

McFarland is slated to depart later this year for Singapore, where she will be the U.S. ambassador. She has not been formally nominated for that post yet, a spokesperson for the Senate Committee on Foreign Relations said. Until then, she will stay on to help Waddell transition into the new role.

An NSC spokesperson declined to comment.

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