

# Hicks-Ray Associates

*Implementing Strategies, Achieving Success*



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January 27, 2015

TO: WESTCAS Membership

FROM: Hicks-Ray Associates

SUBJECT: DC Updates

This week the 114<sup>th</sup> Congress enters its third week of session. So far, most of the activity has been centered on issues including the organization of Congressional Committees, Republican and Democratic policy “Retreats,” and last week’s State of the Union. The pace is expected to quicken once these initial steps have been addressed. In addition to being the third week of the new Congress, it is just over three weeks to the WESTCAS Federal Legislative/Regulatory Issues Workshop, February 19-20 in Phoenix. We trust you have seen the meeting announcements sent out by WESTCAS and are planning to participate. In the interim, here is background on some of the issues that will be highlighted and discussed.

## **Organization of Congressional Committees**

At the start of every new Congress, Committees have to be organized. This includes the naming of the Committee Chair by the Leadership of each party, the appointment of Subcommittee chairs and Members, and also a blueprint of what that particular Committee hopes to accomplish over the next two years.

The House Transportation and Infrastructure Committee held its organization meeting this morning at 10:00 AM. This is the Committee of jurisdiction over WRRDA, the Clean Water Act, and WOTUS. Significantly, among the first hearings scheduled for the New Year is one on February 4 titled, “Impacts of the proposed waters of the United States Rule on local and state governments.” This will be a joint hearing with the Senate Environment and Public Works Committee. Today’s organizational meeting and the WOTUS hearing next week should give us important clues over how the Committee plans to approach these crucial issues.

Tomorrow morning, the House Natural Resources Committee will hold its organization meeting. This is the Committee of jurisdiction over the Bureau of Reclamation and issues such as the Endangered Species Act, the Lacey Act, and Title XVI water reuse. Natural Resources is in the midst of a major reorganization of the Subcommittee structure including the newly constituted Subcommittee on Water, Power, and Fisheries.

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Many WESTCAS members will be acquainted with the Subcommittee staff director, Kiel Weaver. But they may not be familiar with the new Subcommittee Chair who is Congressman John Fleming of Louisiana. Another challenge is that while the old Water and Power Committee was focused on issues familiar to WESTCAS members, with the addition of “Fisheries” to the Subcommittee’s portfolio, water resources will have to compete for attention with new Subcommittee challenges such as reauthorization of the Magnuson-Stevens Fisheries Conservation and Management Act.”

## **Congressional Oversight Versus Executive Action**

Absent a miracle, Congressional oversight seems certain to run into the determination of President Obama not to allow his environmental agenda to be sidetracked by a Republican Congress. If Congress won’t pass laws supporting the President’s priorities, then he has made it very clear that he will use his power to issue Executive Orders. This puts the ball squarely back in the Congressional court. While they have majorities in both the House and the Senate, many observers believe that Republicans lack the necessary votes to override most Presidential vetoes. This in turn puts the Republican Leadership and Congressional Committees under pressure to craft environmental riders that might attract enough Democratic votes to reach the two-third’s majority necessary to override a veto.

## **Opportunities for WESTCAS**

The Congress has used the past few weeks to get itself organized and for House and Senate Republican and Democrats to identify their agendas and priorities for the 114<sup>th</sup> Congress. Three weeks from this Thursday, WESTCAS will have the opportunity to go through our own exercise focused on how best to approach these key Committees of jurisdiction and the Members who serve on them.

What requests should WESTCAS make with regard to issues such as WOTUS, expanding listed species under the Lacey Act, common sense reform of ESA, adequate Federal investment in water resource infrastructure for FY16 and beyond? We will start in Phoenix in the early afternoon of Thursday, February 19 with a blank slate. Our goal is to have that slate completely filled out by the early afternoon of Friday, February 20<sup>th</sup>.

Hope to see you there!

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