



Washington dc update

October 11, 2016

Updates – Upcoming Elections, CR, Lame Duck

In two weeks, WESTCAS members will gather in Phoenix for the fall conference. This Hicks-Ray update is intended to help frame some of the key issues that we plan to discuss in depth in our presentation and also in the follow-up presentations on Thursday afternoon, October 27th. Looking forward to seeing you in Phoenix!

Congress In Recess

Congress recessed on Wednesday, September 28 and isn't scheduled to reconvene until Monday, November 14 for a short pre-Thanksgiving session lasting only 4 days. Both Houses return to session the week of November 28th with an adjournment target date of December 16. This means that a huge amount of legislative work in little more than three weeks.

Actually, the Senate isn't technically in recess but rather in "pro-forma session. This is to prevent President Obama from making recess appointments over the next month. For example, this past Friday, the Senate went into session at 2:05 PM and 48 seconds and adjourned at 2:06 PM and 20 seconds. There are all sorts of bets being cast concerning whether the Senate can improve on this 32-second session and go below 30 seconds. Should be a safe bet.

FY17 Continuing Resolution

Perhaps the only certainty in politics over the past month was the consensus that neither House nor Senate and neither Republicans nor Democrats would allow the Federal government to be shut down because of the failure to pass FY17 Appropriations bills by September 30. This determination produced the Continuing Resolution or CR that was passed the last week of September that keeps the Federal government open through Friday, December 9. That is deliberately one week before the target adjournment date of the 114th Congress and is

designed to provide a focus and momentum for a final budget agreement that can be reached by Friday, December 16 or no later than the following Saturday-Sunday.

The legislative vehicle for this process will be the so-called "lame duck omnibus" that will be anchored by the unpassed FY17 Appropriations bills almost none of which have been finalized by the Congress. The only real question that is being decided by the House and Senate Leadership is what else will be added to the omnibus. There is a long list of possibilities, including the Water Resources Development Act reauthorization. Some issues will succeed in hitching a ride on the FY17 omnibus. Many won't.

Water Resources Development Act Reauthorization [WRDA]

In the "old days," meaning prior to 2016, many WESTCAS members probably thought, "WRDA isn't that important to me because it deals only with Army Corps of Engineers issues." That might have been at least partially true in the past but that is no longer the case with WRDA-16, particularly with regard to the 562 long page Senate version of the bill [S. 2848] that was passed in mid-September by a vote of 95 to 3. The cost of the Senate version of the bill is \$10.6 billion and includes sections that address the Clean Water Act and the Safe Drinking Water Act as well as the Bureau of Reclamation. It is hard to imagine any WESTCAS member not being

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impacted especially by the Senate version of the bill.

The House version of WRDA [H.R. 5303] passed on September 28 by a vote of 399 to 25 is 158 pages long and costs about \$5.4 billion. It does not contain the CWA/SDWA provisions that are a part of the Senate version. The overwhelming support in both the House and Senate for the reauthorization has created momentum for a final version of the bill that can be passed during the lame duck session of Congress. The challenge

and the question is “how do you conference bills that are 562 and 158 pages long respectively?” If you are the House do you consent to a bill that is almost four times longer and costs more than twice as much? If you are the Senate do you agree to whittle down your bill that contains everything from the Clean Water Act and the Safe Drinking Water Act to Native American water settlements? That issue has yet to be resolved. We’re hoping to know more by the time we see you in Phoenix.

And Finally . . .

As we enter the final four weeks before the Presidential contest, disagreement and turmoil seem to be the order of the day. But it is important to remember that both Secretary Clinton and Mr. Trump agree that addressing our national infrastructure needs must be a priority in their Administration. Both candidates have specifically included water infrastructure in their platforms and stump speeches. Whoever wins on November 8 there is good reason to anticipate new opportunities to fund and build water infrastructure beginning in the New Year.

We will continue to highlight these issues over the next two weeks in our “DC Updates” and while in Phoenix we will be excited to discuss in depth how WESTCAS can make a difference as “the voice of water in the Arid West,” as these new opportunities present themselves.

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