



WESTCAS

The Western Coalition of Arid States

October 23, 2018 Tucson Conference

Washington DC Update

Hicks-Ray Associates



HRA Update

PART 1
Background
"Playing Field"

PART 2
Update
"Ongoing WESTCAS Issues"

PART 3
"Federal Issues Survey Results"
(Thursday)

PART 4
"WESTCAS Portfolio & Actions"
(Thursday)

What's DC 'field of play' look like for WESTCAS?

**It is too chaotic and
dysfunctional:**

**DON'T TAKE THE
FIELD!**



**There are opportunities
to score:**

**WESCAS CAN TAKE
THE FIELD!**

Momentous events during 116th Congress



increasingly likely
impeachment of the
President by the
House of
Representatives
followed by a trial in
the Senate

In between Congress must still try to do its work of



Funding
the
gov't

FY20
Approp bills
/ CR

Legislate
critical
issues

Infra-
structure
?



the Presidential, House
of Representatives and
one-third of the Senate
which will culminate
with election on
November 3.

The challenge is for groups like WESTCAS to advocate for water in the arid west in the midst of uncertainty of future developments.

It's too chaotic & dysfunctional

STAY ON THE BENCH

Why Can't Congress Get Anything Done?

*There are many reasons
... but **SCHEDULE** is a
major one...*

**Consider November and
December schedule**



Although there are four full weeks in November the House is in recess for the first week and out for all of Thanksgiving week

Then the second week of November begins with Veteran's Day so the House doesn't convene until the next day.

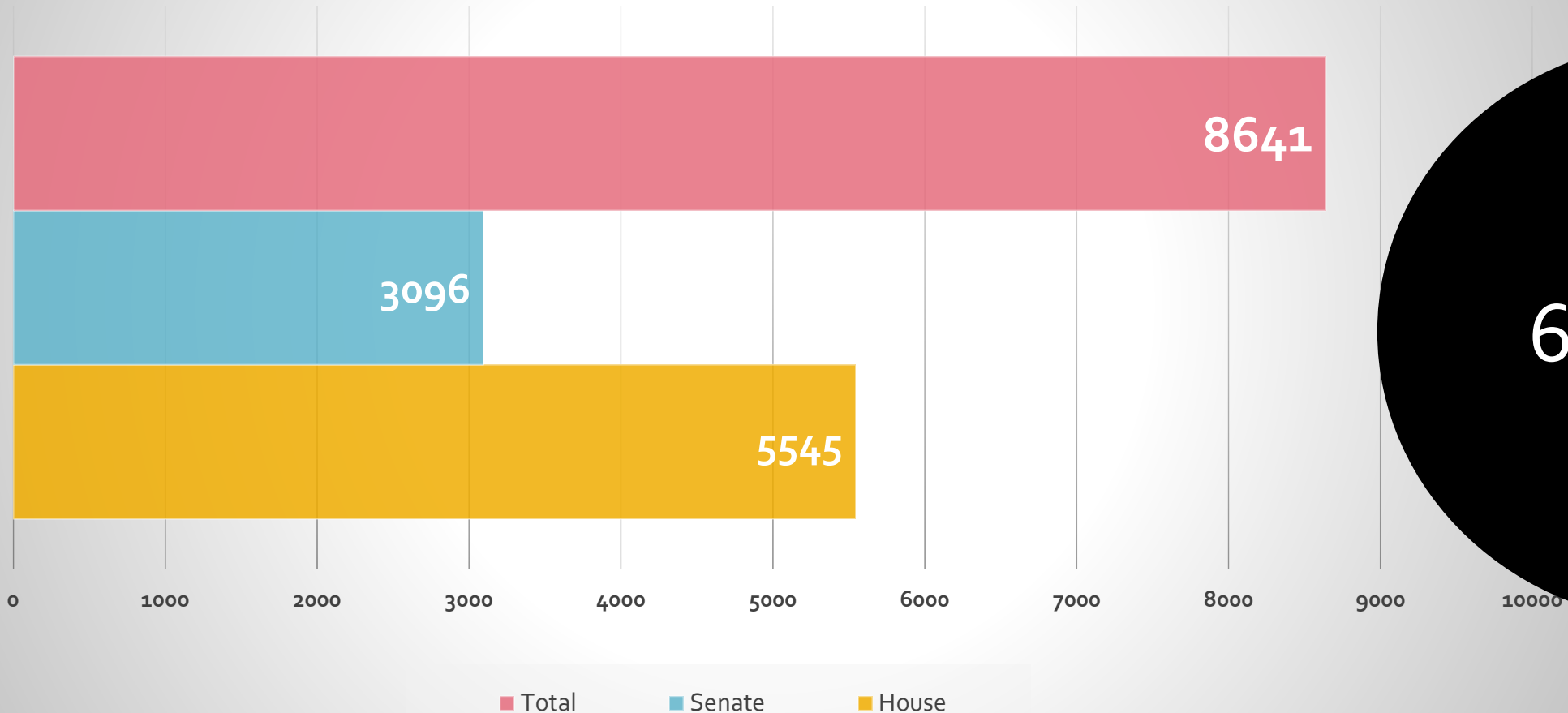
But when it does "first votes" aren't until 6:30 PM which means that most Members don't arrive back in their offices until the late afternoon.

Last votes on Friday November 15 are no later than 3:00 PM to enable Members to get to the airport and fly home.

Essentially, the Congress is in full operation for two days a week when it is in session although "votes postponed till 6:30 PM" and "last votes 3:00 PM" all count as full days of session.

Background "*the field of play*"

Bills Introduced since January 2019



$65 = <1\%$

“Big Picture” *Critical Issues in Limited Time*

No FY2020 Appropriation bill to date...

The Congress has not completed work on a single FY2020 Appropriations bill making a short-term CR necessary to keep the government open.

--Most believe that the funding issue won't be settled by November 21 when the current CR expires.

--Another CR till Christmas? A year-long CR? Although time is short nobody knows the answer.



“More Issues...more questions”

Schedule

How can Congress get anything done with the current schedule it keeps working only two full days a week?

October							November							December						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
		1 FY '20 (begins)	2	3	4	5						1	2	1	2	3	4	5	6	7
6	7	8 Yom Kippur (begins)	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
13	14 Columbus Day	15	16	17	18	19	10	11 Veterans Day	12	13	14	15	16	15	16	17	18	19	20	21
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25 Christmas Day	26 Kwanzaa (begins)	27	28
27 Dussehra	28	29	30	31			24	25	26	27	28 Thankgiving Day	29	30	29	30	31				

Shadow of Impeachment
Creates bitter division between the parties
&
Make water legislation impossible

There's opportunities

TAKE THE FIELD

Hope in Midst of Chaos?

How WESTCAS can make a difference...

- ✓ **Broad bi-partisan agreement** in both the House and the Senate that the nation needs an infrastructure bill.
- ✓ **Water title** would almost certainly be included in any Infrastructure legislation
- ✓ **Number of promising bills** that WESTCAS is following that may not pass as stand-alone legislation but will contribute important ideas to omnibus legislation
- ✓ **WESTCAS support letters** for several of these bills and have solicited additional co-sponsors of selected legislation
- ✓ **Likely WRDA reauthorized** for Corps of Engineers programs & other Federal agencies, potentially including USEPA and the Bureau of Reclamation.

Hope in Midst of Chaos?

Role of WESTCAS can make a difference...

WESTCAS can serve as an advocate encouraging progress on legislation and policies that are positive for water in the Arid West.



WESTCAS-supported Legislation

HR 1764,

(Garamendi), to increase the period for NPDES permits from 5 to 10 years.

WESTCAS sent Mr. Garamendi a letter of support.

WESTCAS members have written to the Member of Congress in support of this legislation.

HR 2313, “The Water Conservation Rebate Tax Parity Act, Huffman (CA) and Gosar (AZ)

WESTCAS letters of support to Mr. Gosar and Mr. Huffman; 20 co-sponsors including 18 Democrats and 2 Republicans.

Referred to the House Ways and Means Committee.

HR 1497, “The Water Quality Protection and Job Creation Act,” DeFazio (OR) and Napolitano (CA)

49 co-sponsors including 46 Democrats and 3 Republicans.

Referred to the House Committee on Transportation and Infrastructure.

WESTCAS letter of support

WESTCAS-supported Legislation

HR 1162, “Water Recycling Investment and Improvement Act,” Napolitano (CA)

26 co-sponsors, all Democrat
Subcommittee hearing in the WOW Subcommittee of House Natural Resources

S 1932, “Drought Resiliency and Water Supply Infrastructure Act, Gardiner (CO), Feinstein (CA), McSally, (AZ), Sinema, (AZ)

WESTCAS Letter of support

July 18 Water and Power Subcommittee hearing Senate Committee on Energy and Natural Resources

New Issue: “National Water Reuse Action Plan”

Announced on September 10th at the Water Reuse Association Conference

USEPA is the lead agency and was joined at the roll-out by the Dept. of Agriculture, the Army Corps of Engineers, the Bureau of Reclamation, Council on Environmental Quality. Will expand the Federal recycling effort to a national base. Public comments until December 16 on how the plan should be structured and operated.

WESTCAS Support Letters & Actions

The Western Coalition of Arid States WESTCAS

OFFICERS

PRESIDENT
Steve Bigley
Coachella Valley Water District
Coachella, California

VICE PRESIDENT
Mike Eytel
CRWCD
Glenwood Springs, CO

SECRETARY
Jim Kudlinski
Salt River Project
Phoenix, AZ

TREASURER
Larry Libeu
Temecula, California

BOARD OF DIRECTORS

ARIZONA
Ed Curley
Jim Kudlinski

CALIFORNIA
Steve Bigley
Jolene Walsh

COLORADO
Andra Ahrens
Mike Eytel

NEVADA
L. Mann

July 17, 2019

The Honorable Cory Gardiner
United States Senate
354 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Diane Feinstein
United States Senate
331 Hart Senate Office Building
Washington D.C. 20510

Dear Senators Gardner, McSally, Feinstein

The Western Coalition of Arid States [WESTCAS] support for S. 1932 "The Drought Resilient Infrastructure Act", to thank you for your legislation, and for the July 17 hearing of the Power Subcommittee on the bill.

WESTCAS was formed in 1992 with providers joined together to share the name Western Coalition of Arid States. As an organization, WESTCAS is dedicated to water programs

The Honorable
United States
404 Russell
Washington

The Honorable
United States
317
Washington

The Western Coalition of Arid States WESTCAS

DRAFT EXAMPLE ONLY

WESTCAS Member Letter Requesting Co-sponsorship of H.R. 2313

Dear Congressman/Congresswoman _____:

I am writing as a member of the Western Coalition of Arid States [WESTCAS] to ask for your consideration to become a cosponsor to H.R. 2313, the "Water Conservation Rebate Tax Parity Act." This legislation was introduced on April 12, 2019 by Congressman Jared Huffman of California and Paul Gosar of Arizona and is a bipartisan approach to an issue that is currently discouraging the efforts of property owners to reduce water use, reduce stormwater runoff, and ease the strain on public infrastructure.


H.R. 2313 addresses this goal and I ask for your consideration to become a cosponsor of this bi-partisan legislation. Water conservation rebate programs have already made a big difference in the arid west in terms of water savings. Please join the effort to encourage these programs by supporting H.R. 2313.

When property owners receive a rebate from a local water agency in return for initiating conservation measures, they receive a notice from the Federal government that the rebate is considered ordinary income for which taxes must be paid. This is a significant portion of the property owner's income.

follow-up suggestions


WRITE

To Members advocating FY2020 funding for USEPA, the BOR, the Corps of Engineers and other Federal agencies, which received generous funding FY2020 Energy and Water and Interior and Environment Appropriations bills.



PROVIDE

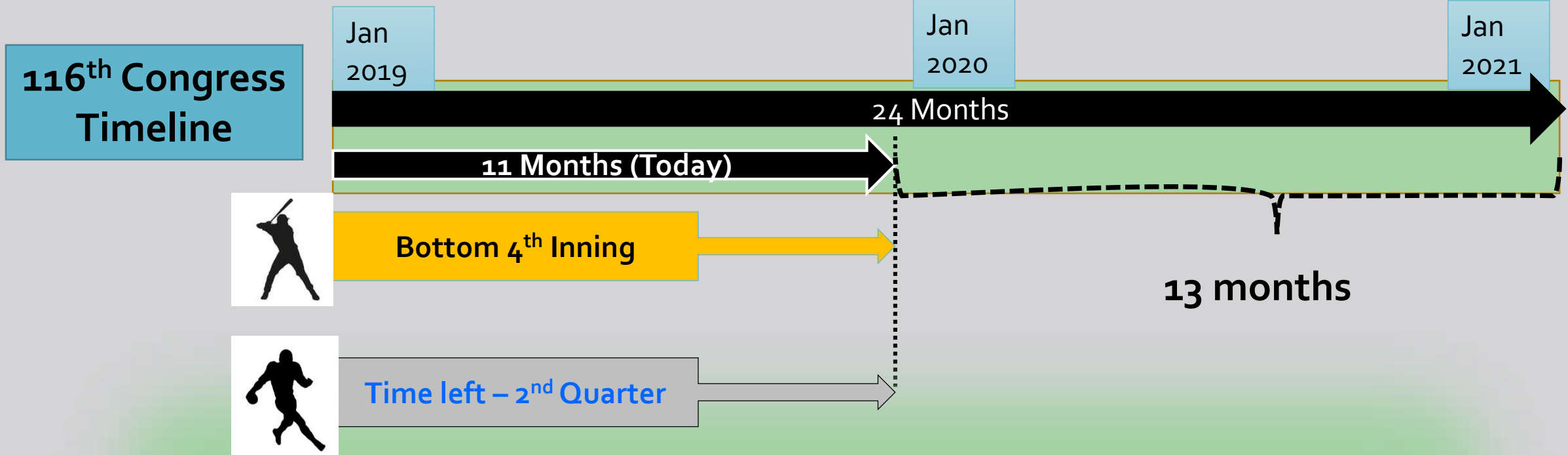
Provide an update on emerging issues including the legislative update that I sent you yesterday on PFAS and the implications of a Congressional "scattershot" approach.



TALK

Talk about the National Water Reuse Action Plan announced on September 10 and the WESTCAS role as an advocate for this process including providing comments during the public comment period which closes on December 16.

There is enough time!



In Part 3, our 30 minute session tomorrow afternoon, we will suggest ways in which WESTCAS advocacy can help to arrange these blocks into a coherent picture.

End of Part 1

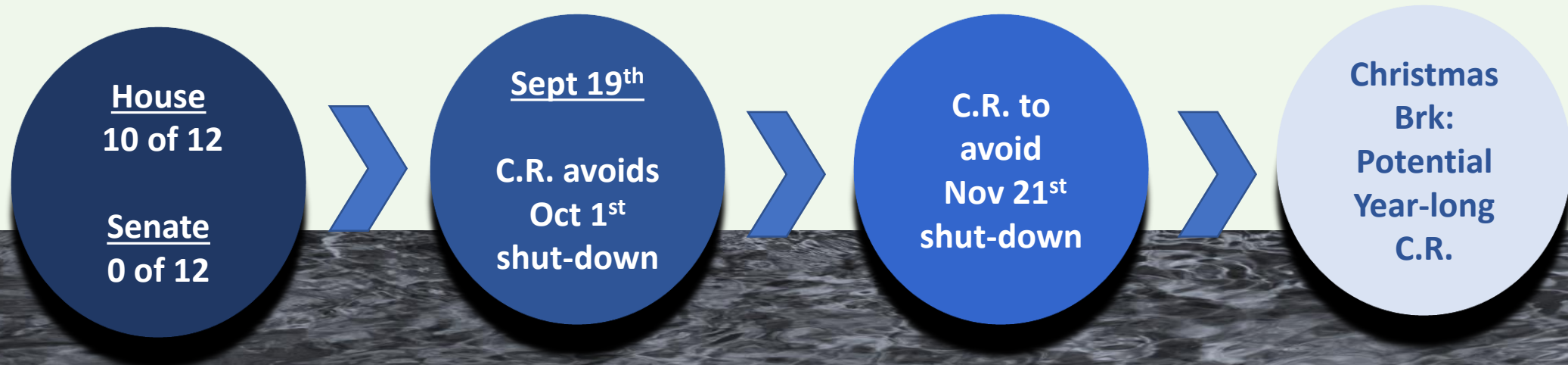
NEXT – OTHER WESTCAS ISSUES OF CONCERN

PART 2:

In the weeds... 116th

REPORTING ON WESTCAS ISSUES

FY 2020 Appropriations Cycle



FY 2020
Appropriations
Cycle

Anticipate Continuing Resolutions to be used to avoid government shut-down on Nov 1st and then series of both short-term and possibly year-long CR's

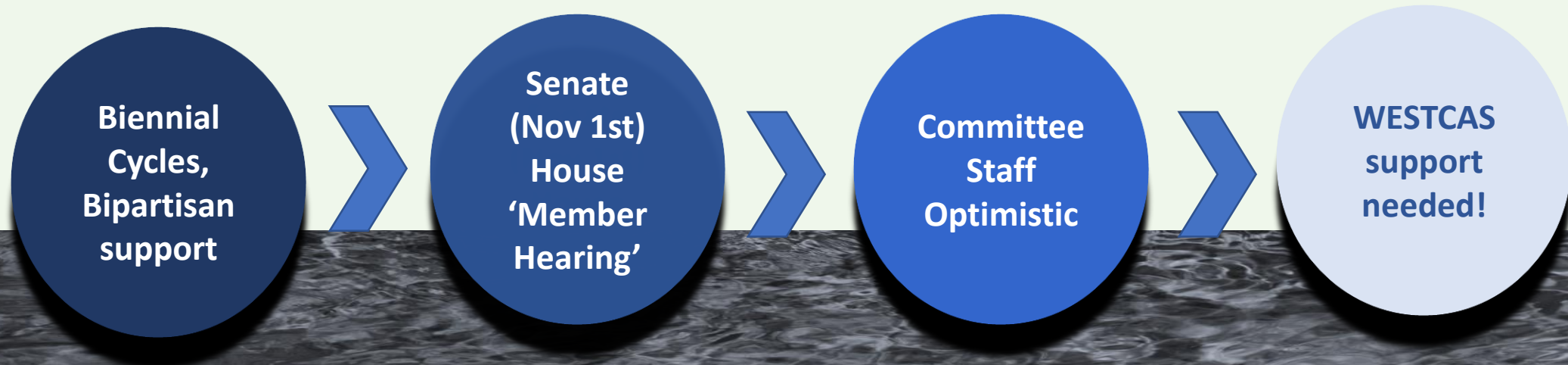
FY20 Energy & Water Appropriations

	House	Senate	Admin	Difference
USACE Total	\$7,355,000,000	\$7,750,000,000	\$4,964,000,000	+\$2.39B House +\$2.79B Senate
Construction	\$2,337,000,000	\$2,795,000,000	\$ 1,306,000,000	
Investigations	\$ 135,000,000	\$ 155,000,000	\$ 77,000,000	
BOR Total	\$1,485,000,000	\$1,582,000,000	\$ 962,000	>\$523M House >\$620M Senate
Title XVI	\$ 63,617,000	\$ 54,406,000	\$ 3,000,000	~20x Increase!
Title XVI WIIN	\$ 13,333,000	\$ 20,000,000		

FY 2019 Interior and Environment Bill

House		Senate	FY2019
EPA			
CWSRF	\$1,638,000,000	\$1,784,000,000	\$1,694,000,000
DWSRF	\$1,300,000,000	\$1,300,000,000	\$1,164,000,000

Water Resources Development Act (WRDA) 2020



WRDA 2020

Based on recent HRA meetings with House WR&E Subcmnt staff we can anticipate a WRDA2020, keeping the biennial reauthorization cycle

PFAS/PFOA Issue – WESTCAS role

42

- ✓ The Library of Congress web site currently identifies **42 different pieces of legislation** introduced with regard to PFAS.
- ✓ House and Senate Committees have held hearings on the PFAS issue
- ✓ September 26th House Subcommittee on Environment and Climate Change markup of the following PFAS bills

PFAS/PFOA

The Congressional Response to PFAS is an illustration of how many pieces of legislation can be used to help guide the federal response to an issue

PFAS/PFOA bills in 116th

September 26th House Subcommittee on Environment and Climate Change markup of the following bills

Environmental bills:

- HR 535, "PFAS Action Act of 2021"
 - HR 2377, "Protect Drinking Water from PFAS Act"
 - HR 2533, "Drinking Water Contaminant Reduction Act"
 - HR 2538, "PFAS Prevention Act"
 - HR 2546, "PFAS Pollution Prevention Act"
 - HR 2590, "PFAS Pollution Prevention Act"
 - HR 2596, "PFAS Pollution Prevention Act"
 - HR 2600, "PFAS Pollution Prevention Act"
 - HR 2605, "PFAS Pollution Prevention Act"
 - HR 2608, "PFAS Pollution Prevention Act"
 - HR 2626, "PFAS Pollution Prevention Act"
 - HR 2638, "PFAS Pollution Prevention Act"
- These bills represent fewer than 1% of the legislation introduced in the 116th Congress and provide an overview of how the House and Senate Committees of jurisdiction are approaching PFAS.
- And finally, on September 3 over 100 House and Senate conferees for the Authorization Bill asking that they ensure our military is equipped to meet the challenges present at military bases nationwide."
- EPA to issue guidance on minimizing PFAS in firefighting foam containing PFAS"

AS/PFOA bills in 116th

September 3 over 160 House Members signed a letter to the FY2020 National Defense Authorization Act (NDAA) to incorporate 14 different provisions to address PFAS contamination in communities.

--These bills represent fewer than half that have been introduced in the 116th Congress and provide an overview of how Members and the Committees of jurisdiction are approaching the PFAS challenge.

September 3 over 160 House Members signed a letter to the FY2020 National Defense Authorization Act (NDAA) to incorporate 14 different provisions to address PFAS contamination in communities.

These bills represent fewer than 100 bills introduced in the 116th Congress and provide an overview of the PFAS and the Committees of jurisdiction are approaching the PFAS challenge.

--And finally, on September 3 over 160 House Members signed a letter to House and Senate conferees for the FY2020 National Defense Authorization Bill asking that they incorporate 14 different provisions "to ensure our military is equipped to confront the PFAS contamination challenges present at military bases and surrounding communities nationwide."

Impeachment – Some history & expectations

- ✓ Can sour progress except on the most bipartisan legislation
- ✓ Can consume the schedule...using valuable time for important legislation
- ✓ Can history provide some guidance on expectations?

Impeachment

The consequences for WESTCAS ability to influence sound arid-West water policy and funding is hampered but not eliminated.

The US impeachment process

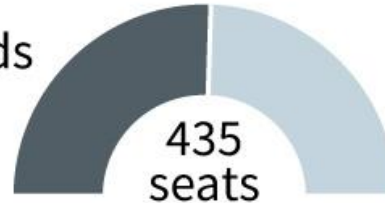
Under the US Constitution, a federal official suspected of serious wrongdoing can be prosecuted by Congress

The President, Vice President and all Civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors. U.S. Constitution, Article II, section 4



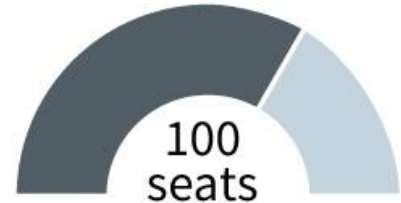
House of Representatives Investigation

- ▶ Only the **House of Representatives** can **impeach**, or charge, an official
- ▶ Impeachment needs a **simple majority vote** to pass
- ▶ If passed, the House appoints members to **prosecute the case before the Senate**



Senate Trial

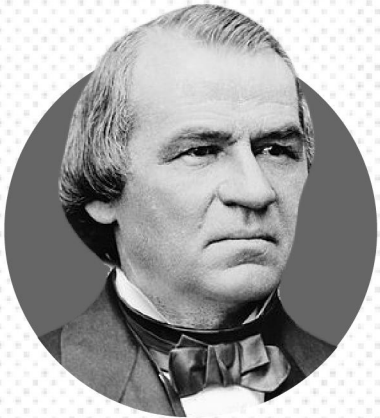
- ▶ Only the **Senate** can conduct **impeachment trials**
- ▶ A conviction requires a **two-thirds majority**
- ▶ If the Senate convicts an official, he/she is **automatically ousted, with no possibility of appeal**

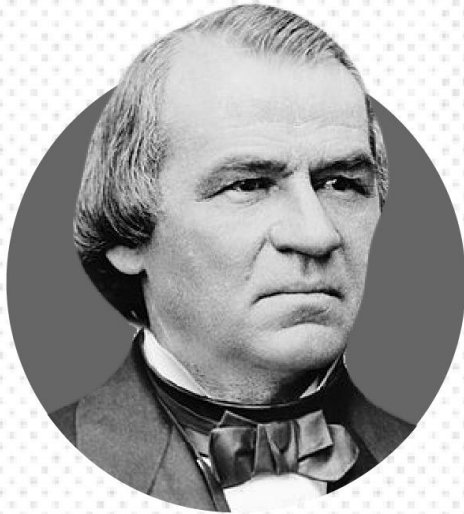


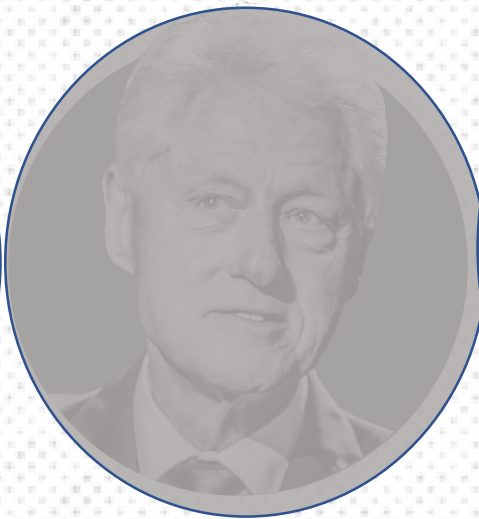
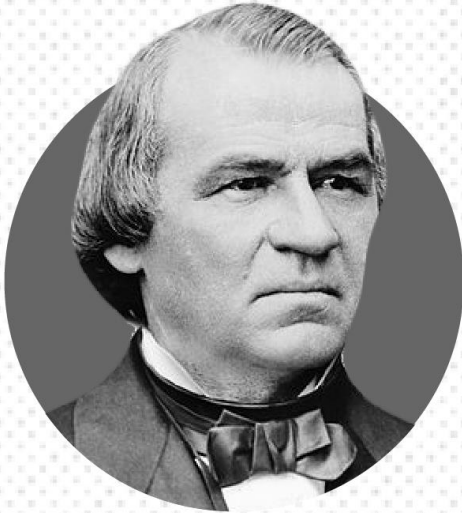
Any other sanctions are left to civil courts to decide

Impeachment

Many ramifications for the nation, including delays to legislative and executive branch actions







- **The Senate vote to convict Andrew Johnson in 1868, in contrast, was 35 to 19, failing by only a single Senator.**
- **Entire process took about four months**



Most Recent Impeachments & Timelines

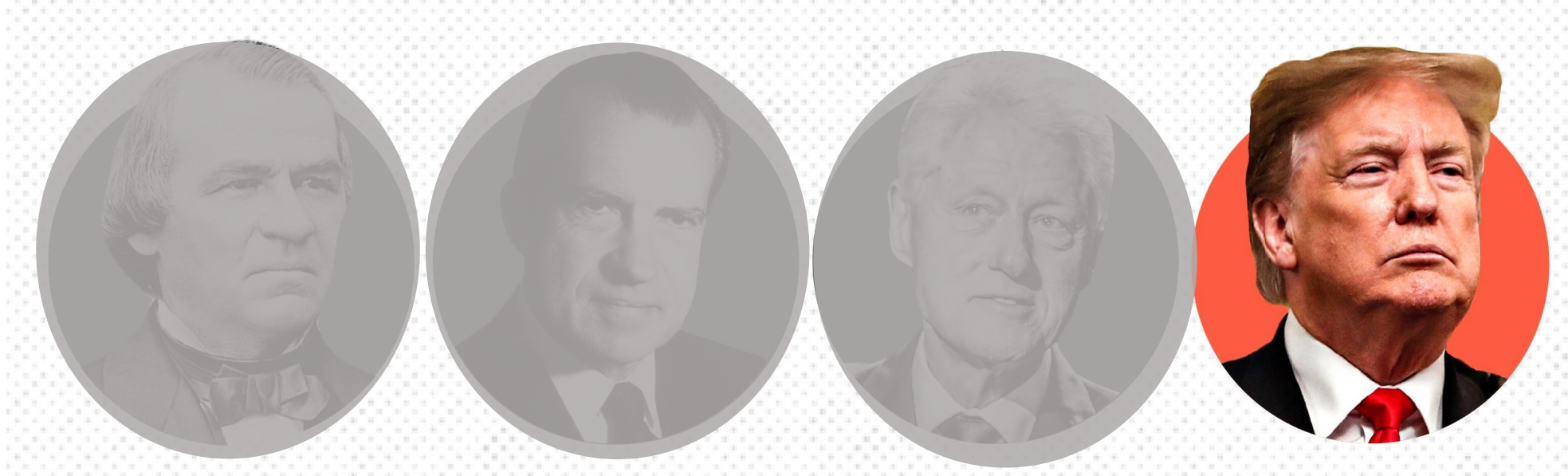


- Many people believe the President Nixon was impeached but not so.
- President Nixon resigned from office a week after the House Judiciary Committee adopted articles of impeachment, so the House of Representatives never held a vote.

House actions: Oct 1973 – Jul 27, 1974
President Nixon resigns: Aug 8, 1974

- President Clinton faced two articles of impeachment: (1) Obstruction of Justice and (2) Perjury.
- The House voted 228-206 to adopt (1) and 221-212 to adopt (2)
- The Senate voted 45 to 55 to convict on Obstruction of Justice and 50/50 to convict on Perjury.
- It takes 67 votes to convict. The vote on President Clinton fell well short of that mark and he served out the remainder of his second term.

House actions: Oct 1998 – Dec 1998
Senate Trial: Jan 1999
Acquitted: Feb 1999



President Trump

How long will process take?

Complete List: Who Supports an Impeachment Inquiry Against Trump?

By ALICIA PARLAPIANO, JASON KAO, EMILY COCHRANE and CATIE EDMONDSON **UPDATED** Sept. 25, 2019 at 3:05 P.M. ET

	Support an impeachment inquiry	No, not now, or undecided	Awaiting response
Democrats	209	21	5
Independents	1	0	0
Republicans	0	133	65
Total	210	154	70

End of Part 2

TOMMORROW, PART 3, RESULTS OF WESTCAS FEDERAL ISSUES SURVEY

LUNCH!