April 15, 2020

TO: WESTCAS Membership

FROM: Hicks-Ray Associates

SUBJECT: D.C. Updates

In the winter of 1776 Thomas Paine wrote the immortal lines: “These are times that try men’s souls.” The same might be said of our nation and the world in April 2020. People are unsure whether they will remain healthy and if they will be able to earn a living in the coming days, weeks, and months.

One certainty is the fact that through its efforts to treat and prevent the COVID-19 virus and to cushion its economic impact, the Federal government has become more influential in our daily lives than at any time since WWI. The Congress has already passed, and the President signed into law, three relief bills that total multi-trillions of Federal dollars with a fourth measure currently being negotiated by the White House and Congressional leaders. Most observers believe that this is only the latest in a series of bills that will be used to try and address the ravages of COVID-19 on our nation’s health and its economy.

Here is a brief Q/A that addresses some of the questions we have been asked concerning “what happens next” with regard to Congress.

• When will the Congress return to session?

House and Senate Leadership has established the week of May 4 as the target date to reconvene. If events require an earlier return House and Senate Leaders will give Members 24 hours-notice to return to DC.

• How will the Congress vote in this time of “social distancing?”

For future COVID-19 related bills the House and Senate will attempt to use “unanimous consent” in which essentially all Members agree on a bill and pass it with only a limited number of Members on the floor of the House or the Senate.
This process was used in late March when the CARES Act passed the Senate 96-0 and by voice vote in the House. Unanimous Consent cannot be used for all bills that come to the floor so the hope is that “social distancing” requirements will be lessened in the coming weeks.

- Will one of the future COVID-19 bills address infrastructure?

Both the President and House and Senate Democratic Leaders have expressed support for a national infrastructure bill while House and Senate Republicans have been less enthusiastic, arguing that we need to evaluate the impact of the first three COVID-19 bills before rushing on to an infrastructure bill. Many believe that the damage to our economy is so great that pressure to take up an infrastructure bill to help jump-start business will become irresistible.

- When would such an infrastructure bill be considered?

As with all legislation that is anybody’s guess. Infrastructure will have to wait for the current COVID-19 relief legislation being currently negotiated between House and Senate Leadership and the White House. Once that legislation becomes law, we believe that discussions on an infrastructure bill could shift into high gear. The worse the economy during the second quarter, the greater the chance that we will see an infrastructure bill.

- What are the chances that an infrastructure bill will include water projects?

Both Speaker Pelosi and President Trump mentioned water and wastewater projects as candidates for inclusion in an infrastructure bill and then both seemed to step back with regard to their support. WESTCAS can play a role by advocating that water infrastructure become a part of any final infrastructure bill.

- How will COVID-19 infrastructure legislation impact the reauthorization of the Water Resources Development Act [WRDA]?

House and Senate authorizers seem intent on moving their own bill separate from any COVID-19 infrastructure legislation. House authorizers are on track to gather Member requests by May 1 and mark up their WRDA bill in late May with floor debate in July. Senate authorizers hope to release their draft WRDA bill as early as next week. So, prospects for WRDA reauthorization are good.
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- How will the disruptions caused by COVID-19 impact other important Western water bills such as S-1932 and the Huffman draft legislation now in circulation?

With Congress out of session for at least another three weeks and considering the loss of legislative days for part of March and all of April, there is no consensus at present with regard to how much can be accomplished in the remaining 8 months of the 116th Congress. Will the Congress continue with its planned recesses in May, June, and July? Will they be out of session for all of August or will they remain in session to deal with their arrears of work? What about the October pre-election recess? Our take is that while the Congress has fallen seriously behind in its work due to the COVID-19 virus the fact remains that on November 3 voters will elect a President, one third of the Senate and all 435 Members of the House of Representatives and that reality will serve to ensure that the lost time is never made up.

But that doesn’t mean that the remainder of the year will be devoid of progress on water issues. There will be plenty for WESTCAS to do with regard to a potential infrastructure bill, WRDA reauthorization, and FY21 Appropriations for the Army Corps of Engineers, the Bureau of Reclamation, the USEPA.