



Southern States Near Water Compromise

On November 1, the Governors of Georgia, Alabama and Florida met with the White House to try to settle the tri-state water crisis and work out a temporary plan for how the three states will share the retreating waters of Lake Lanier. For the time being, the U.S. Army Corps of Engineers will decrease water flow from north Georgia lakes downstream into the two river basins the three states share. The U.S. Fish and Wildlife Service will review the interim plan for downstream impacts on rare species of mussels and sturgeon. Statements from the three governors struck a conciliatory tone following the meeting, a marked change from

the rhetoric leading up to the meeting. It appears as though the current plan may be able to keep states out of court, however, the states have turned up pressure on the Corps to review decades-old water control plans that regulate the release of water from the river basin's north Georgia reservoirs. The increased growth of Atlanta and its surrounding suburbs, along with an unprecedented drought have heightened tensions among Southeastern states causing lawmakers to cast blame and aggressively seek remedies.

Democrats Begin to Implement Combined Spending Bill Strategy

House and Senate appropriators agreed this week to send President Bush a spending package combining two appropriations bills as early as next week. Democrats have been facing a steady drumbeat of criticism from the White House for neglecting to send any of the 12 appropriations bills to the President for his signature. Democrats plan to combine funding for domestic priorities included in the Labor-HHS-Education bill (H.R. 3043) with the Military Construction-VA measure (H.R. 2642). Democrats hope to persuade GOP lawmakers to support more spending than Bush has sought. Earlier in the week Bush indicated he would veto an appropriations bill rumored to combine Labor-HHS-Education, defense and veteran's programs. House Committee on Appropriations Chairman David Obey (D-WI) decided to remove the defense bill from the package after Republicans strongly objected to its inclusion.

Democrats intend to highlight the White House's neglect of domestic priorities by sending the two bills to the President. The Labor-HHS-Education bill exceeds the President's request by \$10 billion, including \$150 billion in discretionary spending. The Military Construction-VA

measure contains \$64.7 billion in discretionary funding, and has strong bi-partisan support. Bush is expected to veto the measure because he opposes the Labor-HHS-Education bill. House Republicans said they remain confident that a veto can be sustained. Yet this package may not even reach the President's desk because of a Senate rule change earlier this year allows senators to strike provisions of a conference report that were not in the bill passed by either chamber and send the remaining legislation back to the House.

Bush Vetoes WRDA , Override Likely

On November 2, President Bush vetoed the Water Resources Development Act (WRDA), a bill authorizing hundreds of popular water projects even though lawmakers have sufficient votes to override him. Although President Bush has been able to veto several legislative initiatives this Congress, including the recent veto of the State Children's Health Insurance Program, Congress is confident they will override the President's WRDA veto. The White House brushed aside significant objections from Congress to veto the \$23.2 billion water resources bill. Ranking Republican on the Senate Committee on Environment and Public Works, James Inhofe (R-OK) said, "there will be a lot of Republicans joining me in overriding the veto." The President objects to the bill because of the cost. Fiscal conservatives are defending the bill on the grounds that the measure only authorizes projects, but does not actually spend money. Bush will not be able to rely upon the House Republican leadership either. House Minority Whip Roy Blunt's (R-MO) spokesman said "ultimately, this is a regional issue for our members and one on which we're unlikely to take a conference position." The next step is the House will vote first to override the veto on Tuesday with the Senate expected to follow on Wednesday.. Congress overrides a veto by a 2/3 majority of voting members in attendance at the time of the vote.

Climate Change Bill Maintains Tenuous Compromise in Committee

On November 1, Senate lawmakers advanced global warming legislation by a 4-3 subcommittee vote, tenuously holding onto a compromise advocated by Senate leadership. The proposal was crafted from several other climate change bills, and was assembled after senators and staff held meetings with hundreds of interest groups and other lawmakers. The bill ([S. 2191](#)), cosponsored by Senators Joseph Lieberman (I-CT) and John Warner (R-VA), would limit greenhouse gas emissions thought to contribute to global warming.

Senator Barbara Boxer (D-CA), Chair, Senate Committee on Environment and Public Works, wants to bring the bill to the Senate floor before a U.N. climate change conference begins in December. Her committee has scheduled a hearing on the measure next week. Democratic leaders have said a floor vote is possible by year's end. Despite Boxer's interest in moving the bill, it faces numerous amendments in the full committee or on the floor and a potential filibuster by GOP opponents.

Lawmakers Weigh Need to Increase Funding for Water Reuse and Conservation Research

On October 30, House lawmakers held a hearing to evaluate the need for research and development of technologies and processes to enhance water-use efficiency and water conservation. The House Committee on Science and Technology, Subcommittee on Energy and Environment heard opinions from various stakeholders on the Water-Use Efficiency and

Conservation Research Act of 2007 ([H.R. 3957](#)). The measure, introduced by Representative Jim Matheson (D-UT), seeks to advance research, development, education, and technology transfer activities related to water use efficiency and conservation technologies. Subcommittee Chair Nick Lampson (D-TX) said, “by encouraging research and development of technologies to improve water-use efficiency, we are in fact increasing our nation’s water supplies without having to identify a single source of fresh water.”

Several witnesses, including Glen Daigger of CH2MHill, Ed Clerico of Alliance Environmental, and Ron Thompson of Washington County Water Conservancy District encouraged lawmakers to increase research and development financing for water recycling. In addition to research funding, witnesses emphasized the need for robust public education to encourage communities to use recycled water as a means of saving potable water supplies.

House Panel Sends BEACH Act Reauthorization to House Floor

On October 31, House lawmakers approved a measure reauthorizing the BEACH Act for an additional five years. The Beach Protection Act of 2007 ([H.R. 2537](#)) authorizes \$40 million per year for beach monitoring, assessment and public notification programs. The measure amends the Clean Water Act by requiring the Environmental Protection Agency to utilize rapid testing methods to determine whether coastal recreational waters meet applicable water quality standards. Since 2001, the BEACH Act has authorized \$62 million in grant funding to the 35 states with coastal recreational waters. The bill also calls on EPA to study the current allocation formula for distributing BEACH Act grants. The bill was reported favorably to the House floor with bi-partisan support from the Committee on Transportation and Infrastructure.

In a closely related development, litigation enforcing EPA’s duty to publish new or revised water quality criteria for pathogens or pathogen indicators for coastal recreational waters continues. The Natural Resources Defense Council (NRDC) filed suit against the EPA on August 3, 2006, and on March 23, 2007 a U.S. District Court judge determined EPA had violated its non-discretionary duty to publish new or revised criteria by October 2005. The Court directed NRDC and EPA to discuss an appropriate timeline for EPA to satisfy their obligations under the BEACH Act. NRDC, joined by the National Association of Clean Water Agencies, and EPA continue discussions on the issue.

Upcoming Congressional Hearings

House

Date: TBA, Time: TBA

Committee on Energy and Commerce

Hearing: **Safe Drinking Water Act; Regulation for Perchlorate**

Date: Nov. 7, Time: 10:00 a.m.

Committee on Transportation & Infrastructure

Hearing: **21st Century Water Commission**

Date: TBA, Time: TBA

Committee on Transportation & Infrastructure

Hearing: **Structurally Deficient Bridges; Full Committee Mark-up**

Date: TBA, Time: TBA

Committee on Transportation & Infrastructure

Hearing: **Mark-up, Clean Water Restoration Act**

Senate

Date: TBA, Time: TBA

Committee on Environment & Public Works

Hearing: **Global Warming Legislation; Mark-up of America's Climate Security Act**

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