

**May 27, 2005**

## ***Fiscal Year 2006 Appropriations—Overview***

As Congress begins its week-long recess for Memorial Day, the House made good progress with moving its appropriations bills, while the Senate has yet to begin its markup process. To date, the House has passed four of the eleven appropriations bills, the most recent of which was passed May 26 for Military Construction and Veterans Initiatives (H.R. 2528).

In addition, the House Appropriations Committee has completed subcommittee markups on three more bills that the House will consider on the floor when it returns from the recess. This pace puts the House on target to complete all of its appropriations work before the Fourth of July recess period.

Although the Senate has not yet begun the markup process, much behind-the-scenes staff work has been taking place. Now that the Senate has reached a compromise on the judicial nominations that had been hindering its other business, it is widely expected that the Senate will begin its appropriations work quickly upon its return from the Memorial Day recess. A markup of the Energy and Water Development bill by the Senate Appropriations Committee could occur the week of June 6<sup>th</sup>.

Although, it is still early in the appropriations process, Senator Cochran, Chairman of the Senate Appropriations Committee, has already begun talking about the possibility of needing an omnibus appropriations bill in order for Congress to complete its work by the end of the fiscal year. Chairman Lewis, the House Appropriations Committee Chairman, however, has said he is committed to moving the bills individually.

### ***Energy and Water Development Appropriations (H.R. 2419)***

The House on May 24, 2005, approved its version of the FY 2006 Energy and Water Development Appropriations bill reported by the Appropriations committee on May 18 (H. Rept. 109-86). The bill, which funds the activities of the U.S. Army Corps of Engineers, easily passed on a vote of 416-13. Although some amendments were adopted, the bill's overall funding levels stayed the same as the levels agreed to in the committee version that was approved last week.

Two key actions occurred during floor consideration of the bill that affect activities of the Corps of Engineers. The first was a point of order that was raised by Rep. Duncan (R-TN), Chairman of the House Water Resources and Environment Subcommittee, and the second was an amendment that was offered by Rep. Walter Jones (D-NC). Rep. Duncan, in an effort to protect the jurisdiction of his authorizing subcommittee, successfully argued in his point of order that language in the bill requiring the Secretary of the Army to only project work to be conducted at the amount the project received

**National Association  
of Flood & Stormwater  
Management Agencies**  
1301 K Street, NW  
8th Floor East  
Washington, DC 20005

T: (202) 218-4133  
F: (202) 478-1734

[www.nafsma.org](http://www.nafsma.org)

*-continued-*

in the appropriations bill be stricken. Meanwhile, Rep. Jones' amendment that was seeking to add \$20 million to the Corps' Operations and Maintenance account by transferring funds from the Department of Energy was rejected by a vote of 152-275.

Language limiting the ability of the Corps to transfer funds from one project to another if such transfer results in an increase or decrease to the project of the lesser of \$2 million or 10 percent also remained.

This language could have a significant effect on the Corps of Engineers and would certainly take away some of the flexibility that the Corps currently has in managing its program. This language is also expected to be a source of contention once the conference committee gets underway.

### ***Agriculture Appropriations***

The House Appropriations Committee also passed the FY 2006 Agriculture Appropriations bill this week. This bill does include funding for several water and environment related programs, including approximately \$940 million for the Natural Resources Conservation Service (NRCS). Within the NRCS area, approximately \$7 million is provided for watershed survey and planning (level funded from last year) and \$60 million is provided for the watershed and flood prevention operations program (\$15 million less than last year's levels).

Finally, the resources conservation and development area is funded at \$51.4 million, which is a small increase over last year's levels. This bill will likely be considered on the House floor the week of June 6<sup>th</sup>.

There has been no significant action to report this week on either the Interior and Environment Appropriations bill (H.R. 2361), which funds the U.S. Environmental Protection Agency and was approved by the House on May 19, or the Homeland Security/Federal Emergency Management Agency Appropriations bill that funds Federal Emergency Management Agency activities (H.R. 2360) that was approved by the House on May 18.

### ***New EPA Administrator Officially on Board***

EPA Administrator Stephen L. Johnson was officially welcomed by President Bush to his new post at a ceremony the agency on May 23, 2005. Administrator Johnson was sworn in as EPA's chief on May 2. Prior to becoming Administrator, Mr. Johnson had served as the Acting Administrator (since January 2005), Deputy Administrator (from August 2004 to January 2005) and Acting Deputy Administrator of the Agency (from July 2003 to August 2004).

### ***Water Resources Development Act of 2005 Still Awaits Senate Action***

As Congress recessed for Memorial Day, the Senate version of WRDA 2005 (S. 728), which authorizes the projects for the Corps of Engineers, is still awaiting Senate floor consideration. That action is expected in June following the Senate's consideration of a number of other key issues, including the conference on the Highway bill.

In the House, the Water Resources and Environment Subcommittee is planning to have a bill introduced for a markup about June 18, 2005, with full Transportation and Infrastructure Committee markup expected the following week and floor action planned before the July 4 Holiday Recess. NAFSMA members will be apprised of new developments in this area as they occur. The policy provisions in the bill are expected to be similar to those included in the bill approved by the House in 2003.