



MEMORANDUM

TO: IEDA Board
FROM: Ed Gerak
RE: Federal Legislative Committee Report
DATE: April 11, 2024

Hill Visits

Eclipse – It seems that the eclipse had more impact than one day up on the hill. Unlike any other visit, DC staffers attitudes were darker than usual, borderline defeatist (Jorge’s description).

FISA – Trump urged Republicans to kill the FISA reauthorization. This manifested in a vote Wednesday to defeat a procedural vote, preventing further action. This is the fourth time under Speaker Johnson’s tenure that the House defeated a rule vote. The final vote was 193 to 228, representing 19 Republicans breaking rank,

Motion to Vacate – Representative Majorie Taylor Green continues to hover the threat of a motion to vacate. APPA speculates it might come the week of April 15th. It will remain to be seen if an appearance at Mar-a-Lago next to Trump will quell the firebrand of MTG. If the motion to vacate is introduced, this could cause serious disruption, like last time. It seemed that Speaker Johnson was considered the least worst option at the time. So if he is removed, the question will be, “if not him, then who?”

HYDRO Act – House WWF relayed concerns from Metropolitan Water District regarding the impact the HYDRO Act would have on WAPA. I informed Annick that this was a messaging bill and something that has occurred in other PMAs. Given the accounting disparity or finding funding elsewhere, it seemed to cast doubt about the HYDRO Act.

Help Hoover Dam Act – The majority of my visit was to thank the offices that signed on as original cosponsors to the legislation and try to cue up a hearing. Melanie Thorton (Senate ENR staff) is out on maternity leave and won't be back until July. Chris Phalen (Sinema's office) said he would put in a hearing request next week, but nothing will happen until Melanie is back. Annick Miller (House Natural Resources – Water, Wildlife and Fisheries) said that they have gathered enough bills to have a Bureau hearing, either in May or June. Representative Lesko's office said she would be willing to sit as a visitor on the committee. Ciscomani, Gallego and Staton were all supportive. I was unable to get a meeting with Gosar's office, but I saw him Monday night and had a chance to thank him for his support.

Visitor Center – Laid the groundwork for legislation for next session. We continue to see power customers subsidizing the tourists at Hoover. The biggest obstacle is that the Bureau is precluded from charging entry fees because of the Federal Land Recreation Enhancement Act. This would go through the Federal Lands Subcommittee of House Natural Resources. The only Arizona member on this committee is Representative Grijalva. We would need to get an exemption for Hoover from FLREA. There were some strong opinions from certain AZ and NV congressional offices in September, mainly around free days for state residents. CRCNV has back peddled a little because of commissioner opinions as well. There will be time after the E&OC meeting in May to discuss possible legislative initiatives in the future with that group. Visitor Center revenue shortfall has been north of \$35M since COVID, and this year is tracking towards \$2.5M. Entry fees would recoup all tourism costs, as well as the ongoing @ \$5M in debt service.

LTEMP SEIS – Updated the offices on the pending release of the FEIS and the problems with the draft.

Post 2026 – Discussed Post 2026 with a few offices. Carmen (Senator Kelly's office) told me that the Colorado River Senators met with Commissioner Touton. It seems that she is focusing on the Upper and Lower Basin proposals and trying to find a compromise. I mentioned how a few of the alternatives proposed exceeded the annual release guidelines and focused on more seasonal releases. One even recommended that the AMWG group determine the release volume, which would be problematic given their anti-hydro biased.

Distribution Transformers – Discussed how the revised standards were much more manageable and that we were thankful for pressure to revise this initiative.

Grid Reliability Bill – Lou with Lesko’s office mentioned that with the retirement announcement, it took the wind out of the sails to introduce. The chair of the E&C – Energy, Climate & Grid Security subcommittee (Jeff Duncan) is also retiring. However, it may still get introduced this session.

Election Issues

Arizona Abortion Ruling – The Arizona Supreme Court ruled that a 1864 Territorial ban on abortion was still on the books. With Roe vs. Wade being overturned in 2022, doctors now can be prosecuted for performing abortions, but the court said enforcement might be a few weeks out (others suggested months). Attorney General Kris Mayes has come forward to state she would not prosecute under the 1864 law, but the mere fact of its existence may stymie abortions in Arizona. It could also act as a lightning rod for turnout in a battleground state. A Politico article suggested that abortion may overtake immigration as the most discussed issue in the state.

Impeachment of Secretary Mayorkus – Senate impeachment looking iffy due to some Senate Republicans recommending dismissal.

Nebraska Presidential Delegate – Nebraska Republicans have floated a special session to change election rules, which would make Nebraska an all or nothing state. Currently, Maine and Nebraska can split their electoral college votes. Nebraska has for decades divided its electoral votes in an unusual system where the statewide vote winner gets two electoral votes and the vote winner in each of the state’s three congressional districts gets one vote. President Biden carried the Omaha District in 2020, giving him one electoral college vote. Given how close some are projecting this next election, this one vote could decide who comes out on top as president.

RFK Jr. – Campaign official suggests that RFK Jr. will play spoiler in New York, encouraging Republicans to sign the petition to get him on the ballot and impact Biden’s chances.