

January 11, 2021

Democratic wins in Georgia set table for climate, infrastructure legislation

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Voters in Georgia's pair of runoff elections last week chose Democrats Raphael Warnock and John Ossoff, respectively, to serve as the state's two senators in the 117th Congress, bringing the chamber to an even 50-50 split. Democrats will effectively take control on January 20 when the new presidential administration is sworn in, by virtue of the tie-breaking vote of incoming Vice President Kamala Harris.

With razor-thin (<https://www.amwa.net/article/narrower-majorities-tap-house-and-senate-2021>) majorities in both chambers, Democrats are expected to set up votes on legislation addressing climate change, infrastructure funding and regulatory reform, among many other priorities. The climate and infrastructure proposals in particular could offer opportunities for additional water infrastructure funding, but Democrats may also explore legislating mandates related to drinking water contaminants like PFAS. However, passing any of these proposals will require near-unanimity by Democrats if no Republicans can be convinced to cross the aisle to offer their support.

In the leadup to the November elections there had been discussion of Democrats potentially eliminating the Senate filibuster should they win control of the chamber. Party leaders have not ruled that option out, but it appears less likely given that all Democratic senators would have to support the move and several moderates have expressed reservations about the idea.

A significant consequence of the Georgia outcome is that Delaware Democratic Senator Tom Carper will chair the Environment and Public Works Committee, which has oversight of drinking water issues. West Virginia's Shelley Moore Capito will be the panel's top Republican. Sen. Carper has been a reliable supporter of the Democrats' environmental agenda in the past.

A 50-50 Senate last occurred for six months in 2001. At the time Democratic and

Republican leaders devised a unique power-sharing agreement (<https://crsreports.congress.gov/product/pdf/RS/RS20785>) that provided some additional rights to the minority party. It is not yet known if senators will work out a similar agreement this year.

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