

Hicks-Ray Associates



October 6, 2010

TO: WESTCAS Membership
FROM: Fred B. Hicks and Tom Ray
SUBJECT: Congress Adjourns

Both the House and Senate adjourned this past week with the House completing its work at 1:04 AM on Thursday. Any time the Congress adjourns a date is set for when each House will reconvene. And that will be November 15th which will mark the beginning of the lame duck session of Congress.

Before adjourning last week, the Congress adopted a continuing resolution for all 12 of the FY11 Appropriations bills. This CR runs through December 3rd. The Democratic strategy is to attempt to fold all of these bills into a single omnibus measure that would be passed during the lame duck. A Republican attempt to pass a CR lasting until February, 2011 was rejected.

Normally at such points in the legislative year, we would be providing a round-up of all pending legislation and speculating on whether various bills would be passed or not. This year things are much simpler. Virtually all of the water resources legislation pending in the 111th Congress will die on December 31, 2010. The November 2nd elections will give us a better idea of how such legislation will be handled in the future.

The best way to think about the coming lame duck is view it as two separate acts. The first act will run from November 15th through December 3rd which is the duration of the current CR. The second act, if there is one, will run from December 4th to as close to Christmas Day as the Democratic Majority wants to keep the current Congress in session.

Republicans will push for an end to the lame duck as soon as the FY11 Appropriations issues are addressed, either through an omnibus or a CR extending into the New Year. But our hunch is that with so much on its plate, including expiration of the Bush tax cuts, action on the estate tax, an AMT fix, and so many others, that there will be a "second act" of the lame duck in December.

Any environmental legislation would have to muster 60 votes in the Senate to proceed during the lame duck. As of this writing, that would appear to be unlikely.

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