

Hicks-Ray Associates



December 17, 2010

TO: WESTCAS Membership
FROM: Fred B. Hicks and Tom Ray
SUBJECT: Lame Duck Updates

The past 24 hours provide a dramatic example of how quickly things can change in Washington, particularly during a lame duck session. Yesterday, the headlines were that President Obama would sign the 1,900+ page, \$1.1 trillion omnibus appropriations bill which Senate Democrats had introduced. And at least nine Republican Senators had indicated that they would seriously consider voting for the bill, including Senators Bennett of Utah, Bond of Missouri, and Voinovich of Ohio, all three of whom are retiring.

All that is needed to bring a bill to the Senate floor for debate and passage is 60 votes and appeared that the Democrats had perhaps 61. But the report is that Republican Leader Mitch McConnell managed to talk all of his Republican caucus into opposing the Omnibus. Once this opposition was put in place and once it became clear that the Republicans would stand firm, the FY11 Omnibus was dead.

Most of the news stories in the press focus on the amount of spending, the 6,600 earmarks, and other funding aspects of the omnibus. But in our view, by far the greatest potential danger of the omnibus was that it provided a vehicle for virtually any other legislative provision. Of greatest concern to us was the sudden emergence of S-787, the waters of the US Senate legislation that has been dormant since July, 2009 but which was suddenly reported by the full Environment and Public Works Committee earlier this week.

The management of the FY11 Omnibus included it's being introduced on Tuesday with the necessity of voting for it by late today so that the federal government could remain in operation. Had this tactic been carried forward, most of us would have spent the latter part of the weekend reading the final version of the omnibus and discovering what was in the bill. This might not have been pleasant reading all the more so because President Obama had pledged to sign the bill.

But as of last night, this isn't going to happen and a much more modest short-term CR seems likely to be passed that will extend into February.

Fred Hicks - 703.866.4290
P.O. Box 2115
Springfield, VA 22152-0115
fred@hicks-ray.com

Tom Ray - 254.855.0880
P.O. Box 955
Waco, TX 76703-0955
tom@hicks-ray.com