

WESTCAS -- Washington Update

December 20, 2010

(based on updated Oct 2010 WESTCAS presentation)

As expected the Lame Duck was “morning at the Alamo” and it is not done yet (e.g., Reid’s S.303 Public Land Omnibus). This is a brief update of the October presentation. HRA Washington Updates will provide specifics and alerts as needed.

Fred Hicks and Tom Ray



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Update Topics

Timeline

- CRs and the Lame Duck

Lame Duck Issues

- Omnibus – opportunity with strings?

112th Expectations/New members

- Legislative stalemates, Key House Cmt

Potential for Regulatory Fiat and EOs

- No Environmental Legislation in 112th

Federal Funding/Infrastructure Bank?

- Realistic possibilities?



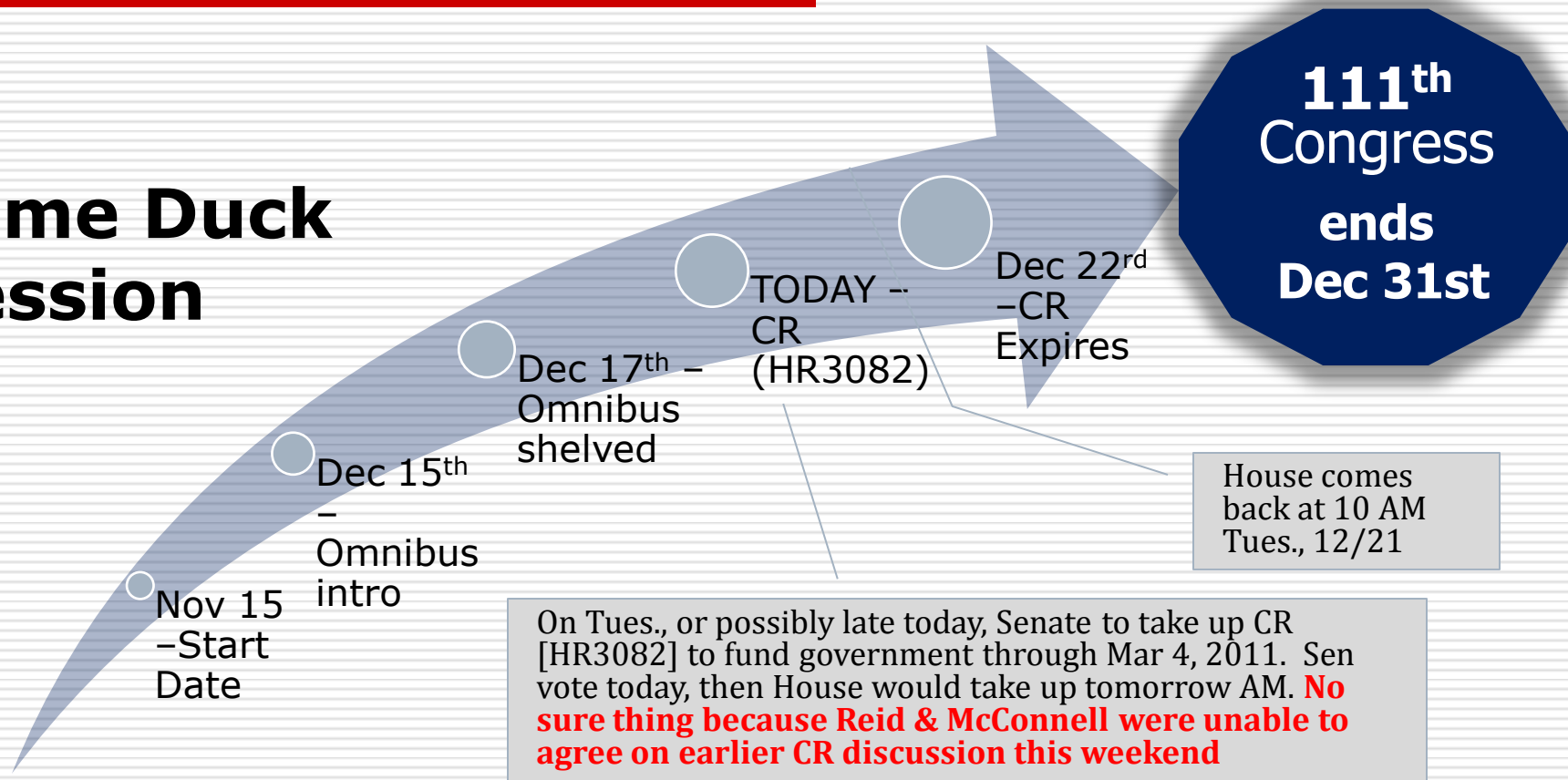
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TIMELINE - Important Dates

Lame Duck Session



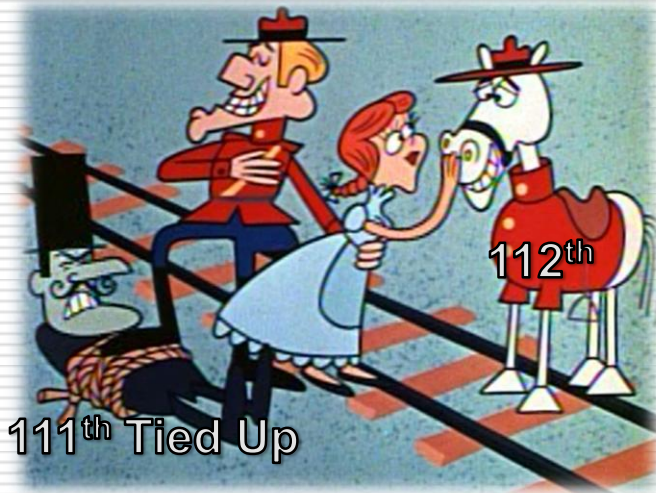
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SCENARIOS (PREDICTED IN OCTOBER)



Dudley Do Right

Or

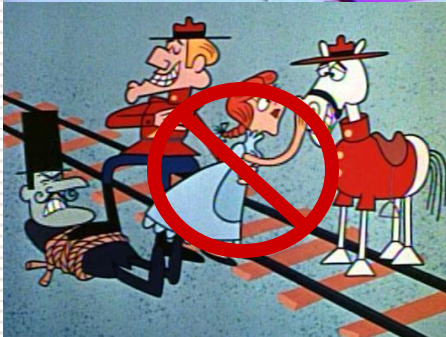
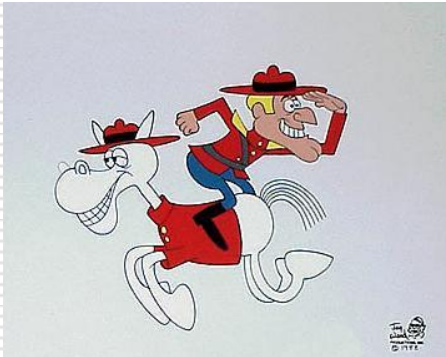


“Morning at the Alamo”

What to Expect during the Lame Duck Session...



Short Session Scenario



- ❑ Short session lasting only until December 3rd, at which point the 111th Congress would adjourn for the year.
- ❑ This seems unlikely to us for two reasons.
 - First, if you think of the calendar, the week after November 15th is.....Thanksgiving, and Congress doesn't meet during Thanksgiving leaving almost no time to adjourn by December 3rd.
 - Second, there is so much unfinished work in the 111th Congress they are going to need most of December to complete it.
- ❑ The "short session" approach is favored by Republicans.

(AS DISCUSSED IN OCTOBER)



Longer Session Scenario



- Longer session scenario: Congress stays in session until almost Christmas
- Things get very “messy and controversial”
- Instead of Dudley Do-Right the very end of a lame duck lasting most of December may look more like this.....

(AS DISCUSSED IN OCTOBER)



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LAME DUCK ISSUES

The Omnibus – expectations and cautions



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The Center Piece – *Omnibus*

- Huge Omnibus bill is expected that will include the FY: Appropriations bills, all of which remain unpassed.
- Major issues
 - Expiration of the Bush Tax Cuts;
 - Institute the “death tax,” a fix for the AMT; and,
 - Virtually anything else that supporters can cram into the Omnibus, which is also called “a Christmas Tree” piece of legislation because of all of the ornaments hung on it.
- We will be watching and trying to follow the omnibus as it is put together and report to the WESTCAS membership because there could be some very unpleasant surprises.
- Remember that omnibus bills are put together behind closed doors so this won't be easy.



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- Reid’s Appropriations Omnibus included over 6,000 earmarks and totaled \$1.1 Trillion and almost 2,000 pages. A “Christmas Tree” of colossal size, with vast opportunities for adding unwanted ornaments. Reid pulled the Omnibus on Friday of last week.



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Waiting for the Omnibus

Around Christmas this year, we could be excited to find a big Omnibus...



What's inside?



(AS DISCUSSED IN OCTOBER)

Opening the Omnibus

Will it be all that we expect? Be mindful

We could not only dislike what's inside,

But...have to wear it too!



UPDATE – With Omnibus shelved, the current CR ends on Dec 22rd, expect a new CR to fund government through early March and Congress to ADJOURN

LANDS & WATER OMNIBUS

"America's Great Outdoors Act of 2010" [S303](#)



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Its Mass is a Liability (S303)

- ❑ Package of 110 public lands, water and wildlife bills
- ❑ Reid Introduced bill on Friday, 12/17
- ❑ Criticisms
 - “Bloated” – Chair-elect Doc Hastings, Sen Inhofe and other Republicans
 - Bolsters EPA effort in Chesapeake Bay could hurt agriculture
 - Wilderness measures lockup public lands from energy production
- ❑ “Unfortunate because separately many bills with bipartisan support” Sen Inhofe staff

Remember the “Christmas tree” danger that almost anything could be attached to this bill at the last moment. Need for careful, continuous monitoring.

A link to S303 is on [HRA website](#) with pertinent articles and comments.

EXPECTATIONS

A Log-jam for the 112th and the Admin's Critical Third Year



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112th Expectations

- ❑ House goes into session and Members sworn in on January 5th. The Senate convenes a day earlier.
- ❑ Go to HRA website to access the House schedule for the 112th Congress which will feature Tuesday through Thursday, and sometimes Friday, workweeks with an entire week set aside each month for a "District Work Period."
- ❑ Smaller Committees, more emphasis on Committee oversight, cutting of Federal spending, and fewer "unanimous consent" items brought to the House floor for debate.



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What happens if the Congress can't pass environmental legislation?

- ☐ Then the Executive Branch can use its power to issue Executive Orders.
- ☐ Will they do this during the first year of the 112th Congress? Some say "yes" and some say "they wouldn't dare."
- ☐ We have to monitor this very, very carefully.



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Environmental Legislation in the 112th Congress

Outlook

1. Republican House
Majority



2. Less Democratic
Senate



Outcome

Little environmental
legislation coming out
of a House

Senate will move them
even farther away
from the 60 votes
they need to advance
legislation.



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Environmental Legislation in the 112th Congress

Outlook

Outlook

1. Republican House Majority

It is, therefore, a good bet that the legislative option for pushing a new environmental "sustainability" agenda is far less likely over the next two years.

...votes
...need to advance
legislation.



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Two important points

- ❑ 112th Congress unlikely to pass controversial environmental legislation
- ❑ Administration's environmental initiatives more likely to be achieved through Executive Orders and regulation.



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Huge battles Expected in Congress

FEDERAL FUNDING



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Funding vs Deficits

- Federal funding
 - Expect huge battles next year
 - Deficits versus more stimulus
- Discretionary spending curtailed
 - Current economic crisis, growing concern over federal deficits,
 - Little doubt domestic discretionary spending will be under the gun.
- Cuts in water resources spending
 - Across the federal spectrum.
 - USEPA, Bureau of Reclamation, Corps of Engineers, and just about any other agency.



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What's At Stake in 112th?

Policy questions that impact the future of the Texas water resources and implementation of new project:

- ☐ Will the federal government continue to be a partner in helping to fund key projects or will it simply become a generator of environmental regulations?
- ☐ Will this come through the regular appropriations process or increasingly through new approaches such as the creation of a national infrastructure bank?

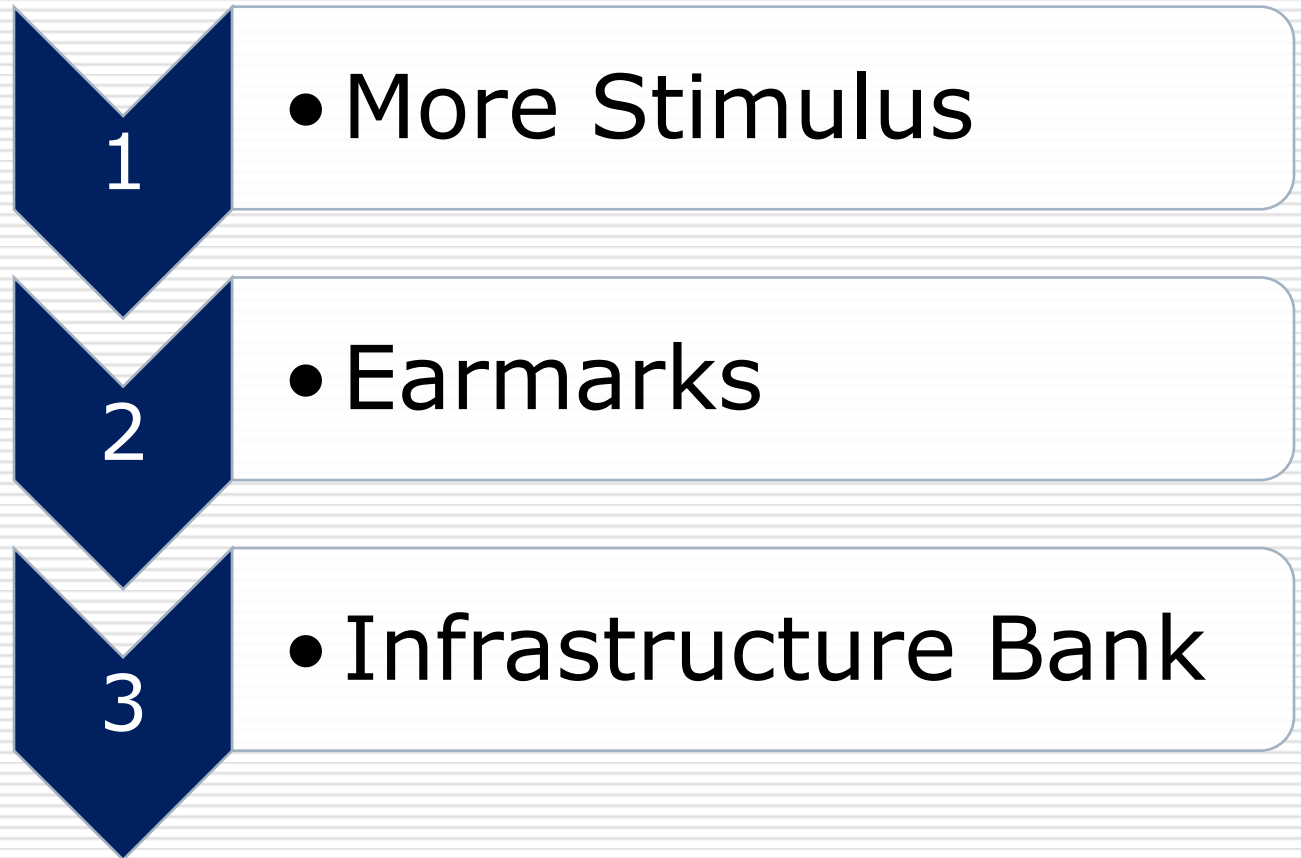


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Funding Options



Infrastructure Bank?

HRA has reviewed the options and has concerns about the details of various “federal bank” proposals



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Details of Current Proposals

Bank staff

The bank's staff would include a generous representation of "on loan" personnel from USEPA and other Federal regulatory agencies.

Project Selection

Projects chosen at the sole discretion of the bank without Congressional interference and have to meet environmental sustainability criteria.

Local share varies

The local cost-share would be determined on a case by case basis and not via Congressionally mandated policy as is currently the case.

Future stability of funding

Once federal funding is shifted away from the current Congressionally focused arrangement funds for traditional programs such as USEPA, the Bureau, and the Corps could be expected to wither, particularly in the face of federal funding constraints.

Stay tuned. The Lame Duck is not over yet, and the 112th will be exciting for WESTCAS.

Fred and Tom



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