



washington dc update

Lame Duck Session Possibilities

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What would you do during this holiday season if you received two invitations in the mail to attend a party? The first invitation promises a meal of gruel and ancient fruitcake with gifts confined to Sox and underwear gift-wrapped by your great aunt. The second invitation promises turkey with all the trimmings, pastries and wonderful libations, and gifts ranging from I-Pods to tickets on the 50 yard line for the Super Bowl. Which invitation would you accept?

The lame duck session of Congress is setting up a similar choice for Members of Congress. The rumor is that the House will adopt an FY11 Continuing Resolution that will last until the end of the Fiscal Year and then send it to the Senate. The Senate will then consider whether to accept the House CR, which would hold down spending and kill earmarks, or to instead propose its own omnibus appropriations bill.

If they choose the latter option, then this omnibus would almost certainly contain earmarks. Even more important, an appropriations omnibus would also serve as the "vehicle" for almost anything else that could be stuffed into the final bill. This could range from the huge public lands bill that is being put together by Senators to provisions concerning taxes, unions, environment, and just about anything else.

Many believe that Senators will choose the omnibus option. And if they do, then the House of Representatives will resemble a person trudging through the sleet and bitter wind to attend a holiday party featuring gruel and fruitcakes only to be told that there is still an opportunity to attend that other party with all the great food and gifts. Many believe this might create a stampede to an omnibus.

Perhaps the Senate will show its austere face and go with the year-long continuing resolution. But one must remember that it takes 60 votes to move legislation in the Senate. And several Senate Republicans have announced that they will request earmarks in the 112th Congress. What impact will that pledge have on them as the lame duck decides how it will deal with spending and earmarks? Stay tuned. We will know the answer soon.

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