

**Legislative Bulletin.....July 16, 2009**

**H.R. 3170 — FY 2010 Financial Services and General Government  
 Appropriations Act**

**BY THE NUMBERS:**

*In Millions of Dollars*

	<b>FY09</b>	<b>FY10 Request</b>	<b>FY10 Committee</b>	<b>Cmte v. Request</b>	<b>Cmte v. FY09</b>
<b>Appropriations</b>	22,697	24,228	24,150	-78	1,453
<i>Emergency Approps</i>	7,085	0	0	0	-7,085
Total	29,782	24,228	24,150	-78	-5,632

**Excluding Emergency Appropriations, the Committee Bill is:**

- **\$78 million or 0.3% less than the request**
- **\$1.5 billion or 6.4% more than last year**
- **\$3.6 billion or 17.5% more than FY 2008**

**Spending Discussion:** The bill provides a total funding level in FY 2010 of \$24.2 billion, which is **\$1.5 billion** or **6.4%** more than last year. The funding for programs under this bill comes on top of **\$7.1 billion** of emergency-designated spending in FY 2009. Compared to FY 2008 (the spending authority the federal government was operating under just nine months ago), the bill is a **\$3.6 billion** or **17.5% increase**. Under the Democrats' 302(b) allocation (which sets the spending plan for the FY 2010 appropriations process), all twelve bills will receive spending increases, with a total spending level of \$1,089.6 trillion—an increase of \$77 billion or 7.6% compared to last year.

## Funding Summaries:

*In thousands*

	FY 2009 Enacted	FY 2010 Request	FY 2010 Cmte	Cmte Vs. FY 2009	Cmte Vs. Request	Cmte Vs. FY 2009	Cmte Vs. Request
<b>I. Department of Treasury</b>							
Departmental Offices	546,518	540,392	544,392	-2,126	4,000	-0.4%	0.7%
Financial Management Service	239,785	244,132	244,132	4,347	----	1.8%	----
Alcohol and Tobacco Tax and Trade Bureau	99,065	105,000	99,500	435	-5,500	0.4%	-5.2%
Community development financial institutions fund	107,000	243,600	243,600	136,600	----	127.7%	----
Bureau of the Public Debt	177,352	182,244	182,244	4,892	----	2.8%	----
IRS	11,602,598	12,126,000	12,130,000	527,402	4,000	4.5%	0.0%
<b>II. Executive Office of the President</b>							
The White House	190,278	207,818	207,818	17,540	----	9.2%	----
OMB	87,972	92,687	92,687	4,715	----	5.4%	----
Office of the National Drug Control Policy	438,900	422,575	407,975	-30,925	-14,600	-7.0%	-3.5%
Unanticipated Needs	1,000	1,000	1,000	----	----	----	----
<b>III. The Judiciary</b>							
Supreme Court of the United States	88,224	89,308	88,559	335	-749	0.4%	-0.8%
US Court of Appeals for Federal Circuit	30,384	36,981	33,577	3,193	-3,404	10.5%	-9.2%
US Court of International Trade	19,605	21,517	21,350	1,745	-167	8.9%	-0.8%
Courts of Appeals, District Courts, and Other Judicial Offices	6,156,086	6,677,369	6,588,464	432,378	-88,905	7.0%	-1.3%
Administrative Office of the US Courts	79,049	83,963	83,075	4,026	-888	5.1%	-1.1%
Federal Judicial Center	25,725	27,486	27,328	1,603	-158	6.2%	-0.6%
Judicial Retirement Funds	76,140	82,374	82,374	6,234	----	8.2%	----
US Sentencing Commission	16,225	17,056	16,837	612	-219	3.8%	-1.3%
<b>IV. District of Columbia</b>							
Federal Payment for Resident Tuition Support	35,100	35,100	35,100	----	----	----	----
Federal Payment for Emergency Planning and Security	39,177	15,000	15,000	24,177	----	6.2%	----
Federal Payment to the District of Columbia Courts	248,409	248,952	268,920	20,511	19,968	8.3%	8.0%
Defender Services in District of Columbia Courts	52,475	52,475	55,000	2,525	2,525	4.8%	4.8%
Federal Payment to Court Services and Offender Supervision Agency	203,490	212,408	212,408	8,918	----	4.4%	----
Federal Payment to the District of Columbia Public Defender Service	35,659	37,316	37,316	1,657	----	4.6%	----
Federal Payment District of Columbia Water and Sewer Authority	16,000	20,000	20,400	4,400	400	27.5%	2.0%
Federal Payment to the Criminal Justice Coordinating Council	1,774	1,774	2,000	226	226	12.7%	12.7%
Federal Payment to CFO	4,888	----	1,700	-3,188	1,700	-65.2%	NA
Federal Payment School Improvement	54,000	74,400	74,400	20,400	----	37.8%	----
Federal Payment for consolidated laboratory	21,000	15,000	15,000	-6,000	----	-28.6%	----
Federal Payment for the D.C. National Guard	----	2,000	2,375	2,375	375	NA	18.8%
Federal Payment for Housing for the Homeless	----	19,200	19,200	19,200	----	NA	----
Federal Payment for Youth Services	----	5,000	5,000	5,000	----	NA	----
<b>V. Other Independent Agencies</b>							
Consumer Product Safety Commission	105,404	107,000	113,325	7,921	6,325	7.5%	5.9%
Administrative Conference of the United States	1,500	2,625	1,500	----	-1,125	----	-42.9%
Election Assistance Commission	123,959	68,530	123,959	----	55,429	----	80.9%
FCC	341,875	335,794	335,794	-6,081	----	-1.8%	----
FEC	63,618	64,000	65,100	1,482	1,100	2.3%	1.7%

Federal Labor Relation Authority	22,674	24,773	24,773	2,099	----	9.3%	----
FTC	259,200	287,200	291,700	32,500	4,500	12.5%	1.6%
Federal Buildings Fund	651,198	525,000	459,900	-191,298	-65,100	-29.4%	-12.4%
Allowances and Office Staff for Former Presidents	2,934	3,756	3,756	822	----	28.0%	----
Merit Systems Protection Board	41,390	42,918	42,918	1,528	----	3.7%	----
Morris K. Udall Foundation	5,850	6,000	6,000	150	----	2.6%	----
National Archives and Records Administration	447,435	453,870	457,000	9,565	3,130	2.1%	0.7%
Office of Government Ethics	13,000	13,665	14,415	1,415	750	10.9%	5.5%
Office of Special Counsel	17,468	18,495	18,495	1,027	----	5.9%	----
SEC	960,000	1,026,000	1,036,000	76,000	10,000	7.9%	1.0%
Selective Service System	22,000	24,400	24,150	2,150	-250	9.8%	-1.0%
SBA	612,280	779,300	847,987	235,707	68,687	38.5%	8.8%
US Postal Service	111,831	118,328	118,328	6,497	----	5.8%	----
US Tax Court	48,463	49,242	49,242	779	----	1.6%	----

**Items of Note:**

**Payments to the District of Columbia :** \$768.3 million—\$26.0 million or 3.5% above last year, and \$29.2 million or 3.9% above the request.

**Bureau of the Public Debt:** \$182.2 million—\$4.9 million or 2.8% above last year, and the same as the President’s request.

**The Federal Judiciary:** \$6.5 billion—\$437.6 million or 7.2% above last year, and \$94 million or 1.4% less than the request.

**IRS:** \$12.1 billion—\$527.4 million or 4.5% above last year, and \$4.0 million or about the same as the request.

**Publicly Funded Abortion in Washington, DC:** The bill allows for publicly funded abortion in Washington, DC. Historically, there has been a restriction on government funded abortion in DC due to the Dornan Amendment, which prohibited both federal and local appropriated funds from being used to pay for abortion. This bill contains language that only bans *federal* dollars and does not address local funding. Since Congress controls DC’s entire budget, which includes all local revenues, Congress is allowing taxpayer funded abortion where it was previously prohibited.

Congressmen Tiahrt (R-KS) and Lincoln Davis (D-TN) offered an amendment in the Appropriations Committee to restore the ban on publicly funded abortions, but it was defeated by a vote of 26-33. It was also submitted as an amendment before the Rules Committee but was not made in order.

**Removes Ban on Domestic Partnership Benefits in DC:** The ban on federal funds for domestic partnership benefits has been in place since 2001. A ban on federal and local funds was in place before 2001. Congressman Steve King (R-IA) offered an amendment to reinstate the ban but it was not made in order by the Rules Committee.

**Removes Ban on Legalizing Medical Marijuana in DC:** Congressman Mark Souder (R-IN) offered an amendment to reinstate the ban but it was not made in order by the Rules Committee.

**Eliminates the DC Opportunity Scholarship Program, Beyond Current Students:** No new students will receive funding for this program, which aids low-income children by giving them scholarships of up to \$7,500 to attend private schools in Washington, DC. The bill currently includes \$12.2 million for existing recipients. Minority Leader Boehner (R-OH) offered an amendment which would have removed the requirement that students must be current recipients in order to receive scholarship money, but it was not made in order by the Rules Committee.

**Buy American Act:** Prohibits funds from being used in violation of the Buy American Act.

**Outsourcing/A-76 Activities:** Prohibits funds in the bill from being used under OMB Circular A-76 (governing the federal government's outsourcing policies) to implement any pending or future competitive sourcing for work performed by federal employees. In other words, this provision would prohibit federal employees from having to compete with private-sector entities for certain non-inherently governmental functions of the agencies (like food service and lawn-mowing).

**Earmarks:** The bill includes a list of about 200 earmarks beginning on page 126 of the [committee report](#).

**Potential Conservative Concerns:** Some conservatives may be concerned with various aspects of this legislation, including, but not limited to:

**Excess Spending.** H.R. 3170 provides a total spending level of \$24.2 billion—**\$1.5 billion** or **6.4%** more than last year. This spending comes on top of **\$7.1 billion** of emergency-designated spending in FY 2009. And compared to FY 2008—the spending authority that programs under this bill were operating under *nine months ago*—this legislation represents a **\$3.6 billion** or **17.5%** increase.

**Questionable Spending Priorities.** The bill provides \$12.1 billion for the **IRS** (a \$527 million or 4.5% increase), \$768.3 million for **Payments to the District of Columbia** (a \$26.0 million or 35.0% increase, and \$182.2 million for the Bureau of the Public Debt (a \$4.9 million or 2.8% increase).

In addition, the Rules Committee did not make in order two amendments offered by Representative Cole (R-OK) that would have reduced spending for programs that fall under the jurisdiction of the subcommittee. Specifically, the Rules Committee failed to make in order an amendment that blocks funding for the Presidential Election Campaign Fund (which uses taxpayer money to subsidize political campaigns), and also an amendment that would prevent taxpayer money from being used to pay for political

nominating conventions (including entertainment expenses). The bill allows taxpayer money to be used for both purposes.

Values Concerns. The bill allows for *publicly funded abortion* in Washington, DC. Historically, there has been a restriction on government funded abortion in DC due to the Dornan Amendment, which prohibited both federal and local appropriated funds from being used to pay for abortion. This bill contains language that only bans *federal* dollars and does not address local funding. Since Congress controls DC's entire budget, which includes all local revenues, Congress is allowing taxpayer funded abortion where it was previously prohibited.

The bill also contains language removing the bans on federal funding for domestic partnership benefits, removes the ban on legalizing medical marijuana, and has language that effectively eliminates the DC Opportunity Scholarship program by only providing funding for students who are currently enrolled in the program. No new students will receive funding.

### ***Democrat Inconsistency Alert!***

**Voting Rights for DC Residents:** House Democrats claim to support voting rights for DC residents. But the rule for this bill blocks a Chaffetz/Jordan amendment allowing DC residents a referendum on the definition of marriage.

**Education and Opportunity:** House Democrats claim to support educational opportunities for all Americans, regardless of family income. But this bill terminates (beyond current students) the DC Opportunity Scholarship Program, which gives kids, from families without the financial means to otherwise do so, the opportunity to escape from failing schools.

**Outside Organizations:** Groups in Opposition to Final Passage (\* indicates that the group is scoring final passage):

- \*Americans United for Life
- \*Concerned Women for America
- \*Democrats for Life
- \*Eagle Forum
- \*Family Research Council
- \*Focus on the Family
- \*National Committee for a Human Life Amendment
- \*National Right to Life Committee
- Southern Baptist Ethics & Religious Liberty Commission
- Susan B. Anthony List
- US Conference of Catholic Bishops

**Committee Action:** H.R. 3170 was reported out of the House Appropriations Committee as an original measure on July 10, 2009.

**Cost to Taxpayers:** The bill appropriates a total of \$24.2 billion in FY 2010.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill increases spending for programs in the FY 2010 Financial Services bill by \$1.5 billion or 6.4%.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No CBO score is available listing any possible mandates.

**Constitutional Authority:** The House Appropriations Committee, in [House Report 111-203](#), cites Clause 7 of Section 9 of Article I of the Constitution (the power of Congress to appropriate money). The committee did not cite constitutional authority for the various spending items themselves.

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