

Legislative Bulletin.....September 25, 2009

**H.R. 2918 — FY 2010 Legislative Branch Appropriations Act,
 Conference Report, and Continuing Resolution**

BY THE NUMBERS:

In Millions of Dollars

	FY09	FY10 Request	FY10 Conference	Conf v. Request	Conf v. FY09
Appropriations	4,402	5,042	4,656	-386	254
<i>Emergency Approps</i>	98	0	0	0	-98
TOTAL	4,500	5,042	4,656	-386	156

Excluding Emergency Appropriations, the Legislative Branch Conference Report is:

- **\$386 million or 7.7% less than the request**
- **\$254 million or 5.8% more than last year**
- **\$686 million or 17.3% more than FY 2008**

Spending Discussion: The Legislative Branch portion of the conference report (Division A) provides a total funding level in FY 2010 of \$4.7 billion, which is **\$254 million** or **5.8%** more than last year. Compared to FY 2008—the spending authority under which the federal government was operating less than a year ago—the bill is a **\$686 million** or **17.3%** increase. Under the Democrats’ 302(b) allocation, the FY 2010 appropriations process will conclude with a total spending level of \$1.09 trillion—an increase of \$77 billion or 7.6% compared to last year.

Order of Business: The House Rules Committee waived all points of order against the conference report, and prohibited consideration of an RSC amendment sponsored by Representative Jim Jordan (R-OH) that would have provided spending authority, under the CR, for the 9 non-security appropriations bills at *FY 2008 levels*. For the Defense, Military-Construction, and Homeland Security Appropriations bills, the amendment would have provided funding levels equivalent to the FY 2010 House-passed bills. The amendment would further have allowed the CR to remain in effect for all of FY 2010. Compared to the House Democrats’ FY 2010 spending plan, this amendment proposed a spending plan that saves **\$84.3 billion**.

DIVISION A: FY 2010 Legislative Branch Appropriations

Funding Summaries:

In Thousands

	FY 2009	FY 2010	FY 2010	Cmte. v.	Cmte. v.	Cmte. v.	Cmte. v.
	Enacted	Request	Conf	FY2009	Request	FY 2009	Request
House of Representatives							
Office of the Speaker.....	4,879	5,077	5,077	198	----	4.1%	----
Majority Leader.....	2,436	2,530	2,530	94	----	3.9%	----
Minority Leader.....	4,390	4,565	4,565	175	----	4.0%	----
Majority Whip.....	2,115	2,194	2,194	79	----	3.7%	----
Minority Whip.....	1,630	1,690	1,690	60	----	3.7%	----
Speaker Floor Activities.....	501	517	517	16	----	3.2%	----
Republican Steering Cmte.....	950	981	981	31	----	3.3%	----
Republican Conference.....	1,777	1,748	1,748	-29	----	-1.6%	----
Republican Policy.....	337	362	362	25	----	7.4%	----
Democratic Steering & Policy Cmte.....	1,315	1,366	1,366	51	----	3.9%	----
Democratic Caucus.....	1,749	1,725	1,725	-24	----	-1.4%	----
Nine Minority Employees.....	1,502	1,552	1,552	50	----	3.3%	----
Training & Development Programs.....	580	580	580	----	----	----	----
Cloakroom Personnel.....	952	994	994	42	----	4.4%	----
Subtotal House Leadership.....	25,113	25,881	25,881	768	----	3.1%	----
Members' Representational Allowance (MRA).....	609,000	699,344	660,000	51,000	-39,344	8.4%	-5.6%
Standing Cmtes (except Appropriations).....	154,000	175,189	139,878	-14,122	-35,311	-9.2%	-20.2%
Appropriations Cmte.....	31,300	33,303	31,300	----	----	----	----
Office of the Clerk.....	27,457	33,901	32,089	4,632	-1,812	16.9%	-5.3%
Office of the Sergeant at Arms.....	8,355	10,092	9,509	1,154	-583	13.8%	-5.8%
Office of Chief Administrative Officer.....	125,838	133,948	130,782	4,944	-3,166	3.9%	-2.4%
Office of the Inspector General.....	4,945	5,062	5,045	100	----	2.0%	----
Office of Emergency Preparedness.....	3,974	4,469	4,445	471	----	11.9%	----
Office of the General Counsel.....	1,357	1,431	1,415	58	----	4.3%	----
Office of the Chaplain.....	173	179	179	6	----	3.5%	----
Office of the Parliamentarian.....	2,007	2,060	2,060	53	----	2.6%	----
Office of the Law Revision Counsel.....	3,057	3,299	3,258	201	----	6.6%	----
Office of the Legislative Counsel.....	8,377	8,900	8,814	477	----	5.7%	----
Office of Interparliamentary Affairs.....	777	866	859	82	----	10.6%	----
Other Authorized Employees.....	1,158	1,320	1,249	91	----	7.9%	----
Office of the Historian.....	519	597	597	78	----	----	----
Supplies, materials, admin costs, tort claims.....	4,135	3,979	3,948	-187	----	-4.5%	----
Official Mail.....	201	201	201	----	----	----	----
Gov't Contributions.....	260,703	302,776	276,703	16,000	-26,073	8.6%	-6.1%
Business Continuity and Disaster Recovery.....	18,698	32,516	25,098	6,400	-7,418	34.2%	-22.8%
Misc Items.....	742	787	760	18	----	2.4%	----
SENATE							
Office of the Vice President.....	2,413	2,517	2,517	104	----	4.3%	----

Office of the President Pro Tempore.....	720	752	752	32	----	4.4%	----
Majority Leader and Minority Leaders.....	4,998	5,212	5,212	214	----	4.3%	----
Minority and Minority Whips.....	3,096	3,228	3,288	192	----	6.2%	----
Committee on Appropriations.....	15,200	15,844	15,844	644	----	4.2%	----
Conference Committees.....	3,310	3,452	3,452	142	----	4.3%	----
Majority/Minority Conference Committees.....	814	850	850	36	----	4.4%	----
Policy Committees.....	3,380	3,526	3,526	146	----	4.3%	----
Office of the Chaplain.....	397	415	415	18	----	4.5%	----
Office of the Secretary.....	24,020	25,790	25,790	1,770	----	7.4%	----
Office of the Sergeant at Arms/Doorkeeper.....	66,800	75,044	70,000	3,200	-5,044	4.8%	
Offices of the Secretaries for the Majority/Minority.....	1,758	1,836	1,836	78	----	4.4%	----
Agency Contributions and Related Expenses.....	44,693	47,531	45,500	807	-2,031	1.8%	-4.2%
Legislative Counsel of the Senate.....	6,743	7,154	7,154	411	----	6.1%	----
Senate Legal Counsel.....	1,484	1,544	1,544	60	----	4.0%	----
Payment to Widow and Heirs of Deceased Members...	----	----	174	174	174	NA	NA
Expense Allowances.....	240	240	240	----	----	----	----
Inquiries and Investigations.....	137,400	172,989	140,500	3,100	-32,489	2.3%	
Expenses of United States Senate Caucus on International Narcotics Control.....	520	520	520	----	----	----	----
Secretary of the Senate.....	2,000	2,000	2,000	----	----	----	----
Sergeant at Arms/Doorkeeper of Senate, Contingent Expenses.....	153,601	168,461	153,601	----	-14,860	----	
Miscellaneous Items.....	21,043	19,145	19,145	-1,898	----	-9.9%	----
Senators Official Personnel and Office Expense.....	400,000	450,830	422,000	22,000	-28,830	5.5%	-6.4%
Official Mail Costs.....	300	300	300	----	----	----	----
Joint Items							
Joint Economic Cmte.....	4,626	4,814	4,814	188	----	4.1%	----
Joint Cmte on Taxation.....	10,719	12,823	11,327	608	-1,496	5.7%	-11.7%
Office of the Attending Physician.....	3,105	3,832	3,805	700	-27	22.5%	-0.7%
Capitol Police.....	305,750	410,069	328,318	22,568	-81,751	7.4%	-19.9%
Office of Compliance.....	4,072	4,474	4,377	305	-97	7.5%	-2.2%
Congressional Budget Office.....	44,082	46,365	45,165	1,083	-1,200	2.5%	-2.6%
Architect of the Capitol--Gen'l Admin.....	90,659	121,460	106,783	16,124	-14,677	17.8%	-12.1%
Capitol Building.....	35,840	33,305	33,182	-2,658	-123	-7.4%	-0.4%
Capitol Grounds.....	9,649	10,974	10,974	1,325	----	13.7%	----
House Office Buildings.....	65,814	111,926	150,466	84,652	38,540	128.6%	34.4%
Capitol Power Plant, Net.....	149,042	154,503	119,133	-29,909	-35,370	-20.0%	-22.9%
Library of Congress.....	607,096	658,409	643,337	36,241	-15,072	6.0%	-2.3%
Capitol Visitor Center, Total.....	40,227	24,568	22,459	-17,768	-2,109	-44.2%	-8.6%
Copyright Office, Salaries and Expenses, Net.....	18,277	20,864	20,864	2,587	----	14.2%	----
Congressional Research Service.....	107,323	115,136	112,490	5,167	-2,646	4.8%	-2.3%
Books for the Blind & Handicapped.....	68,816	70,182	70,182	1,366	----	2.0%	----
Government Printing Office -- Cong. Printing.....	96,828	93,296	93,768	-3,060	472	-3.2%	0.5%
Gov't Printing Office -- Salaries & Expenses.....	38,744	40,911	40,911	2,167	----	5.6%	----
Gov't Printing Office Revolving Fund.....	4,995	32,100	12,782	7,787	-19,318	155.9%	-60.2%
General Accountability Office, Net.....	556,000	567,497	556,849	849	-10,648	0.1%	-1.9%
Payment to Open World Leadership Ctr Trust Fund	13,900	14,456	12,000	-1,900	-2,456	-13.7%	-17.1%
John C. Stennis Center	430	430	430	----	----	----	----

Items of Note:

Committee Funding: Provides \$31.3 million for the Appropriations Committee and \$139.9 million for the other standing committees for the 110th Congress.

Members' Representational Allowances: \$660 million—\$51 million or 8.4% above last year's level.

Government Printing Office (GPO) Congressional Printing: \$93.8 million—\$3.1 million or 3.2% less than last year's level. The Internet makes this function of the GPO more obsolete every year. Previous RSC budgets have proposed to decrease funding for this program by half.

DIVISION B: FY 2010 CONTINUING RESOLUTION

One Month Continuing Resolution: The legislation enacts a continuing resolution at FY 2009 funding levels through October 31, 2009. The formula used to determine spending levels is based on FY 2009 spending levels, including FY 2009 defense emergency spending.

The CR specifies a higher level than the FY 2009 funding level as follows:

- **Census, Periodic Census and Programs:** \$7.1 billion—\$3.9 billion or 120.9% above last year.
- **Veterans Medical Programs (in the Military Construction-Veterans bill):** Set at the *lower* of the amount in the President's FY 2010 Budget, the amounts in the FY 2010 House-passed Military Construction-Veterans bill ([H.R. 3082](#)), and the FY 2010 Senate Military Construction Veterans bill (S. 1407), as reported out of the Senate Appropriations Committee. According to the House Appropriations Committee, this provides an annual operating level of \$44.3 billion (\$3.85 billion or 9.5% above last year).

Extensions of Authorizations: The CR extends certain authorizations, otherwise set to expire on September 30, 2009, through October 31, 2009. These include, among other things: Child Nutrition programs, Surface Transportation programs (as opposed to the three-month extension provided by [H.R. 3617](#)), FAA programs (as opposed to the three-month extension provided by [H.R. 3607](#)), the National Flood insurance Program, E-Verify, and the Ryan White Program.

Prohibition on ACORN Funding: The legislation prohibits funding, derived from H.R. 2918, as well as previously enacted legislation, from going to the Association of Community Organizations for Reform Now (ACORN).

United States Postal Service Financial Relief Act: The bill includes the text of H.R. 22, which was considered by the House on September 15, 2009, and passed by a vote of

[388-32](#). For the RSC Legislative Bulletin of this legislation, see [here](#) (including an analysis of potential conservative concerns).

Extension of Values Riders: The CR extends all of the pro-life riders in effect for FY 2009. But of note, the FY 2009 omnibus weakened the Kemp-Kasten language with regard to the United Nations Population Fund, thus allowing U.S. dollars to go toward organizations that may support coercive abortion or sterilization.

Potential Conservative Concerns: The following are potential conservative concerns:

Higher Spending on Legislative Branch Appropriations: Division A of the legislation, the FY 2010 Legislative Branch Appropriations Act, provides a \$254 million or 5.8% increase compared to last year. But of note, compared to FY 2008 (the pre-FY 2009 omnibus funding level in effect less than a year ago), the conference report provides a **\$686 million** or **17.3%** increase for programs under the Legislative Branch Appropriations bill. Many conservatives may believe that this increase, compared to FY 2008, is excessive given the nation's fiscal problems.

Spending Authority Under the CR: Some conservatives may believe that the FY 2009 spending levels are excessive, and that the continuing resolution should be tied to a lower spending level. For example, Representative Jim Jordan offered an amendment (not made in order) that would have provided an FY 2008 equivalent operating rate for the 9 domestic appropriations bills. More information on this amendment see "RSC CR Alternative" below.

Postal Service Financial Relief Act: The continuing resolution includes the text of H.R. 22. H.R. 22 would amend current law to allow the United States Postal Service (USPS) to supplement current revenue losses with future funds to cover current retirees' health insurance premiums for 2009. The RSC has had a history of opposing the Postal Service's use of taxpayer dollars to cover employee benefits. For example, in 2005, then-RSC Chairman Mike Pence and then-RSC Budget and Spending Task Force Chairman Jeb Hensarling, sent a letter to Republican Leadership asking them not to place a similar postal bill on the House Calendar. Opponents of the legislation argue that further reforms at the postal service would mitigate the need for this legislation. For example, the Federal Times recently reported that the USPS "is averaging about 45,000 hours of standby time every week — the equivalent of having *1,125 full-time employees sitting idle*, at a cost of more than \$50 million per year." Other conservatives are supportive of the legislation and argue that USPS is making progress with reforms and is reduced its workforce by 22% over the past decade. For the RSC Legislative Bulletin on this legislation, see [here](#) (including an analysis of potential conservative concerns).

RSC CR Alternative: Representative Jim Jordan filed an amendment to the continuing resolution that would provide spending authority for the 9 non-security appropriations bills at *FY 2008 levels*. For the Defense, Military Construction-Veterans, and Homeland Security bills, the amendment will provide a funding level equivalent to the *FY 2010 House-passed bills*. The amendment would allow the CR to remain in effect for all of FY 2010 (unless co-opted by

passage of an FY 2010 spending bill). Compared to enactment of the House Democrats' FY 2010 spending plan, this amendment proposes a spending policy that would save **\$84 billion**. These savings are as follows:

Table: Domestic Savings Proposed by RSC Amendment

In Millions of Dollars

Bill	RSC Amendment	Democrat FY 10 Plan	Savings
Agriculture	18,093	22,900	4,807
CJS	51,803	64,314	12,511
Energy and Water	30,888	33,300	2,412
Financial Services	20,599	24,150	3,551
Interior	26,555	32,300	5,745
Labor-HHS	144,841	163,400	18,559
Legislative Branch	3,970	4,700	730
State-Foreign Ops	32,800	48,843	16,043
Transportation-HUD	48,841	68,841	20,000
Total	378,450	462,728	84,278

Committee Action: H.R. 2918 was reported out of the House Appropriations Committee as an original measure on June 17, 2009. It was subsequently passed by the House on June 19, 2009 by a vote [232-178](#). The Senate approved its version of the bill on July 6, 2009 by a vote 67-25. The conference report for H.R. 2918 contains substantial legislation not included in either the House- or Senate-passed versions (specifically Division B of the legislation, which contains the continuing resolution).

Earmarks: The [Joint Explanatory Statement](#) lists one earmark: \$200,000 for a “Durham Museum Photo Archive Project” for the Library of Congress.

Cost to Taxpayers: The Legislative Branch Appropriations portion of the bill appropriates a total of \$4.656 billion in FY 2010.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, among other things, the bill increases spending for programs in the FY 2010 Legislative Branch bill by \$254 million or 5.8%.

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 Joint Explanatory Statement does not cite constitutional authority for the Conference Report. However, the House Appropriations Committee, in the version that previously came before the House, cited 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.

RSC Staff Contact: Brad Watson, brad.watson@mail.house.gov, (202) 226-9719