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Legislative Bulletin.....December 21, 2010

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Senate Amendments to H.R. 3082—Making further continuing appropriations for fiscal year 2011

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Key Conservative Concerns

Take-Away Points

- **Too High of a Spending Level:** The legislation provides spending authority through March 4, 2011 generally in line with FY 2010. This is in contrast to the RSC CR to keep non-security spending at FY 2008 levels. This is a difference of more than **\$80 billion**.
 - **No Prohibition on Funding for Obamacare:** Unlike the [RSC CR](#), the bill does not contain any restrictions on funding for implementation of the provisions of the government health care takeover law.
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Order of Business: The legislation is scheduled to be considered on Tuesday, December 21, 2010, under a yet to be determined process.

Summary: The bill extends the current continuing resolution (CR), otherwise set to expire after December 21, 2010, through March 4, 2011 (a summary of that CR is in the “background” section). Aside from the “anomalies” in the current CR, the following are some additional “anomalies” provided in H.R. 3082:

- **Pell Grants:** The legislation provides \$5.7 billion more for Pell Grants compared to FY 2010, and provides a \$4,860 maximum award level.
- **Federal Employee Pay:** Suspends for two years automatic pay increases for civilian federal workers (from January 1, 2011 through December 31, 2012).
- **National Telecommunications and Information Administration, Salaries and Expenses:** Provides a funding level equivalent to \$40.6 million.
- **TARP, Special Inspector:** Provides a funding level of \$36.3 million.
- **Veterans Affairs, Departmental Administration:** Provides a funding level of \$2.5 billion (an increase of \$460 million).

- **Surface Transportation Programs:** Extends program authority through March 4, 2011.

Background: The continuing resolution extended by this bill is generally set at FY 2010 funding levels (see [here](#) for the Legislative Bulletin on this bill). The CR specifies a different level than this as follows:

- **Census, Periodic Census and Programs:** Reduces the rate of operations for the Census from \$7 billion to \$964 million;
- **BRAC 2005:** Reduces the rate of operations from \$7 billion to \$2.35 billion;
- **Foreign Military Financing:** Increases the rate of operations for Foreign Military Financing by \$965 million (to include FY 2009 supplemental funding for Jordan, Israel, and Egypt);
- **Pakistan Counterinsurgency Capability Fund:** Provides a \$700 million rate of operations;
- **Diplomatic and Consular Programs:** Provides a rate of operations of \$8.6 billion for Diplomatic and Consular Programs (an increase of \$374 million);
- **Federal Air Marshals Program:** Allows the Federal Air Marshals program to maintain a higher rate of spending, specified in the bill as: “a rate of operations not exceeding that necessary sustain domestic and international flight coverage at the same level as the final quarter of FY 2010.”
- **U.S. Customs and Border Protection:** The legislation contains a similar provision to the above for U.S. Customs and Border Protection; and
- **Nuclear Modernization:** Provides \$7 billion for Department of Energy, Weapons Activities—an increase of \$624 million.

Other Provisions:

- Extends child nutrition programs through the date of the continuing resolution;
- Extends the Commanders Emergency Response Program;
- Allows the Washington DC local government to spend money out of its local budget; and
- Extends the TANF program through the date of the continuing resolution.

Extension of Values Riders: The CR extends all of the pro-life and values riders in effect for FY 2010.

Background: Two and a half months into FY 2011, the Democrat Congress has yet to enact any of the twelve FY 2011 appropriations bills needed to keep the government running beyond this month. Consequently, congressional Democrats seek to pass this fourth continuing resolution to keep the federal government running. The Democrats’ FY 2011 appropriations plan would have led to a total of \$1.121 trillion of non-emergency discretionary spending. This would be the highest level in U.S. history and a \$30 billion increase compared to last year. However, the final FY 2011 spending plan will end up being enacted during the next Congress.

RSC CR Alternative: The RSC has introduced legislation ([H.J.Res. 96](#)) to close out this year’s appropriations process by providing for a full-year continuing resolution for FY 2011 that

protects defense and veterans spending, while returning all other discretionary spending to FY 2008 levels—the amounts in effect prior to this Congress’s spending spree. Additionally, the plan will defund Obamacare, prohibit any FY 2011 appropriations from being used for earmarks, and protect all of the pro-life and other values riders. For more information, see [here](#).

Table: Domestic Savings Proposed by RSC Continuing Resolution
(In Millions of Dollars)

Bill	RSC Plan	Democrat FY 11 Plan	Savings
Agriculture	18,093	23,304	5,211
CJS	51,803	60,536	8,733
Energy and Water	30,888	34,669	3,781
Financial Services	20,599	24,500	3,901
Interior	26,555	32,240	5,685
Labor-HHS	144,841	176,412	31,571
Legislative Branch	3,970	4,656	686
State-Foreign Ops	32,800	53,983	21,183
Transportation-HUD	48,841	67,400	18,559
Total	378,450	477,860	99,410

Committee Action: The legislation has not been considered by any committee.

Earmarks: No committee report listing earmarks is available, but the legislation does not appear to contain any earmarks.

Cost to Taxpayers: The legislation generally provides funding levels equivalent to FY 2010 for the period covering December 21, 2010-March 4, 2010. This spending will count against the Appropriations Committee allocations, and it will be later legislation that determines the final spending levels for FY 2011.

Does the Bill Expand the Size and Scope of the Federal Government?: No. However, the legislation provides an extension of continuing resolution that is higher than proposed by House Republicans.

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 version of the legislation being considered today does not include a citation of constitutional authority. Presumably, the House Appropriations Committee would cite: Clause 7 of Section 9 of Article I of the Constitution (the power of Congress to appropriate money), though this would not have covered the constitutional authority for the various spending items themselves.

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