



Legislative Bulletin.....September 22, 2011

Contents:

H.R. 2608—Further Continuing Appropriations Amendments, 2012

UPDATED: H.R. 2608—Further Continuing Appropriations Amendments, 2012 (Rogers, R-KY)

Order of Business: The legislation is scheduled to be considered on Thursday, September 22, 2011 under a closed rule providing one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against the legislation. The rule adopts the amendment in the nature of the substitute described below, which replaces the text of H.R. 2608, the Small Business Program Extension and Reform Act of 2011. The rule further adopts an amendment to make the following change: rescind \$100 million from the Innovative Technology Loan Guarantee Program. This is the program that gave Solyndra a \$535 million loan guarantee before it went bankrupt.

Summary:

Spending Discussion

The legislation enacts a continuing resolution at a total non-emergency spending level equivalent to \$1.043 trillion (on an annualized basis) through November 18, 2011. The legislation generally provides funding at FY 2011 levels minus 1.503%.

The \$1.043 trillion spending level would be:

- **\$7 billion** below FY 2011;
- the **same** level as the spending cap for FY 2012 in the [Budget Control Act](#);
- **\$24 billion** above the House-passed FY 2012 budget resolution; and
- **\$65 billion** above the FY 2012 RSC budget resolution.

Other Provisions of Note

War Funding: The legislation provides emergency-designated war funding at an annualized rate of \$119 billion. This amount does not count toward the \$1.043 trillion spending level.

Disaster Funding: The legislation includes \$3.65 billion of disaster relief, which is counted within the \$1.043 trillion figure.

Advanced Technology Vehicles Manufacturing Loan Program: The legislation rescinds \$500 million from this program and transfers another \$1 billion to the Federal Emergency Management Agency (FEMA), for a total spending cut to this program of \$1.5 billion. The Advanced Technology Vehicles Manufacturing Loan Program is a \$25 billion program meant to provide taxpayer-financed capital to American carmakers.

Innovative Technology Loan Guarantee Program: The amended version of the CR makes the following change: rescinds \$100 million from the Innovative Technology Loan Guarantee Program. This is the program that gave Solyndra a \$535 million loan guarantee before it went bankrupt.

Burma: The legislation attaches H.R.Res. 66, which provides for the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. For more information on this legislation, see [here](#).

Postal Service: The legislation delays from the end of this month to November 18, 2011 the otherwise required Postal Service payments to its retirement and pension fund. The Postal Service has reported that it will exhaust its borrowing authority in FY2011 and be unable to make a mandatory \$5.5 billion Retiree Health Benefits Fund payment on September 30, 2011. Some conservatives may believe that any extension of this deadline should be contingent on at least some reforms to the Postal Service to make its budget more sustainable.

Federal Flood Insurance Program: Section 131 of the legislation extends the flood insurance program through November 18, 2011. This extension does not include any of the reforms from [H.R. 1309](#), the Flood Insurance Reform Act.

Export-Import Bank: The legislation extends this program which provides financing to U.S. companies who export through November 18, 2011. Many conservatives have argued for the elimination of this program. For one example, see [this](#) analysis from Citizens Against Government Waste.

Values Issues of Note: The legislation extends all riders in current law, including the newly restored D.C. Hyde amendment (restored in FY11). However, it also continues funding for the United Nations Populations Fund (UNFPA), the UN agency known for its involvement in China's brutal one-child policy. It also continues \$300 million in annual funding to the Title X family planning program, which is a prime funding source for the Planned Parenthood Federation of America. Note that Medicaid also provides \$1.4 billion in family planning assistance to low income individuals. The CR also continues to provide international population control funds at a rate of \$575 million per year. The House State, Foreign Operations Appropriations bill would have reduced that level to the FY08 level of \$440 million.

International Religious Freedom Act: The legislation extends the Commission on International Freedom through November 18, 2011.

Possible Conservative Concerns:

Does Not Defund Obamacare: Some conservatives may be concerned that the legislation does not block funding for Obamacare during the period covered by the legislation.

Funding Above House-Passed Budget: Some conservatives may be concerned that the legislation provides an annualized spending level that is \$24 billion above the House-passed budget resolution, and \$65 billion above the RSC budget resolution. The funding level is a \$7 billion annualized cut compared to last year.

Does Not Include Other Policies Many Conservatives Have Advocated: The legislation does not include many other “riders” that conservatives have advocated during the appropriations process. This includes a ban on funding for abortion providers, prohibiting funds for various new environmental regulations, and prohibiting funds for Net Neutrality regulations. The legislation provides the same funding formula for most programs, with final funding levels left to November 18, 2011 for individual program levels. This means that the cr continues to provide funding for many programs that conservatives would object to, such as NPR, the Palestinian Authority, and Legal Services Corporation. On the other hand, the cr does cut \$1.5 billion from the Advanced Technology Vehicles Manufacturing Loan Program, which many conservatives have argued is an unwise use of taxpayer funding.

Does Not Include Values Provisions Many Conservatives Have Advocated: As noted above, the legislation extends all riders in current law, including the newly restored D.C. Hyde amendment (restored in FY11). However, it also continues funding for the United Nations Populations Fund (UNFPA), the UN agency known for its involvement in China’s brutal one-child policy. It also continues \$300 million in annual funding to the Title X family planning program, which is a prime funding source for the Planned Parenthood Federation of America.

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

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The legislation provides a spending rate equivalent to \$1.043 trillion. This is \$7 billion below the FY 2011 spending level, \$24 billion above the House-passed budget resolution, and \$65 billion above the RSC budget resolution.

Does the Bill Expand the Size and Scope of the Federal Government?: No. The legislation reduces annualized non-emergency discretionary spending by \$7 billion compared to last year.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO report with this information is available.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not appear to contain any earmarks.

Constitutional Authority: The sponsor states constitutional authority is derived from:

“The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ‘No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . .’ Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.”

Outside Organizations:

Groups Opposed as of press time:

[Heritage Action for America](#)

National Taxpayers Union

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