



Legislative Bulletin.....December 16, 2011

**H.R. 2055 and H.R. 3672 — Consolidated Appropriations Act/Disaster Relief Act, 2012 (Rogers, R-KY)**

**BY THE NUMBERS:**

*In Billions of Dollars*

<b>Division</b>	<b>FY08</b>	<b>FY10</b>	<b>FY11</b>	<b>H.R. 2055</b>	<b>H.R. 2055 v. FY11</b>
Defense	459.3	508.1	513.0	518.1	5.1
Energy and Water	30.9	33.5	31.7	32.0	0.3
Financial Services	20.6	24.2	22.0	21.5	-0.5
Homeland Security	34.9	42.5	41.7	39.6	-2.1
Interior/Environment	26.6	32.2	29.6	29.2	-0.4
Labor-HHS	144.8	163.7	157.4	156.3	-1.1
Leg Branch	4.0	4.7	4.5	4.3	-0.2
Military Construction-VA	60.2	76.6	73.2	71.7	-1.5
State/Foreign Ops	32.8	48.8	48.2	42.1	-6.1

**Excluding Disaster Relief, the Conference Report is:**

- **\$6.5 billion or 0.7% less than last year**

**Spending Discussion:** The total amount of non-disaster spending for these nine bills comes to **\$914.8 billion**. Including **\$8.6 billion of disaster relief**, the total funding comes to \$923.4 billion. Including the impact of the minibus Congress enacted in November (covering the other 3 appropriations bills), total FY 2012 spending comes to \$1.043 trillion of non-disaster spending. Including the impact of the disaster relief spending, this rises to \$1.053.9 trillion.

The FY 2012 Defense, Energy and Water, Homeland Security, Legislative Branch, and Military Construction-VA bills have previously passed the House. The other four bills in H.R. 2055 did not pass the House.

**Order of Business:** H.Res. 500 would provide for consideration of 1) the FY12 “megabus” (the conference report for H.R. 2055); 2) the FY12 disaster relief appropriations bill (H.R. 3672); and 3) an “enrollment correction” resolution that would offset the costs of H.R. 3672, the disaster-relief bill (H.Con.Res. 94). The rule waives all points of order otherwise available against the consideration of the conference report and against the consideration of the conference report itself (including all Budget Act points of order). Similarly, the rule waives all points of order against the disaster-relief bill and the offsets bill.

The “megabus” would be debatable for one hour, equally divided. The disaster-relief bill would be debatable for one hour, equally divided. And the offsets bill would be debatable for twenty minutes, equally divided.

None of the legislation addressed by this rule would be amendable, except by the Minority via:

- one motion to recommit the “megabus,” with or without instructions;
- one motion to recommit the disaster-relief bill, with or without instructions; or
- one motion to recommit the offsets bill, without instructions.

H.Res. 500 would prohibit the Clerk of the House from sending the House-passed disaster-relief bill (H.R. 3672) until notified by the Speaker or by message from the Senate that the Senate has considered the House-passed disaster-offsets resolution.

H.Res. 500 would also allow today for the consideration on suspension of a “bridge” CR (a short-term CR that will become available later today) to prevent the government from shutting down between midnight at the time it takes to get the enrolled “megabus” to the President for his signature.

Lastly, H.Res. 500 would implement “martial law” until December 31, 2011, allowing the House to consider a rule on the same legislative day it is reported from the Rules Committee (without the normally required two-thirds vote), providing for consideration or disposition of any of the following measures:

1. A measure relating to expiring provisions of the Internal Revenue Code of 1986.
2. A measure relating to the Medicare payment system for physicians.
3. A measure relating to appropriations for the fiscal year ending September 30, 2012.

## **Spending Discussion**

The total amount of non-disaster spending comes to **\$914.8 billion**. Including **\$8.6 billion of disaster relief**, the total funding comes to \$923.4 billion. Including the impact of the minibus Congress enacted in November (covering the other 3 appropriations bills),

total non-disaster FY 2012 spending comes to \$1.043 trillion. Including the impact of the disaster relief spending, this rises to \$1.053.9 trillion.

The \$1.043 trillion spending level would be:

- **\$46 billion** below FY 2010;
- **\$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.

## **Division A—Defense**

The \$518.1 billion FY 2012 Defense bill is \$5.1 billion or 1.0% above last year. The FY 2012 House budget called for a funding level that would have been about \$12 billion higher than this amount (\$530 billion). Some items of note in this portion of the bill:

- The bill does not contain the House-passed Flores amendments on various bills, including Defense, regarding Section 526 of the Democrat energy bill from 2007. Therefore, the federal government is still prohibited from procuring certain unconventional fuels from such allies as Canada.
- The legislation includes \$131.1 billion – \$4.4 billion more than last year’s level – to provide for 1,422,600 active duty troops and 847,100 reserves. The bill also includes a 1.6% pay raise for the military as requested by the President.
- The bill contains \$32.5 billion – \$1.1 billion above last year’s level and \$283 million above the request – for Defense health programs to provide care for our troops and military families. This includes critical medical research on combat-related illnesses and injuries, including in areas such as brain trauma, cancer, psychological health, hemorrhage control, and prosthetic research.
- The legislation prohibits funding for transfers of Guantanamo detainees to the U.S. or its territories, prohibits funding to modify any facility in the U.S. to house detainees, and places conditions on the release of detainees to other countries. These provisions are consistent with the Defense Authorization bill, and similar to language contained in the FY 2011 Defense Appropriations legislation.

## **Division B—Energy and Water**

**Strategic Petroleum Reserve:** \$192.7 million—\$69.6 million or 56.5% above last year.

**Department of Energy, Office of Science:** \$4.889 billion—\$47 million or 1.0% more than last year.

**Advanced Technology Vehicles Manufacturing Loan Program:** \$6 million, which is \$4.0 million less than last year.

**Appalachian Regional Commission:** \$68.3 million—same amount as last year. Many conservatives have expressed concerns that the program is unnecessary and duplicative and have sought to defund this program. Dozens of other federal, state, and local programs exist to encourage development and provide funding for local highway and infrastructure projects.

**Denali Commission:** \$10.7 million—\$15.0 million above last year (when the committee says it received -\$4.3 million in new budget authority), and \$1.3 million below the President’s request. Created by Congress in 1998, the program is intended to provide job training and other economic development assistance to distressed rural areas in Alaska. Some conservatives have expressed concern this commission is unnecessary and duplicative. Dozens of other federal, state, and local programs exist to provide job training and economic development advice and assistance.

**Incandescent Light Bulb:** This legislation prohibits spending to enforce the energy efficiency mandate that was imposed on incandescent lamps by Sections 321 and 322 of the Energy Independence and Security Act of 2007 (Public Law 110-140). Many conservatives supported repealing this private sector mandate when they voted for H.R. 2417, sponsored by Rep. Barton, the [roll call vote is linked here](#). Additionally, Rep. Bachmann has introduced similar legislation, H.R. 849, which would also repeal these private sector mandates.

**Loan Guarantees:** The legislation prohibits funds to be used to enter into a contract, or make a grant or loan guarantee to any corporation that was convicted (or had an officer that was convicted) of a felony criminal violation under federal law, in the past 2 years.

**E-Verify:** The legislation prohibits funds to be used to hire a federal employee that is not verified through the E-Verify Program.

**Unpaid Taxes:** The legislation prohibits funds to be used to enter into a contract, or make a grant or loan guarantee to any corporation that has any unpaid federal tax liability.

## **Division C—Financial Services**

**Bureau of the Public Debt:** \$173.6 million—\$12.7 million below last year.

**Alcohol, Tobacco, and Firearms:** \$99.9 million—\$3.0 million above last year.

**IRS:** \$11.8 billion—\$288 million or 2.4% below last year.

**\$1 Bill Redesign:** Prohibits funds money from being available to redesign the \$1 Federal Reserve note.

**Office of Management and Budget:** \$89.5 million, \$2.3 million below last year.

**Office of National Drug Control Policy:** \$24.5 million, \$2.5 million below last year.

**Federal Payment for Tuition Support District of Columbia:** \$30 million, \$5 million below last year.

**Language on Reprogramming Notifications (page 97 of report):** “Provided further, That not later 18 than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That at a minimum the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) **an identification of items of special congressional interest.**”

**Christopher Columbus Fellowship Foundation:** \$450,000. The foundation is meant to: “encourage and support research, study and labor designed to produce new discoveries in all fields of endeavor for the benefit of mankind.” In addition to federal money, the foundation’s [website](#) notes that it can receive private money from corporations and individuals, which is tax deductible.

**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).

**Consumer Product Safety Commission:** \$114.8 million, \$300,000 more than last year.

**Allowances and Office Staff for Former Presidents:** \$3.7 million, \$121,000 less than last year.

**Prevents Political Contributions from Being Considered by Administration in Federal Contract Applications:** Section 743 of the bill prevents the Administration from requiring federal contactors to disclose political contributions alongside an application for a federal contract. This provision has been authored by Representative Tom Cole (R-OK).

**Prohibition of Administration “Czars”** – The bill prohibits funding for Presidential “Czars” related to health care, climate change, the auto industry, and urban affairs. These prohibitions were originally included in the House-passed H.R. 1.

**Prohibiting on Federal Funding for Lobbying for Political Representation by DC:** Division C, Section 806(a) prohibits federal funds from being used by DC for civil actions to get representation in Congress.

**Other Items of Note:**

- The legislation rescinds \$25 million in “slush fund” monies for the SEC to implement programs that were not authorized by Congress.
- The legislation increases transparency by requiring the Administration to provide reports on its regulatory reform efforts, the costs of Dodd-Frank, and payments from the Judgment Fund.
- The legislation includes a prohibition on funds for the Federal Trade Commission to report on the marketing of food to children unless they conduct a cost-benefit analysis.
- The legislation prohibits federal funds from being available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal Employees Health Benefits Program (FEHBP) which provides benefits or coverage for abortions.
- The legislation contains the “Dornan amendment”, which prevents the use of any congressionally appropriated funds, whether local or federal, from being used to pay for abortions except in instances to protect the life of the mother
- The legislation adds language that prohibits the District of Columbia from using either federal or local funds for needle exchange programs. Any individual or organization that receives federal funds, and participates in needle exchange programs must also account for all the funds used for the program and separate the allotted federal funds from the funds used to finance the needle exchange program.
- The legislation sets funding for D.C. School Improvement at \$60 million, of which \$20 million shall be for D.C. public schools, \$20 million shall be to expand quality public charter schools, and **\$20 million shall be for the Opportunity Scholarships Program.** Conservatives have long argued in favor of the D.C. Opportunity Scholarship Program, as it has been proven to be an effective means of aiding D.C. children to receive a quality education in arguably one of the nation’s worst public school systems.

## **Division D—Homeland Security**

**Office of the Secretary:** \$133.2 million—\$3.6 million below last year.

**U.S. Customs and Border Protection:** \$8.68 billion—\$468 million more than last year.

**Firefighter Grants:** \$675 million—\$135 million less than last year.

**No Funding for ACORN:** Section 567 prohibits funding for ACORN or its subsidiaries.

**Prohibition on Funding for National ID Card:** The legislation prohibits funding for any national ID card.

**Domestic Nuclear Detection:** \$38 million—\$1 million above last year.

**Air Marshals:** \$966 million—an increase of \$46 million compared to last year. The air marshals program deploys federal agents to U.S. flights for the purpose of preventing terrorist attacks. In 2010, [CNN](#) reported that: “Air marshals describe an agency in chaos, where bored and frustrated marshals focus more on internal squabbles than watching for bad guys. In 2009, the agency made 4 arrests at a cost of \$200 million per arrest.”

**Outsourcing/A-76 Activities:** Prohibits funds from being used under OMB Circular A-76 (governing the federal government’s outsourcing policies for non-governmental functions) to implement any pending or future competitive sourcing for work performed by employees of the United States Citizenship and Immigration Services of the Department of Homeland Security. This includes non-governmental functions of the agency (like food service and lawn-mowing).

**Buy America Act:** Prohibits funding in the bill from being used in contravention of the Buy America Act.

**Butane Lighters:** Requires the Assistant Secretary of Homeland Security to reverse a “determination that butane lighters are not a significant threat to civil aviation security” in order to receive certain funding in the bill.

**Horse Slaughter Provision:** Prohibits funds from being used to “destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.”

**Guantanamo Bay Detention Facility and Detainees** – The bill prohibits funds for the transfer, release, or assistance in the transfer or release of Guantanamo detainees to or within the United States or its territories.

## **Division E—Interior/Environment**

**Environmental Protection Agency (EPA):** \$8.463 billion—\$219 million or 2.6% below last year.

**National Endowment for the Arts (NEA):** \$146.3 million—\$8.4 million less than last year.

**National Endowment for the Humanities (NEH):** \$146.3 million—\$8.4 million less than last year.

**National Park Service:** \$2.583 billion—\$28 million less than last year.

**Indian Health Service:** \$4.5 billion—\$392.3 million or 9.6% above last year, and \$162 million or 3.5% below the President’s request.

**Woodrow Wilson Center:** \$11 million—\$198,000 less than last year. The Woodrow Wilson International Center for Scholars was established by Congress in 1968 as a memorial to former President Woodrow Wilson—who many conservatives, and some liberals (see [here](#) for example), would rank as one of the very worst Presidents in U.S. history. The taxpayer subsidy goes to what is essentially a think tank. The Center does not merely spend taxpayer funds on projects duplicative of those found at countless institutes of higher education and policy research centers, but also honored the Foreign Minister of Turkey with their annual Public Service award shortly after Turkey supported an anti-Israel flotilla. The RSC [Spending Reduction Act](#) entirely eliminates this program.

**Bureau of Land Management:** \$1.115 billion, \$1.409 million more than last year.

**US Fish and Wildlife Service:** \$1.478 billion, \$25.303 million less than last year.

**Department of the Interior Total:** \$10.317 billion, \$318.282 million less than last year.

**Indian Health Service:** \$4.313 billion, \$244.209 million more than last year.

**Greenhouse Gas Reporting:** The legislation prohibits funding to implement any provision in a rule that requires mandatory reporting of greenhouse gas emissions from manure management systems.

## **Division F—Labor-HHS/Obamacare**

**Additional Co-Op Rescissions:** The bill cuts an additional \$400 million from the original \$6 billion in start-up grants and loans for state Consumer Operated and Oriented Plans (Co-OPs)—not-for-profit insurance companies—created under section 1322 of Obamacare. This cut follows up on a \$2.2 billion rescission from this program included in the FY2011 Full-Year Continuing Appropriation ([H.R. 1473](#)). This new federal grant program has been [characterized](#) as potentially becoming “...a back door to a public plan flying under a different flag.”

**Independent Payment Advisory Board (IPAB) Rescissions:** The bill cuts \$10 million of the \$15 million Obamacare advanced appropriated for IPAB (section 3403 in Obamacare) for fiscal year 2012. IPAB’s appropriated in future fiscal years at the previous fiscal year’s level increased by the annual percentage increase in the Consumer Price Index for All Urban Consumers. This board will consist of 15 un-elected Presidential appointees charged with reducing the per capita growth in Medicare spending. These



Medicare spending reductions will become law unless Congress can introduce legislation equaling a commensurate amount of Medicare cuts. Along with the Individual Mandate, IPAB is one of the most egregious Obamacare provisions to conservatives.

**Representative Phil Roe** (TN-01) has introduced legislation with 220 bipartisan cosponsors to repeal IPAB.

**Prevention and Public Health Fund Changes:** The bill requires the Secretary of Health and Human Services (HHS) to “establish a publicly accessible website to provide information regarding the uses of funds...” made available under the Prevention and Public Health Fund (section 4002 of Obamacare). The website must show each program or activity receiving funds and its planned use for the funds as well as links to each funding opportunity announcements, request for proposals, or other announcements. The website also must identify each grant over \$25,000 within five days after the awarding of the grant and calls for semi-annual reporting requirements on the use of the funds received.

The bill also prohibits any grant funding from the Prevention and Public Health Fund for “publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation” designed to support or defeat the enactment of legislation, or proposed or pending regulations before the Congress or any state or local legislature or legislative body. It also prohibits funding for the salaries or expenses for lobbying activities.

The House has previously [voted](#) to repeal this Obamacare slush [fund](#) that gives the HHS Secretary the authority to spend federal funds on any program or activity authorized the Public Health Service Act without further Congressional action because the fund has been advanced appropriated in perpetuity. The House also [reduced](#) funding for this fund by \$8 billion in [H.R. 3630](#), the Middle Class Tax Relief and Job Creation Act of 2011.

**Performance Bonus Payments:** The 2009 S-CHIP reauthorization law created performance bonuses for states that meet certain conditions. This legislation rescinds **\$6.4 billion** of these performance bonuses in addition to the **\$3.5 billion** that the Fiscal Year 2011 Continuing Appropriations Act ([H.R. 1473](#)) rescinded earlier this year.

**Needle Exchange Funding Prohibition** – Resuscitates a ban on HHS funding of needle exchange programs (defined in the bill as any program distributing sterile needles or syringes for the hypodermic injection of any illegal drug) that had been included in previous appropriation bills prior to fiscal year 2010.

**Gun Control Funding Prohibition:** The bill prohibits funding for any activity or program through the Department of Health and Human Services from advocating or promoting gun control. This prohibition previously only applied to funding for activities or programs administered through HHS’s Centers for Disease Control and Prevention (CDC).

**Training and Employment Services:** \$3.195 billion, \$149 million less than last year.

**Federal Unemployment Benefits and Allowances:** \$1.1 billion, \$378.788 million more than last year.

**Federal Employees Compensation Benefits:** \$347 million, \$167 million more than last year.

**HIV/AIDS Bureau:** \$2.327 billion, \$15 million more than last year.

**Health Resources and Services Program Level:** \$6.231 billion, \$56 million less than last year.

**Center for Disease Control:** \$6.124 billion, \$157.094 million less than last year.

**NIH Program Level:** \$30.698 billion, \$299 million more than last year.

**Education for the Disadvantaged:** \$15.75 billion, \$215.049 million more than last year.

**Pell Grants:** \$22.824 billion, \$131.996 million less than last year.

**Corporation for Public Broadcasting (CPB):** The legislation funds the CPB at \$445,000,000 for Fiscal Year 2014, maintaining their current funding levels. Note: CPB is one of the few entities funded two years in advance. Their FY12 budget, which CPB is currently operating under, was funded under PL 111-117, H.R. 3288 in the 111<sup>th</sup> Congress, [roll call vote linked here](#).

**Values Issues of Note:**

- **Comprehensive Sex Education:** The legislation funds comprehensive sex education at \$104.8 million. Many conservative believe funding for comprehensive sex education should be eliminated.
- **Abstinence Education:** \$5 million. This provision requires that the grants shall be made only to public and private entities that agree that, with respect to an adolescent to whom entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided.
- **Embryo Adoption Activities:** The legislation allows for the funds appropriated in this act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions.

- **Conscience Protection for Health Plans:** The legislation will make certain that participating health plans are not barred from taking part in the Medicare Plus Choice program if they do not provide abortion services.
- **Federal Funding of Abortion:** The legislation bans federal funding for abortions and abortion coverage in domestic programs funded by the Labor-HHS bill, with exceptions for rape, incest, and life of the mother.
- **Hyde-Weldon:** Includes this conscience clause, which has protected health care providers from discrimination by state and local governments for refusing to provide, pay for, or refer for abortion. The legislation does not add additional much needed conscience protections that would have been afforded if the Abortion Non-Discrimination Act had been attached to the bill.
- **Dickey-Wicker:** The bill includes the 1996 Dickey-Wicker Amendment, which makes it illegal to use federal funds to support research “in which human embryos are created, destroyed, discarded, or knowingly be subjected to risk of injury or death greater than allowed for research on fetuses in uterus under 45 CFR 46.204 and 46.207, and subsection 498(b) of the Public Health Service Act.”
- **Sterile Hypodermic Injections:** The legislation prohibits federal fund for being used for any program of distributing sterile hypodermic injection of any illegal drug.
- **Title X Funding: \$297 million,** a \$2 million reduction from FY 2011. This program is a funding source for Planned Parenthood.

## **Division G—Legislative Branch**

**Senate Salaries and Expenses:** \$175.762 million, \$9.846 million less than last year.

**Senate Total:** \$868.592 million, \$45.561 million less than last year.

**Office of the Speaker:** \$6.943 million, \$473,000 less than last year.

**House Leadership offices:** \$23.277 million, \$1.584 million less than last year.

**House Salaries for Officers and Employees:** \$177.628 million, \$15.698 million less than last year.

**House of Representatives Total:** \$1.255 billion, \$85.716 million less than last year.

**Architect of the Capitol:** \$567.509 million, \$32.873 million less than last year.

## **Division H—Military Construction-VA**

**Total, Active Components Military Construction Department of Defense:** \$9.778 billion, \$676,545,000 less than last year.

**Total, Reserve Components Department of Defense:** \$1.230 billion, \$222,996,000 less than last year.

**Total, Military Construction:** \$11.008 billion, \$899,541,000 less than last year.

**Compensation and pensions:** \$51.237 billion, \$2.740 billion less than last year.

**Total, Veterans Benefits Administration:** \$63.921 billion, \$550,588,000 less than last year.

**Total, Veterans Health Administration Department of Defense:** \$53 billion, \$1.980 billion more than last year.

## **Division I—State/Foreign Operations**

**Global Health and Child Survival:** \$8.167 billion, \$338.5 million more than last year.

**Economic Support Fund:** \$3.001 billion, \$2.944 billion less than last year.

**Bilateral Economic Assistance:** \$18.353 billion, \$2.854 billion less than last year.

**Palestinian Authority:** The legislation does not prohibit funding to the Palestinian Authority. Section 7040(a) contains a prohibition of funding to the Palestinian Authority, however it allows the President to waive this prohibition if they determine it is important to the national security interests of the United States.

Section 7086 prohibits funding to the Palestinian Authority if the Palestinians obtain full membership as a state at the United Nations, or any specialized agency thereof outside an agreement between Israel and the Palestinians. The Secretary may waive this restriction if they determine it is important to the national security interests of the United States. Many conservatives would argue against this waiver.

The legislation authorizes \$10,000,000 to the “New Generation in the Middle East” initiative to build understanding, tolerance, and mutual respect among the next generation of Israeli and Palestinian leaders.

Section 7036 prohibits funds to support a Palestinian state unless the Secretary of State determines that their government is committed to a peaceful co-existence with Israel, is taking measures to counter terrorism and terrorist financing in the West Bank and Gaza, and the Palestinian Authority is working with other countries in the region to “vigorously pursue efforts to establish” peace in the Middle East.

The legislation prohibits funding to create, in any part of Jerusalem, a new office of the U.S. government, for the purpose of conducting business with the Palestinian Authority over Gaza and Jericho. This provision shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem.

The legislation also prohibits funding to provide equipment, technical support, or assistance to the Palestinian Broadcasting Corporation.

**West Bank and Gaza:** For FY2012, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaze Program, the Secretary shall certify to Congress that there are procedures established to assure the Comptroller General of the U.S. has access to appropriate U.S. financial information in order to review U.S. assistance for the programs.

**Hamas:** The legislation prohibits funding from personnel of the Palestinian Authority who are located in Gaza. It prohibits funding to be used as assistance to Hamas, or any entity controlled by Hama, including any power-sharing government of which Hamas is a Member, or that results from an agreement with Hamas. Assistance may be granted to a power-sharing government if the President certifies that such government is adhering to the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961.

**Egypt:** This legislation authorizes \$250,000,000 for Egyptian assistance. Section 7041(a) prohibits funding to the Government of Egypt unless the Secretary of State certifies that the government is meeting obligations set forth by the 1797 Egypt-Israel Treaty. Additionally, the legislation conditions funds to Egypt on their transition to a civilian government, their holding free and fair elections, implementing policies to protect freedom of expression, association, and religion, and their due process of law. However, it is worth nothing that the Secretary of State may waive these requirements if they determine it is in the national security interest of the U.S. to do so.

The legislation authorizes \$60,000,000 for Egypt under the Economic Support Fund.

**Jordan:** The legislation authorizes \$20,000,000 for Jordan under the Economic Support Fund.

**Pakistan:** The legislation authorizes \$10,000,000 for Pakistan under the Economic Support Fund. The legislation conditions this funding on Pakistan's ability to achieve sustainable goals regarding countering extremism and operating a transparent and accountable government. The Secretary of State may terminate funding to Pakistan if the Secretary certifies they are not meeting these goals.

The legislation authorizes \$850,000,000 for Pakistan to build and maintain the counterinsurgency capability of Pakistan security forces.

**Israel:** Of funds available by the legislation, a minimum of \$3,075,000,000 is authorized for grants to Israel. Of this amount, \$808,725,000 will be available for Israeli defense articles and defense services, including research and development.

**Libya:** The legislation authorizes \$20,000,000 to “promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law” in Libya. The legislation prohibits these funds from being used for infrastructure programs.

**North Korea:** The legislation prohibits funding under the Economic Support Fund for energy-related assistance for North Korea.

**United Nations Intergovernmental Panel on Climate Change / United Nations Framework Convention on Climate Change:** The legislation authorizes \$348,704,000 for the U.N. Environment Program Participation Act of 1973. Of that amount, \$10,000,000 is authorized for the U.N. Intergovernmental Panel on Climate Change (IPCC). Many conservatives have long opposed funding to the IPCC which is surrounded with controversy over questionable climate change findings. The RSC Sunset Caucus highlighted H.R. 680, by Rep. Luetkemeyer, which would eliminate taxpayer subsidies to the IPCC. More information can be [found here](#).

**United Nations Population Fund:** This legislation provides \$35,000,000 to the United Nations Population Fund (UNFPA), a reduction of \$5 million. This legislation prohibits the funds from being used by UNFPA for a country program in the People’s Republic of China. These funds will not be made unavailable unless UNFPA does not perform abortions. Many conservatives have advocated for the elimination of UNFPA funding because it violates provisions of the “[Kemp-Kasten](#)” amendment which bans U.S. aid to organizations involved in the management of coercive family planning programs. The RSC Sunset Caucus highlighted H.R. 2059, by Rep. Ellmers, which would eliminate taxpayer subsidies to the UNFPA. More information can be [found here](#).

**United States Agency for International Development:** The legislation provides \$255,000,000 for the United States Agency for International Development (USAID). USAID has provided billions in foreign aid to countries that are struggling to escape from poverty. Unfortunately, there is little evidence that this kind of traditional foreign aid actually works, while there is a wealth of evidence that the best path to prosperity is developing the kinds of institutions necessary for a free market economy. Foreign aid can prop up corrupt regimes, delaying those needed reforms, and is extremely susceptible to corruption. The RSC proposed elimination of this program in the Spending Reduction Act, H.R. 408. More information can be [found here](#).

**United States Trade and Development Agency:** The legislation provides \$50,000,000 for the U.S. Trade and Development Agency. The U.S. Trade and Development Agency has reported that of its 1,170 projects between 1997 and 2006, only 36.2% were actually successful in creating additional exports for American companies. The Agency’s activities also overlap with multiple other government agencies and programs. The Agency is joined by the Department of Commerce, the Department of Agriculture, the

Export-Import Bank, and sixteen other agencies on the Trade Promotion Coordinating Committee to promote American exports. The RSC Sunset Caucus highlighted H.R. 5547 in the 111<sup>th</sup> Congress, by Rep. Royce, which would terminate the U.S. Trade and Development Agency. More information can be [found here](#).

**National Endowment for Democracy:** The legislation provides for \$117,764,000 for the National Endowment for Democracy (NED). The nonprofit organization was created to provide grants to promote democracy around the world through election monitoring and promoting civic involvement. This office duplicates the work of the State Department's Bureau of Democracy, Human Rights, and Labor.

**Values Issues of Note:**

- The legislation prohibits federal funds from supporting or participating in the management of program of coercive abortion or involuntary sterilization.
- The legislation prohibits the federal funds appropriated to the Peace Corps from being used for abortion.
- \$575 million is provided for international population control and family planning which funds foreign organizations that promote and perform abortion. This is level funding from FY11 and the House State, Foreign Operations bill provided “not more than” \$461 million, while the Senate bill provided “not less than” \$700 million.
- Several new policies providing conscience protection (the Abortion Non-Discrimination Act), eliminating funding for abortion and abortion coverage under the Affordable Care Act, defunding Planned Parenthood and reinstating the Mexico City Policy were included in House draft bills, but were rejected by the Senate, and are not included in H.R. 3671.

## **H.R. 3671—Disaster Relief**

The legislation provides \$8.6 billion of disaster relief: \$6.4 billion for FEMA, \$1.7 billion for the Army Corps of Engineers, and \$483 million for the Social Security Administration. As noted in the rule, Members will have a chance to vote on H.Con.Res. 94 that would cut all non-defense/non-Military Construction-Veterans spending by 1.83% across the board in FY 2012 (which would save the amount of the disaster spending in H.R. 3671).

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**Conservative Concerns/ Conservative Supporting Arguments:** As a general matter, the legislation spends much less than liberals would want to spend, and much more than most conservatives would want to spend. Conservatives would be near unanimous in favoring a spending limit at the \$1.019 billion in the House GOP budget, or the \$978 billion in the RSC budget, or something lower than either. Senate Democrats and the

President would spend much more. Given that, conservatives have different opinions on the best strategy for FY 2012 appropriations bills.

### [Some Potential Conservative Arguments in Favor of H.R. 2055](#)

**\$6.5 Billion Spending Cut:** The nine appropriations bills funded in the bill receive a total spending cut of \$6.5 billion, which is 0.7% less than last year. In addition, the non-disaster relief total for FY 2012 (upon enactment of this bill), would be \$7 billion less than last year and \$46 billion less than FY 2010.

**Program Terminations:** According to the House Appropriations Committee, the legislation eliminates 28 programs at a savings of \$1.05 billion.

**Incandescent Light Bulb:** This legislation prohibits spending to enforce the energy efficiency mandate that was imposed on incandescent lamps by Sections 321 and 322 of the Energy Independence and Security Act of 2007 (Public Law 110-140). Many conservatives supported repealing this private sector mandate when they voted for H.R. 2417, sponsored by Rep. Barton. The [roll call vote is linked here](#). Additionally, Rep. Bachmann has introduced similar legislation, H.R. 849, which would also repeal these private sector mandates.

**Protection of Political Speech:** Section 743 of the Financial Services portion of the bill prevents the Administration from requiring political contributions to be disclosed alongside contracting applications.

**Values Issues:** H.R. 2055 retains all pro-life limitation riders, further designates funding for abstinence education, and includes \$20 million for the DC Opportunity Scholarships Program.

**Obamacare:** The legislation, as noted throughout the bulletin, contains some provisions that rescind some spending on Obamacare.

### [Some Potential Conservative Concerns with H.R. 2055/H.R. 3671](#)

**Funding Above House-Passed Budget:** Some conservatives may be concerned that the legislation provides an annualized spending level (not including disaster relief funding) that is \$24 billion above the [House-passed budget resolution](#), and \$65 billion above the RSC budget resolution.

**Disaster Relief:** The bill is being brought up under a process that gives Members an opportunity to vote for the disaster relief, and also to vote to offset it with FY 2012 spending cuts. This means that the FY 2012 appropriations process may end with non-offset disaster relief of more than \$10 billion. Many conservatives have opposed non-offset disaster spending.

**Obamacare:** The legislation does not completely defund Obamacare.



**Values:** Some conservatives may be concerned that several new policies providing conscience protection (the Abortion Non-Discrimination Act), eliminating funding for abortion and abortion coverage under the Affordable Care Act, defunding Planned Parenthood and reinstating the Mexico City Policy were included in House draft bills, but were rejected by the Senate, and are not included in H.R. 2055. Some conservatives may also be concerned that the legislation continues to fund programs that many conservatives believe should be eliminated such as United Nations Population Fund (UNFPA), Title X (a funding source for Planned Parenthood), and comprehensive sex education.

**Funding for Palestinian Authority:** Although many restrictions are put in place, the legislation continues funding for the Palestinian Authority.

**EPA:** The legislation does contain many riders blocking EPA regulations that conservatives have advocated during the FY 2012 appropriations process.

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**Committee Action:** The bills have not been considered by any committee. However, many of the components of this bill have previously been considered by the Appropriations Committee.

**Outside Groups:**

*For*

Americans for Tax Reform (ATR)

*Against*

Americans for Prosperity  
National Taxpayers Union  
Heritage Action  
Club for Growth

**Does the Bill Expand the Size and Scope of the Federal Government?:** As noted throughout the Legislative Bulletin, the legislation contains many provisions that increase the size of the federal government, and many that decrease the size of the federal government.

**Constitutional Authority:** The sponsor cited:

“Congress has the power to enact this legislation pursuant to the following: 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.”

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