



APPROPRIATIONS ALERT

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OMNIBUS APPROPRIATIONS A 12-PERCENT INCREASE FOR CONGRESS'S STILL-UNFINISHED BUSINESS H.R. 3288

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The fiscal year 2010 omnibus spending bill increases discretionary spending by a 12 percent for the six appropriations measures it binds together. In total, the legislation – H.R. 3288 – provides \$447 billion in budget authority, an increase of \$48 billion from fiscal year 2009. This funding includes \$445.3 billion in regular non-emergency spending as well as \$1.5 billion in funding designated for overseas contingencies and the global war against terrorism.

In addition to this double-digit increase, the six bills that make up the omnibus received \$214.3 billion in funding from the “stimulus” bill earlier this year. Since 2009, total discretionary spending, including the “stimulus” and overseas contingency operations, would increase by 24 percent.

Because the Majority has failed to complete action on seven of the 12 regular appropriations bills for the fiscal year that began more than 10 weeks ago, Congress once again is resorting to a huge, 2,500-page omnibus bill to fill the gap. Remarked Maya C. MacGuineas, President of the Committee for a Responsible Federal Budget [CRFB]: “If we can’t do something as simple as passing the appropriations bills we review every year, how are we supposed to do any of the heaving lifting on the budget? . . . Budgeting is one of the most basic functions of governing – there really is no excuse for passing these bills.” (The full CRFB statement can be found at: <http://crfb.org/document/where-are-those-appropriations-bills>)

The six bills incorporated in H.R. 3288 are: Transportation and Housing and Urban Development; Commerce, Justice, and Science; Financial Services; Labor, Health and Human Services, and Education; Military Construction-Veterans Affairs; and State, Foreign Operations. These programs are currently funded through a continuing resolution [CR] (Division B of H.R. 2996, Public Law 111-88), which will expire on 18 December 2009 and is not continued by the current bill. The seventh unfinished appropriation – Defense – is left unfunded after that date if Congress fails to take any further action.

Meanwhile, the Majority has delayed Defense appropriations to be the last bill, and the House Appropriations Committee Chairman is using necessary funding for the troops in Afghanistan to justify a tax increase on an economy struggling out of recession. Compared to the 12-percent increase in non-defense spending, the Defense bill is slated for an increase of 4 percent.

Taxpayers for Common Sense has estimated the measure contains more than 5,000 earmarks at a total cost of about \$3.9 billion. (This figure can be found at the following link:

(http://www.taxpayer.net/resources.php?category=&type=Project&proj_id=2994&action=Headlines%20By%20TCS.) Having received the legislation late Wednesday, the House Budget Committee Republican staff was unable to confirm an earmark count or amount before floor consideration.

BUDGET RESOLUTION COMPLIANCE

Overall, the spending in this bill, if combined with the five enacted bills and the Defense bill (funded at the House-passed level) would total \$1,219.6 billion in BA and \$1,376.7 billion in outlays. These levels are consistent with the topline discretionary 302(a) level set by the fiscal year 2010 budget resolution (S.Con.Res. 13) of \$1,219.7 billion in BA and \$1,377.6 in outlays.

Nevertheless, H.R. 3288 is not in technical compliance with the House Appropriations Committee's most recently filed 302(b) subcommittee allocations (H. Rept. 111-238) as required under the Congressional Budget Act. While most of the subcommittees' levels in H.R. 3288 are below their filed suballocations, two are not: Financial Services exceeds its suballocation by \$36 million, and Labor-HHS is \$165 million over. In addition, the bill improperly applies an overseas operation designation, from section 423 of the budget resolution for \$1.5 billion in spending; such a designation falls under the jurisdiction of the Budget Committee.

Because of these violations several Budget Act points of order would normally apply against H.R. 3288, but these are routinely waived by the House Rules Committee in the rule governing floor consideration.

Additionally, the bill provides \$77.0 billion in total advance appropriations, as permitted under S.Con.Res. 13, including, for the first time, \$48.2 billion for veterans' medical programs. The bill includes no new emergency spending.

SUMMARY OF DIVISIONS A-F

- *Division A, Transportation, Housing and Urban Development [THUD]:* The THUD division of the omnibus includes \$68 billion in discretionary BA, which is \$13 billion, or 23 percent, above last year's level. Also included is an obligation limitation level of \$41.1 billion for the Federal Aid highway program, an increase of \$1 billion over 2009, as well as an \$8.3 billion obligation limitation for formula and bus grant mass transit. The Highway Trust Fund has already required two general fund bailouts since September 2008 and cannot sustain even baseline levels of funding. The level of spending provided in H.R. 3288 for these programs cannot be continued and will require another general fund transfer some time next year.

H.R. 3288 also provides for the continuation of the Home Equity Conversion Mortgage program.

- *Division B, Commerce, Justice, Science [CJS]:* The CJS section of the bill includes a total of \$64.3 billion in discretionary BA, an increase of \$6.7 billion, or 11.6 percent from the 2009 level – excluding any additional emergency supplemental or “stimulus” funding. This increase includes \$4.2 billion above the 2009 level for the 2010 census.

- *Division C, Financial Services*: The Financial Services section of H.R. 3288 provides \$24.2 billion in BA, a 7-percent increase over 2009.
- *Division D, Labor, Health, and Human Services [Labor-HHS]*: This portion of the bill provides \$163.6 billion in BA, \$11.3 billion, or 7.4 percent, over 2009. This includes \$5.1 billion in total funding for the Low Income Home Energy Assistance Program [LIHEAP].
- *Division E, Military Construction and Veterans Affairs [MilCon]*: The MilCon division of H.R. 3288 provides \$77 billion in discretionary BA – a \$4 billion, or 5.2-percent, increase over the 2009 levels. The bill also includes \$1.405 billion in funding for overseas contingencies, as well as \$48 billion in new fiscal year 2011 advance appropriations for veterans’ medical programs.
- *Division F, State and Foreign Operations*: The fiscal year 2010 State and Foreign Operations division of H.R. 3288 provides \$48.8 billion in spending, a \$12-billion increase, or 33 percent, above the 2009 level, excluding supplemental funding.

Table 1: Omnibus Appropriations Bill
(dollars in millions)

H.R. 3288	Fiscal Year		Increase 2009 to 2010	
	2009 Scored	2010 House	Dollars	Percent
Division A, Transportation and Urban Development	55,000	67,900	12,900	23%
Division B, Commerce, Justice, Science	57,652	64,315	6,663	12%
Division C, Financial Services	22,697	24,186	1,489	7%
Division D, Labor-Health and Human Services	152,255	163,565	11,310	7%
Division E, Military Construction	72,863	76,600	3,737	5%
Division F, State and Foreign Operations	36,620	48,764	12,144	33%
Totals	397,087	445,330	48,243	12%