



SENATE REPUBLICAN

POLICY COMMITTEE

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## H.J.Res. 20: Not a “C.R.” and Not “Earmark-Free”

On January 31, by a vote of 286-140, the Democrat-led House of Representatives passed a bill its leadership labels a “continuing appropriations resolution” – a title that is highly misleading. Actually, H.J.Res. 20 is much more like an omnibus appropriations bill, covering almost 50 percent of the federal discretionary budget at a price tag of \$463.5 billion.

This bill runs 137 pages long with its exceptions and additions. Instead of a consistent formula, this bill plays games for a net spending increase of more than \$6 billion above a clean C.R. The four worst are these:

### 1) It uses budget gimmicks:

- To technically stay within the \$873 billion agreed upon amount in the FY07 Budget Resolution, the bill rescinds, among other things, \$3.5 billion of unobligated highway contract authority. But, because there is no corresponding reduction in obligation levels, this \$3.5 billion would not have been spent in 2007. Thus, there are no actual outlay savings to offset the higher spending in this omnibus.
- An additional \$610 million of airport grants is rescinded using the same contract authority gimmick that does not produce any outlay savings.
- The omnibus uses \$1.2 billion in savings from the Crime Victims Fund to pay for increases in Democratic priorities – and it does so in a way that allows the gimmick to be used again next year with the same pot of funds.

### 2) It uses shell games:

- While the Democrats call this bill a C.R., it provides some \$6 billion more in net spending than would a C.R. that simply continued the FY06 spending amounts. That includes \$16 billion in new spending offset by \$10 billion in rescissions.
- By cutting \$3.1 billion from agreed upon levels in the Defense authorization bill, the Democrats are shorting current defense needs related to BRAC with the expectation that funds will be restored in the war supplemental.

- As a result of this shortfall, the largest military restructuring of U.S. forces in history is both delayed and hindered, forcing the delay of 12,000 troops in coming home in FY07. Plus, it breaks a delicate bipartisan agreement reached during BRAC negotiations in 2005.

**3) It picks winners and losers by cutting funds from requested or authorized amounts and increasing some of the Democrats' favorite programs:**

- Here are some examples of programs where the omnibus picks funding winners: Global AIDS increases by \$177 million over the President's request; overall Labor-HHS funding increases by \$2.3 billion above the FY06 level; Pell grant spending rises by \$615 million through raising the maximum grant by \$260 to \$4,310.
- Within NASA, exploration is cut \$577 million from the FY07 request. This is likely to leave the United States with no human spaceflight capability for more than four years following the planned shuttle retirement in 2010.
- It cuts funds for the Office of National Drug Control Policy by 25 percent from \$26.6 million to \$20 million.

**4) It contains dozens of earmarks and a useless earmark provision:**

- Some 28 energy earmarks that were funded in FY06 will continue. These earmarks aren't listed in the bill. Rather, the Department of Energy will act as if they are there – because the bill doesn't preclude the agency from doing so.
- Democrats point to language they included stating that FY06 earmarks that appear in committee reports or statement of managers shall have no legal effect. This is misleading because earmarks in committee reports have *never* carried the force of law! The provision merely reiterates the status quo.

***Why Do Democrats Insist on Calling This Funding Bill a "C.R."?***

Power play. They contend a C.R. doesn't need amendments, doesn't need scrutiny.

Here's what House Appropriations Committee Chairman Obey said in response to calls for amendments: "This bill is a functional equivalent of a conference report."

House Rules Committee Chairwoman Louise Slaughter wants Members to treat these 137 pages liked a clean C.R., noting that since 1997, the House has considered 75 continuing resolutions, and none of them went through the regular committee process or were open to amendments. "We are doing nothing new here," she said.

Consider: this bill provides funding for all the federal government programs except those contained in the Defense and Homeland Security Appropriations Bills. Yet, it passed in the House without any amendments allowed either in committee or on the House floor. Senate Majority

Leader Reid has suggested he may try to provide the bill similar “hands off” treatment when it comes to the Senate: “We have to complete this . . . or the government closes down,” he said. “I’m not going to be Mr. Nice Guy on this.”

*Is there a precedent for this?*

The most recent historical parallel to this situation is January of 2003. Senate Republicans had newly regained majority status, and their first order of business was addressing the 11 appropriations bills that the Democrat-majority Senate had failed to pass in 2002. Did Republicans attempt to strong-arm their colleagues and pass an amendment-free bill? No!

- The Republican Senate allowed more than 100 amendments – 24 of them roll call votes (16 were Democrats’) – over the course of six days.
- More than half of the amendments adopted were Democrats’ amendments.