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H.J.Res. 64—Making further continuing appropriations for fiscal year 2010

H.J.Res. 64— Making further continuing appropriations for fiscal year 2010 (*Obey, D-WI*)

Order of Business: The bill is scheduled to be considered on Wednesday, December 16th, subject to a highly structured (yet closed) rule ([H.Res. 976](#)). This one rule would provide for the consideration of four bills today, as follows:

1. The Senate-passed version of the Defense Appropriations bill ([H.R. 3326](#)) with a self-executing (i.e. automatically adopted) amendment in the nature of the substitute by the House. (*one hour of total debate; no further amendments allowed; **no** motion to commit or recommit*)
2. A continuing resolution (H.J.Res. 64) through December 23, 2009 (*one hour of total debate; no amendments allowed; one motion to recommit allowed*)
3. A bill (H.R. 4314) increasing the debt limit by \$290 billion (*one hour of total debate; no amendments allowed; one motion to recommit allowed*)
4. The Senate-passed version of the stand-alone Commerce, Justice, Science Appropriations (H.R. 2847) with a self-executing (i.e. automatically adopted) amendment in the nature of a substitute by the House. This amendment is the so-called “jobs” bill (being called by some as the “Son of Stimulus”), containing increased federal spending on such items as an ACORN-eligible housing slush fund, clean water programs, and public service job promotion. Furthermore, upon House passage of the newly amended H.R. 2847, the text of the Democrat “PAYGO” bill ([H.R. 2920](#)) would be automatically appended to H.R. 2847 without further consideration. (*one hour of total debate; no further amendments allowed; **no** motion to commit or recommit*)

The rule also contains a variety of additional provisions, unrelated to the consideration of these four bills, as follows:

- Allows the Appropriations Committee Chairman to insert in the Congressional Record at any time during the remainder of the first session of the 111th Congress such material as he may deem explanatory of the Senate amendments and the motions allowed for the Defense Appropriations and “jobs” bills. **In other words, earmark lists do NOT have to be provided before these bills are considered and passed.**
- Waives the requirement for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House for the remainder of the first session of the 111th Congress (referred to by some as a “**martial law rule**”).
- Makes it in order at any time during the remainder of the first session of the 111th Congress for the Speaker to entertain motions that the House suspend the rules.
- Allows the Speaker, on any legislative day of the first session of the 111th Congress, to declare the House adjourned at any time. Provisional dates for reconvening the House are listed in the rule.
- Allows the speaker, on any legislative day of the 2nd session of the 111th Congress before January 12, 2010, to dispense with organizational or legislative business, declare the House adjourned, or declare the House adjourned pursuant to an applicable concurrent resolution of adjournment.

Summary: The legislation extends the current continuing resolution, otherwise scheduled to lapse on December 18, 2009, through December 23, 2009.

The formula used to determine spending levels under the continuing resolution (that the this legislation extends) is based on FY 2009 spending levels, including FY 2009 defense emergency spending.

The CR specifies a higher level than the FY 2009 funding level in some cases as follows:

- **Census, Periodic Census and Programs:** \$7.1 billion—\$3.9 billion or 120.9% above last year.
- **Veterans Medical Programs (in the Military Construction-Veterans bill):** Set at the *lower* of the amount in the President’s FY 2010 Budget, the amounts in the FY 2010 House-passed Military Construction-Veterans bill ([H.R. 3082](#)), and the FY 2010 Senate Military Construction Veterans bill (S. 1407), as reported out of the Senate Appropriations Committee. According to the House Appropriations Committee, this provides an annual operating level of \$44.3 billion (\$3.85 billion or 9.5% above last year).

Extensions of Authorizations: The CR also extends certain authorizations (for the life of the CR), otherwise set to expire. These include, among other things: Child Nutrition programs, Surface Transportation programs (as opposed to the three-month extension

provided by [H.R. 3617](#)), FAA programs (as opposed to the three-month extension provided by [H.R. 3607](#)), the National Flood insurance Program, E-Verify, and the Ryan White Program.

Small Business Administration Loan Limits: Provides a rate of operations for the Small Business Administration—Business Loans Program Account, for guaranteed loans, of \$80 million.

Extension of Values Riders: The CR extends all of the pro-life riders in effect for FY 2009. But of note, the FY 2009 omnibus weakened the Kemp-Kasten language with regard to the United Nations Population Fund, thus allowing U.S. dollars to go toward organizations that may support coercive abortion or sterilization.

Committee Action: H.J.Res. 64 was introduced on December 15, 2009, and referred to the House Appropriations Committee, which took no public action.

Cost to Taxpayers: No CBO score is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

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: No statement of constitutional authority is available.

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