



March 9, 2011

Policy Riders on H.R. 1 Would Significantly Hinder Public Protections, Other Federal Programs

In the early hours of Saturday, Feb. 19, the House of Representatives passed a budget plan to continue funding the operations of the federal government for the remaining seven months of fiscal year (FY) 2011. In addition to \$65.5 billion in cuts to discretionary spending, the bill (H.R. 1) contains at least 80 provisions that would go beyond setting funding levels for federal agencies and programs by setting conditions that would radically alter existing policies of the federal government. Although each policy “rider” in the continuing resolution (CR) may or may not have its merits, a stop-gap funding measure is no place for such decisions to be made.

The House held no hearings on their budget bill, which prevented relevant committees from weighing the consequences of dozens of program and agency restrictions, nor were committee members given a chance to defend the dozens of programs that would be affected by these 80-plus policy riders. Additionally, the public was frozen out of the process, leaving no opportunity for outside voices to be heard. Despite having several months to debate the merits of these drastic policy proposals, House Republicans opted to let political considerations, rather than considered judgment, guide the crafting of the bill that was ultimately approved.

Tacking on such radical policy riders to a spending bill unduly puts the continued functioning of the federal government at risk. Although setting spending limits on federal agencies is ultimately a policy decision process, questions of whether to end a federal program should be made in consultation with the committees of jurisdiction relevant to that program. There is an appropriate avenue for such debates, and that is the normal annual appropriations process that allows sufficient time to question the merits of every federal program subject to discretionary funding. Additionally, allowing amendments that would have profound effects on national policy goals should not be short-circuited by including them in the last minutes of debate of a must-pass stopgap funding measure. Ultimately, poor spending decisions could result from an unnecessary debate about the appropriateness of 80 different policy decisions.

H.R. 1 is more of a conservative wish list from powerful special interests than a coherent set of policy priorities. The House CR takes a scattershot approach to what appears to ameliorate constituent and political donor concerns. For example, there is a provision specific to implementing the “Education Job Fund” in the state of Texas, one specific to a mine in West Virginia, and another specific to Florida water quality standards. Instead of putting together coherent strategies on air quality or mining, House Republicans opted to focus on satisfying the narrow concerns of interest groups rather than the nation as a whole.

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Better budgeting and policy decisions are made within the framework of the normal order of Congress. Putting politics ahead of policy by attaching 80 or more disparate yet far-reaching policy riders to a stopgap funding measure will put the nation's public protections, social safety net, and long-term economic investment at risk.



Policy Riders in H.R. 1

The following are brief descriptions and locations of provisions included in the continuing resolution (H.R. 1) passed by the House of Representatives on Feb. 19, 2011. These provisions appear in the introduced version of the bill and in subsequently approved amendments. This list is not comprehensive.

Agriculture	
Prohibits funding for the Biomass Crop Assistance Program.	Sec. 1285
Consumer Protection	
Restricts the ability of the FDA to transfer funds.	Sec. 1268
Prohibits the Federal Reserve from transferring more than \$80 million to the new Bureau of Consumer Financial Protection.	Sec. 1517
Prohibits funds for a government sponsored "consumer products complaints database."	Sec. 4046
Defense	
Prohibits agencies from obligating funds in contravention of parts of the Iran Sanctions Act of 1996.	Sec. 1115
Prohibits funds to take any action to effect or implement the disestablishment, closure or realignment of the US Joint Forces Command.	Sec. 4020
Prohibits funds made available to the Department of Defense for official representation purposes.	Sec. 4031
Education	
Bans funding for the Department of Education regulations on Gainful Employment, as-yet-unpublished rules that would restrict federal student aid to for-profit colleges whose students have high debt-to-income ratios and require the schools to report more information about student outcomes.	Sec. 4012
Prohibits funds for implementing a provision specific to the State of Texas in the "Education Job Fund."	Sec. 4051
Environment	
Prohibits funding for the Wetlands Reserve Program.	Sec. 1281
Prohibits funding for the Conservation Stewardship Program.	Sec. 1282
Prohibits funding for the Watershed Protection and Flood Prevention Act.	Sec. 1283
Prohibits funding for the Weatherization Assistance Program or the State Energy Program.	Sec. 1434
Prohibits funding for various environmental projects in California.	Sec. 1475
Prohibits funding for a climate change czar in the White House.	Sec. 1535
Prohibits funding for EPA efforts to regulate greenhouse gases.	Sec. 1746
Prohibits funding for the EPA to change a rule regulating water.	Sec. 1747
Prohibits funding for enforcing an order by the Secretary of the Interior calling for protecting public natural spaces.	Sec. 1778
Puts a moratorium, for the duration of the CR, on the payment of legal fees to citizens and groups who sue the government.	Sec. 4007
Prohibits funds to implement, administer or enforce the rule entitled "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants," published by the Environmental Protection Agency on September 9, 2010, which limits the levels of mercury in cement.	Sec. 4008

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Prohibits funds to the EPA's Environmental Appeals Board to consider, review, reject remand or other invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic Coast.	Sec. 4014
Defines specifically what greenhouse gases are and prohibits the EPA from imposing regulations on those gasses emitted by a stationary source for seven months.	Sec. 4015
Prohibits funds to implement the Klamath (California) Dam Removal and Sedimentation Study, conducted by the US Bureau of Reclamation and the US Fish and Wildlife Service.	Sec. 4028
Prohibits funds to implement or enforce the Travel Management Rule, which would close roads and trails on National Forest System land.	Sec. 4029
Prohibits funds for the Department of the Interior's Office of Surface Mining, Reclamation and Enforcement (OSM) from moving forward with a proposed rule that would effectively eliminate the Stream Buffer Zone Rule, a rule that presently allows surface mining operations with qualified permits to work within 100 feet of a stream.	Sec. 4032
Prohibit EPA funding for enforcement of total maximum daily loads in the Chesapeake Bay watershed.	Sec. 4033
Prohibits funds for the EPA to impose and enforce federally mandated numeric Florida water quality standards.	Sec. 4035
Prohibits funds from being used to construct ethanol blender pumps or ethanol storage facilities.	Sec. 4037
Prohibits funds to implement a National Oceanic and Atmospheric Administration (NOAA) Climate Service, part of the President's fiscal year 2012 budget request.	Sec. 4038
Prohibits the EPA, Corps of Engineers and the Office of Surface Mining from implementing coordination procedures that have served to extend and delay the review of coal mining permits.	Sec. 4039
Prohibits funds from being used to develop or approve a new limited access privilege program – "catch-shares" – for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England or Gulf of Mexico Fishery Management Council.	Sec. 4040
Prohibits funds for the study of the Missouri River projects.	Sec. 4041
Prohibits funds for the UN Intergovernmental Panel on Climate Change.	Sec. 4042
Blocks funds for the EPA to implement a waiver to increase the ethanol content in gasoline from 10 percent to 15 percent.	Sec. 4043
Prohibits funds for the EPA to deny proposed and active mining permits under Section 404 (c) of the Clean Water Act, specifically to revoke retroactively a permit for the Spruce Mine in West Virginia.	Sec. 4044
Prohibits funds for the EPA to implement regulations to designate coal ash residue as hazardous waste.	Sec. 4045
Prohibits funds for EPA to modify the national primary ambient air quality standards applicable to coarse particulate matter (dust).	Sec. 4048

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Federal Elections	
Restricts funds from being used for the Presidential Election Campaign Fund or political party conventions.	Sec. 4004
Health Care	
Prohibits funding for the IRS to implement health care reform.	Sec. 1516
Prohibits funds for a White House Director of Health Care reform.	Sec. 1536
Prohibits the District of Columbia from using its own, non-federal funds to pay for abortions beyond the very limited circumstances in which federal funds are currently available (in circumstances of rape or incest and to save the life of a pregnant woman).	Sec. 1590
Prohibits the District of Columbia from using federal funds for syringe exchange programs.	Sec. 1591
Prohibits funding for sections of the Public Health Service Act.	Sec. 1820
Prohibits states from using federal funds for syringe exchange programs.	Sec. 1847
Prohibits funds to the Planned Parenthood Federation of America, Inc., or any of its affiliates.	Sec. 4013
Prohibits funds to pay any employee, officer or contractor to implement the provisions of the	Sec. 4016
Strips funding for any provision of the health care reform law.	Sec. 4017
Prohibits the payment of salaries for any officer or employee of any federal department or agency with respect to carrying out the health care reform law.	Sec. 4018
Bars funds to implement the individual mandate and penalties and reporting requirements of the health care reform law.	Sec. 4019
Prohibits funds to carry out the medical loss ratio restrictions in the health care reform law. These provisions require insurers to spend at least a certain percent of their premium revenues on medical care.	Sec. 4027
Blocks funds for Health Insurance Exchanges, a set of state-regulated health care plans offered under the health care reform law.	Sec. 4034
Prohibits funds for employee and officer salaries at the Center for Consumer Information and Insurance Oversight at the Department of Health and Human Services, created by the health care reform law.	Sec. 4047
Prohibits funds for salaries for any officer or employee of the government to issue regulations on essential benefits under section 1302 of the health care reform law.	Sec. 4049
Prohibits funds for the independent payment advisory board.	Sec. 4050
Homeland Security	
Prohibits transferring detainees from Guantanamo Bay.	Sec. 1112
Prohibits transferring detainees from Guantanamo Bay.	Sec. 1113
Prohibits constructing facilities to house detainees in Guantanamo Bay.	Sec. 1114
Prohibits funding for hiring new TSA employees.	Sec. 1614
Prohibits funding for immigrant integration programs.	Sec. 1635
Prohibits the Bureau of Alcohol, Tobacco, Firearms and Explosives from collecting information on multiple sales of rifles or shotguns to the same person.	Sec. 4030
Housing	
Prohibits funding for the Sustainable Communities Initiative.	Sec. 2226
Prohibits funding for capital advances or rental assistance contracts for HUD Housing for the Elderly projects.	Sec. 2237
Prohibits funding for renewing tenant-based assistance contracts.	Sec. 2238
Prohibits funds for the Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs to provide grants under the Urban Area Security Initiative.	Sec. 4002

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International	
Prohibits funding for the US Ambassador's Fund for Cultural Preservation, UN Population Fund, or for foreign NGOs that use their own non-U.S. funds to provide abortion services.	Sec. 2122
Places various restrictions on Afghanistan funding.	Sec. 2124
Prohibits U.S. military assistance to Chad, due to its continued use of child conscription, consistent with the Child Soldiers Prevention Act of 2007.	Sec. 4011
Prohibits funds for the Overseas Comparability Pay Adjustment, an increase in pay for overseas Foreign Service Officers approved by President Obama under the supplemental appropriations	Sec. 4021
Bans foreign aid to Saudi Arabia.	Sec. 4023
Prohibits funds for UN construction within the US.	Sec. 4036
Internet & Communications	
Blocks funds for the Federal Communications Commission to institute Net Neutrality rules.	Sec. 4006
Prohibits funds for the Community Connect broadband grant program administered by the Rural Utilities Service of the Department of Agriculture.	Sec. 4022
Job Training	
Prohibits funding for competitions for new Job Corps centers.	Sec. 1802
Legislative Branch	
Prohibits funding for upgrading Congressional committee rooms.	Sec. 1904
Nutrition	
Prohibits funding for carrying out section 19 of the Richard B. Russell National School Lunch Act.	Sec. 1284
Recovery Act	
Prohibits Recovery Act funding for Department of Energy employees employed through the Recovery Act.	Sec. 1474
Rescinds unobligated Recovery Act funds.	Sec. 3001
Prohibits Recovery Act funds for signage.	Sec. 3002
Trade	
Prohibits NASA from collaborating with China.	Sec. 1339
Prohibits Export-Import Bank funding for anyone subject to sanctions under the Iran Sanctions Act of 1996.	Sec. 2123
Prohibits funds to provide nonrecourse marketing assistance loans to mohair farmers.	Sec. 4026
White House	
Prohibits funds to pay the salaries and expenses of the following "czars," or special presidential advisers who are not required to go through the Senate confirmation process: Obama Care Czar, Climate Change Czar, Global Warming Czar, Green Jobs Czar, Car Czar, Guantanamo Bay Closure Czar, Pay Czar and Fairness Doctrine Czar.	Sec. 4009