



Senate Amendment to H.R. 5325: Fiscal Year 2017 Continuing Resolution (Sen. McConnell, R-KY)

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FLOOR SCHEDULE:

The Senate amendment to H.R. 5325 (the Continuing Resolution) is expected to be considered on September 28, 2016 under a closed rule.

TOPLINE SUMMARY:

[The Senate's Continuing Resolution \(CR\)](#) would provide continuing appropriations through December 9, 2016, full year appropriations for Military Construction and Veterans Affairs, supplemental appropriations related to Zika, supplemental appropriations for disasters, and a number of other policy provisions.

COST:

A report from the Congressional Budget Office (CBO) can be found [here](#).

The Continuing Resolution would provide an annualized net grand total of \$1.150 trillion in discretionary spending. This includes \$1.067 trillion in base discretionary appropriations that are subject to statutory spending caps.

The bill also includes \$84.112 billion in discretionary spending that would be exempt from the spending caps, including \$59.372 billion for Defense OCO/GWOT, \$14.896 billion for Non-Defense (State Department) OCO, \$6.713 billion for the Disaster Relief category, \$1.523 billion for Program Integrity (Continuing Disability Reviews), \$1.108 billion for Zika response, and \$500 million additional in the Disaster Relief category to respond to floods in 2016.

The bill would rescind a total of \$400 million of previously appropriated but unobligated funds.

Total Discretionary Spending (Budget Authority on Annualized Basis in Billions of Dollars)	
Base Appropriations	1,066.582
Defense OCO/GWOT	59.372
Non-Defense OCO	14.896
Disaster Relief	6.713
Program Integrity	1.523
Zika	1.108
Floods - Disaster	.500

Total Cap-Exempt Spending	84.112
Rescissions of Emergency	-.233
Rescissions of Non-Emergency	-.168
Net Total Spending	1,150.290

The bill also includes \$17.141 billion in changes in mandatory programs (CHIMPS) that allows higher levels of discretionary spending.

The CR would provide an annualized total of \$1.067 trillion in base discretionary appropriations for Fiscal Year 2017, including \$546.484 billion for base Defense and \$520.098 billion for base Non-Defense spending.

Base Defense spending would be \$1.607 billion below the FY 2016 cap established by the [Bipartisan Budget Act of 2015 \(BBA15\)](#) and \$4.584 billion below the FY 2017 cap.

Base Non-Defense spending would be \$1.607 billion above the FY 2016 cap established by the [BBA15](#) and \$1.567 billion above the FY 2017 cap. If Non-Defense spending were extended into 2017 at these spending levels, the Office of Management and Budget would be required to issue a sequestration order in January 2017 to enforce the Non-Defense spending cap and commensurately reduce spending for nearly every program, project, and activity in the Non-Defense budget by an equal percentage.

Base Spending Comparison (Budget Authority on Annualized Basis in Billions of Dollars)			
	Defense	Non-Defense	Total
FY 2016 (current)	548.091	518.491	1,066.582
FY 2017 Caps	551.068	518.531	1,069.599
CR	546.484	520.098	1,066.582
<i>CR vs FY 2016</i>	- 1.607	+ 1.607	0
<i>CR vs FY 2017</i>	- 4.584	+ 1.567	- 3.017

These spending levels are achieved by applying a .495 percent across-the-board reduction to the base FY 2016 appropriations measures that are extended by the CR. Anomalies included in the CR further reduce the rate of operations as scored by CBO.

The CR would provide an annualized total of \$605.856 billion in funding for Defense, including \$546.484 billion for base Defense and \$59.372 billion for cap-exempt Defense Overseas Contingency Operations (OCO) / Global War on Terror (GWOT).

Total Defense spending would be \$1.033 billion below the level specified in the BBA15 for Defense in FY 2016 and \$4.01 billion below the level specified for FY 2017.

Defense Funding			
(Budget Authority on Annualized Basis in Billions of Dollars)			
	Base Defense	OCO/GWOT	Total Defense
FY 2016 (current)	548.091	58.798	606.889
FY 2017 Caps	551.068	58.798	609.866
CR	546.484	59.372	605.856
<i>CR vs FY 2016</i>	<i>- 1.607</i>	<i>+ 0.574</i>	<i>- 1.033</i>
<i>CR vs FY 2017</i>	<i>- 4.584</i>	<i>+ 0.574</i>	<i>- 4.010</i>

CONSERVATIVE CONCERNS:

Lame Duck: Some conservatives may be concerned this CR would terminate during the lame duck session. A lame duck session is the time when Members of Congress and the outgoing president are the least accountable to the American people. Because of this lack of accountability, Congress has often considered controversial legislation during lame duck sessions.

Some conservatives may believe that holding a lame duck session will increase the odds of a year-end Omnibus. While [Speaker Ryan](#) has reiterated his opposition to passing an omnibus in the lame duck session, many Democrats have been vocally supportive of an Omnibus. Just last year, after the [deal](#) to increase spending was signed into law, Senate Democrats filibustered the FY 2016 Defense Appropriations bill in a successful effort to [force an omnibus spending bill](#).

Some conservatives may believe that there will be significant pressure to negotiate another budget deal in the lame duck, again increasing the statutory spending caps.

Some conservatives may be concerned there may be an effort to reauthorize a package of green energy tax subsidies in the lame duck.

Some conservatives may be concerned that the president has announced he will ask Congress to approve the Trans Pacific Partnership (TPP) in the lame duck session.

Spending Levels: Some conservatives may be concerned that the bill would appropriate funding at the higher spending levels authorized by the [Bipartisan Budget Act of 2015](#) that was only supported by [79 House Republicans](#).

Hurting National Security: Some conservatives may be concerned that the CR would provide funding for National Defense that is more than \$4 billion below the spending level called for under the [Bipartisan Budget Act of 2015](#) for FY 2017. At the same time, the CR would allow funding above the Non-Defense cap.

Non-Offset Funding: Some conservatives may be concerned that the bill would include more than \$1.5 billion in new funding above the discretionary spending caps without being fully offset.

Ineffectual Rescissions: Some conservatives may be concerned that while the bill would rescind a total of \$400 million previously appropriated but unobligated funds, [CBO](#) estimates that these rescissions would only reduce outlays by \$75 million, meaning that CBO does not expect these funds to actually be spent in absence of a rescission. Some of the funds proposed to be rescinded are as old as from 1992.

Planned Parenthood Funding: Some conservatives may be concerned this CR would provide millions of dollars in discretionary Title X family planning funding and would fail to prevent Planned Parenthood from accessing hundreds of millions of dollars in mandatory Medicaid reimbursements.

Some conservatives may be further concerned that the Zika supplemental appropriations would likely [allow Planned Parenthood](#) access to additional funding in Puerto Rico.

Lack of Effective Policies to Respond to the Immediate Threats of Zika: Some conservatives may be concerned that the Zika response package fails to include the text of [Zika Vector Control Act](#), which would repeal Environmental Protection Act (EPA) requirements that require permitting under the Clean Water Act (CWA) for the application of EPA approved pesticides, and would make it easier for local mosquito control districts to save human lives by killing Zika carrying mosquitos.

CHIMPS: Some conservatives may be concerned that the bill relies on more than \$17 billion of “changes in mandatory programs” (CHIMPS) to meet the spending level. Because of the CBO scoring conventions, an appropriations bill can offset increases in discretionary spending if it reduces mandatory spending in the first year of the budget window. These CHIMPS are often just gimmicks that shift the timing of mandatory spending, and allow increases in discretionary spending year after year using the same “offset” over and over.

Continues to Allow Thousands of Refugees From Areas Infiltrated by Terrorism Without Vetting: Some conservatives may be concerned that e bill does not include a [house-passed provision](#) that would require the administration to thoroughly vet any refugee prior to the refugee being admitted into the United States.

Allowing Obama’s Internet Giveaway: Some conservatives may be concerned that the CR does not continue a rider that would block the Obama administration’s [planned transfer](#) of oversight of the Internet Corporation for Assigned Names and Numbers (ICANN).

Amnesty Funding: Some conservatives may be concerned that this CR would continue to allow President Obama’s illegal executive amnesty actions to be carried out.

Iran: Some conservatives may be concerned that this CR would continue to allow President Obama to allow funds to flow to Iran.

Obamacare: Some conservatives may be concerned that this CR would continue to allow funding for Obamacare.

- **Expand the Size and Scope of the Federal Government?** Yes, this bill would increase spending.
- **Encroach into State or Local Authority?** Some conservatives may believe that many of the programs and activities funded under this CR would be more appropriately handled by state and local governments, or the private sector.
- **Delegate Any Legislative Authority to the Executive Branch?** Some conservatives may believe that continuing resolutions delegate power to the Executive Branch.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No, according to the [Senate Appropriations Committee](#).

DETAILED SUMMARY AND ANALYSIS:

The Senate Amendment to H.R. 5325 includes four divisions that are described in detail below:

Division A – [Military Construction and Veterans Affairs Appropriations](#)

Division B – [Zika Response](#)

Division C - [Continuing Appropriations](#) and [Disaster Funding](#)

Division D - [Rescission of Funds](#)

CONTINUING RESOLUTION

Duration: The CR would provide funding for federal agencies from October 1, 2016, until December 9, 2016 (70 days).

Continuation of Current Policies: The CR would generally continue the current policies contained in the FY [2016 Consolidated Appropriations Act \(Omnibus\)](#) that was signed into law last December.

The CR would prohibit the use of funds to initiate or resume any project for which funds were not available in FY 2016 and prohibit the Department of Defense from starting new programs, entering into multi-year contracts, or increasing production rates.

Appropriated Entitlements: Sec. 111 would provide that certain mandatory spending programs continue at levels provided for under current law. This continues operations of: Grants to States for Medicaid; Payments to States for Child Support Enforcement and Family Support Programs; Social Services Block Grant; Payments for Foster Care and Permanency; Payments to Health Care Trust Funds; Supplemental Nutrition Assistance Program; Child Nutrition Programs; the Supplemental Security Income Program; readjustment benefits for veterans; and compensation, pension, and burial benefits to veterans and their spouses and dependent children.

The [administration requested](#) this provision.

Rate of Operations: The CR would provide an annualized total of \$1.066582 trillion in base discretionary appropriations for Fiscal Year 2017, including \$546.484 billion for base Defense and \$520.098 billion for base Non-Defense spending. These spending levels are achieved by applying a .495 percent across-the-board reduction to the FY 2016 base appropriations continued by the CR. Anomalies included in the CR further reduce the rate of operations as scored by CBO. The CR also includes \$59.372 billion for Defense OCO/GWOT, \$14.896 billion for Non-Defense OCO, \$6.713 billion for the Disaster Relief category, and \$1.523 billion for Program Integrity.

Anomalies:

Continuing Resolutions often include a number of changes in policy called “anomalies” and reauthorizations of expiring programs. The Obama [administration requested](#) dozens of anomalies and authorizations to be included in the government funding bill.

Authorizations for Intelligence, State, and International Assistance Programs: Sec. 113 would allow expenditures for intelligence programs as well as Department of State and international assistance programs in the absence of a full reauthorization. The [administration requested](#) this anomaly.

Opioid Bill Funding: Sec. 116 would provide funding to implement the [Comprehensive Addiction and Recovery Act of 2016](#) at a rate of \$37 million.

Commodity Supplemental Food Program: Sec. 117 would provide a rate for operations of \$236.1 million for the Commodity Food Supplemental Food Program. The [administration requested](#) this anomaly.

Commodity Credit Corporation (CCC): Sec. 118 would accelerate reimbursement for the CCC for net realized losses incurred. The [administration requested](#) this anomaly.

Rural Housing Service: Sec. 119 would provide flexibility to pay ongoing debt service for multi-family direct loan programs. The [administration requested](#) this anomaly.

FDA Rare Pediatric Disease Priority Review Voucher: Sec. 120 would extend the authority of the FDA Rare Pediatric Disease Priority Review Voucher program through the length of the CR. The House cleared similar legislation by unanimous consent on September 27, 2016.

National Background Investigation Bureau IT Systems: Sec. 121 would provide a rate of operations of \$95 million for the Department of Defense information services for background checks. The [administration requested](#) this anomaly.

Office of Security Cooperation in Iraq: Sec. 122 would extend the authority of the Office of Security Cooperation in Iraq through the length of the CR or until the enactment of a FY 2017 National Defense Authorization Act (NDAA), whichever occurs first.

Uranium Enrichment Decontamination and Decommissioning Fund: Sec. 123 would provide funding flexibility for the Uranium Enrichment Decontamination and Decommissioning Fund.

D.C. Local Funds: Sec. 124 would allow the District of Columbia to expend its local funds, subject to the riders included in the FY 2016 Omnibus. The [administration requested](#) a similar anomaly.

GSA Presidential Transition: Sec. 125 would provide a rate of operations of \$9.5 million for presidential transition activities at the General Services Administration. The [administration requested](#) this anomaly.

Presidential Transition Account: Sec. 126 would provide a rate of operations of \$7.582 million for presidential transition administrative support within the Executive Office of the President. The [administration requested](#) this anomaly.

D.C. Inauguration Costs: Sec. 127 would provide a rate of operations of \$19.995 million for the District of Columbia's planning and security costs related to the presidential inauguration. The [administration requested](#) this anomaly.

National Archives and Records Administration Presidential Transition Activities: Sec. 128 would provide a rate of operations \$4.85 million for the transfer of presidential records at the National Archives and Records Administration. The [administration requested](#) this anomaly.

SBA 7(a) Loans: Sec. 129 would provide funding flexibility for Small Business Administration 7(a) loans.

Homeland Security Account Structure: Sec. 130 would provide that funding for the Department of Homeland Security (DHS) be obligated in an updated budgetary account structure called the Common Appropriations Structure. This provision would require DHS to report to the House and Senate Appropriations Committees on the new budget structure. The [administration requested](#) this anomaly.

CBP and TSA Staffing: Sec. 131 would provide funding flexibility for staffing levels at the U.S Customs and Border Protection and the Transportation Security Administration. The [administration requested](#) this anomaly.

Homeland Security R&D: Sec 132 would extend the authorization for the Department of Homeland Security to utilize special acquisition transaction agreements for research and development that facilitate the Department's ability to work with non-traditional Government contractors. The [administration requested](#) this anomaly.

Recreation User Fees: Sec. 133 would extend the [Federal Lands Recreation Enhancement Act](#), which permits agencies to charge user fees at campgrounds, cabins, and day use sites on federal lands. The [administration requested](#) this anomaly.

Eisenhower Memorial Commission: Sec. 134 would extend the authority for the Eisenhower Memorial Commission through the length of the CR.

Applications for Permits to Drill: Sec. 135 would provide a rate of operations of \$26 million for Bureau of Land Management to process applications for permits to drill on federal lands, which will be offset by fees collected. The [administration requested](#) a similar anomaly.

National Park Service Inauguration Costs: Sec. 136 would provide a rate of operations of \$4.2 million for the National Park Service for operations and security needs during the presidential inauguration. The [administration requested](#) this anomaly.

Toxic Substance Control Act Service Fee Funded Appropriation: Sec. 137 would provide a rate of operations of \$3 million for new requirements under the Chemical Safety for the 21st Century Act to be offset by fees collected by the Environment Protection Agency. The [administration requested](#) a similar anomaly.

National Advisory Committee on Institutional Quality and Integrity Reauthorization: Sec. 138 would reauthorize the Department of Education's [National Advisory Committee on Institutional Quality and Integrity](#) (NACIQI) for the duration of the CR. The [administration requested](#) this anomaly.

Child Care and Development Block Grant: Sec. 139 would eliminate the provision of the FY 2016 Omnibus that reserved \$127 million of the Child Care and Development Block Grant for infant and toddler care. Under the Child Care and Development Block Grant of 2014, beginning in 2017, states will be required to reserve three percent of their grants for infant and toddler care. The [administration requested](#) this anomaly.

Head Start: Sec. 140 is an authorizing provision that would modify the calculation for Head Start base grants so that the calculation does include the cost of living adjustment (COLA) and does not include the supplemental funding provided in the FY 2016 Omnibus. The [administration requested](#) this anomaly.

Children's Health Insurance Program (CHIP) CHIMP: Sec. 141 would rescind \$6.211 million from the Children's Health Insurance Program (CHIP). This rescission is a change in mandatory program (CHIMP) that is often included in appropriations bills. Because of the CBO scoring conventions, an appropriations bill can offset increases in discretionary spending if it reduces mandatory spending in the first year of the budget window. These CHIMPS are often just gimmicks that shift the timing of mandatory spending, and allow increases in discretionary spending year after year using the same "offset" over and over.

Payment to Widow of Rep. Mark Takai: Sec. 142 would provide \$174,000 (equal to the one-year's salary for a member) to be paid to the widow of former Representative Mark Takai. According to [CRS](#), this has been the typical practice of the House

Amtrak Account Structure: Sec. 143 would specify that subsidy funding in the CR for Amtrak will be provided under the new account structure specified by the 2015 [FAST Act](#) surface transportation reauthorization. The FAST Act split the authorization by Amtrak's lines of business, including the

Northeast Corridor and the National Network while prior authorizations provided funding in an operating grants account and a capital and debt service grants account. The [administration requested](#) this anomaly.

Maritime Security Program: Sec. 144 would continue the [Maritime Security Program](#).

MILITARY CONSTRUCTION AND VETERANS AFFAIRS

The bill would provide full year FY 2017 appropriations for the programs funded by the Military Construction and Veterans Affairs Appropriations Act.

In total, the bill would provide \$82.3 billion in discretionary funding, a level that is \$2.5 billion above the FY 2016 enacted level and \$372 million below the budget request.

Title I: Military Construction

The bill would provide \$7.72 billion for military construction, a level that is \$282 million above the President's Budget request and \$445 million below the FY 2016 enacted level.

A list of construction projects by can be found [state](#) and [country](#).

Title II: Department of Veterans Affairs

The bill would provide \$74.4 billion in net discretionary funding for the Department of Veterans Affairs, a level that is \$654 million below the President's Budget request and \$2.9 billion above the FY 2016 enacted level.

Advance Appropriations for Veterans Health Administration: The [Fiscal Year 2016 Consolidated Appropriations Act](#) provided \$63.271 billion in advance appropriations FY 2017 funds for veterans' health benefits. The bill would provide \$66.4 billion in advance appropriations for veterans' health benefits for FY 2018, an amount equal to the President's Budget request.

VA Claims Backlog: According to the [most recent report](#) from the VA, 379,811 veterans' claims remain pending with the VA, including 74,534 that have been pending for more than 125 days. To address this problem, the bill provides \$2.856 billion for General Operating Expenses for the Veterans Benefits Administration, an amount \$148 million above the FY 2016 enacted level and \$30 million above the President's Budget request.

VA Construction: The bill would provide \$528.1 million for major VA construction projects, an amount equal to the President's Budget request and \$716 million below the FY 2016 enacted level. The major projects funded by the Conference Report can be found [here](#).

Additionally, the bill would provide \$372 million for minor VA construction projects, equal to the President's Budget request and \$34 million below the FY 2016 enacted level.

Title IV: Global War on Terror (GWOT)/Overseas Contingency Operations (OCO):

The bill would provide \$172 million for military construction projects funded using GWOT funds. This level is \$449,000 below the President's Budget request and \$172 million above the enacted FY 2016 level. GWOT spending is exempted from the annual spending caps established by the Budget Control Act, as amended. A list of construction projects funded by Title IV can be found [here](#).

Other Provisions:

Guantanamo Bay Detainees: The bill includes language prohibiting the use of funds for the renovation, expansion, or construction of any facility in the continental United States for the purpose of housing any individual who has been detained at Guantanamo Bay. The bill also would prohibit the use of funds to close or realign Guantanamo Bay.

Fertility Treatments: The bill includes an authorizing provision that would permit the use of VA Medical Services funds to provide fertility counseling and treatment using assisted reproductive technology for veterans with a service connected disability that results in the inability to procreate without the use of fertility treatment and their spouses. The term assisted reproductive technology is defined to align with services permitted for active duty service members under a [2012 memorandum](#) that permits In vitro Fertilization (IVF) services.

The funds allowed by this provision would be subject to the [rider](#) included in the FY 2016 Omnibus that prohibits the use of funds the creation of human embryos for research or for research in which a human embryo is destroyed.

The bill would also permit the use of funds for adoption reimbursement for veterans with a service connected disability that results in the inability to procreate without the use of fertility treatment.

ZIKA RESPONSE

The bill would provide a total of \$1.108 billion in disaster designated funding to respond to the outbreak and spread of the [Zika virus](#) both domestically and internationally, as well as other infectious diseases. The Zika funds would be exempt from the discretionary spending caps.

Title I: Department of Health and Human Services

The bill would provide a total of \$933 million for programs under the Department of Health and Human Services. According to [CBO](#), no funding would actually be spent in FY 2016 and only \$256 million would be spent in FY 2017.

Centers for Disease Control and Prevention, CDC-Wide Activities and Program Support

Amount: \$394 million

Timing: to remain available until September 30, 2017

Purpose: “to prevent, prepare for, and respond to Zika virus, domestically and internationally”

Transfer Authority: Section 102 would allow funds from this account to be transferred to any other account in this title.

Emergency Designation: Yes

Domestic/International: Both

Administration Request: The Administration [requested](#) \$828 million for this account in emergency supplemental appropriations.

FY 2016 Appropriations: The [FY 2016 Omnibus](#) included \$273.57 million in appropriations for this account, a level that was \$160 million above the President’s Budget request and equal to the FY 2015 level.

National Institutes of Health, National Institute of Allergy and Infectious Diseases

Amount: \$152 million

Timing: to remain available until September 30, 2017

Purpose: “research on the virology, natural history, and pathogenesis of the Zika virus infection and preclinical and clinical development of vaccines and other medical countermeasures for the Zika virus and other vector-borne diseases, domestically and internationally”

Transfer Authority: Permits transfer to other accounts in the NIH. Section 102 would allow funds from this account to be transferred to any other account in this title.

Emergency Designation: Yes

Domestic/International: both

Administration Request: The Administration [requested](#) \$130 million for this account in emergency supplemental appropriations.

FY 2016 Appropriations: The [FY 2016 Omnibus](#) included \$4.63 billion in appropriations for this account, a level that was \$15 million above the President’s Budget request and \$271 million above to the FY 2015 level.

Office of the Secretary, Public Health and Social Services Emergency Fund

Amount: \$387 million

Timing: to remain available until September 30, 2017

Purpose: “to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other vector borne diseases, domestically and internationally; to develop necessary countermeasures and vaccines, including the development and purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, and administrative activities; for carrying out section 501 of the Social Security Act; and for carrying out sections 330 through 336 and 338 of the PHS Act.”

Of this total, \$75 million shall be for States, territories, tribes, or tribal organizations to “reimburse the costs of health care for health conditions related to the Zika virus, other than costs that are covered by private health insurance”, of which not less than \$60 million would be reserved for the territories with the highest rates of Zika transmission. The [Heritage Foundation](#) states that this provision “allows Profamilia [Planned Parenthood in Puerto Rico] access to Zika funds, but seems to leave the question of who ultimately gets funding in the hands of Florida and Puerto Rico health authorities.”

Of this total, \$20 million shall be for projects of regional and national significance in Puerto Rico and other territories authorized under [section 501 of the Social Security Act](#).

Of this total, \$40 million shall be “to expand the delivery of primary health services authorized by [section 330 of the PHS Act](#) in Puerto Rico and other territories”.

Of this total, \$6 million shall be for “purposes of providing primary health services in areas affected by Zika virus or other vector-borne diseases, be used to assign National Health Service Corps (“NHSC”) members to Puerto Rico and other territories... and to make NHSC Loan Repayment Program awards under section 338B of such Act”.

Transfer Authority: Section 102 would allow funds from this account to be transferred to any other account in this title.

Emergency Designation: Yes

Domestic/International: Both

Administration Request: The Administration [requested](#) \$295 million for this account in emergency supplemental appropriations.

FY 2016 Appropriations: The [FY 2016 Omnibus](#) included \$1.397 billion in appropriations for this account, a level that was \$146 million below the President’s Budget request and \$351 million above the FY 2015 level.

Title II: Department of State

The bill would provide a total of \$176 million for programs under the Department of State. According to [CBO](#), no funding would actually be spent in FY 2016 and only \$88 million would be spent in FY 2017.

Administration of Foreign Affairs, Diplomatic and Consular Programs

Amount: \$14.594 million

Timing: to remain available until September 30, 2017

Purpose: “necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases”

Transfer Authority: Section 201 would allow funds to be transferred to any other account in this title.

Emergency Designation: Yes

Domestic/International: International

Administration Request: The Administration [requested](#) \$14.6 million for this account in emergency supplemental appropriations.

FY 2016 Appropriations: The [FY 2016 Omnibus](#) included \$5.623 billion in appropriations for this account, a level that was \$1.473 billion below the President’s Budget request and \$838 million below the FY 2015 level.

Emergencies in the Diplomatic and Consular Programs

Amount: \$4 million

Timing: to remain available until September 30, 2017

Purpose: “necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases”

Transfer Authority: Section 201 would allow funds to be transferred to any other account in this title.

Emergency Designation: Yes

Domestic/International: International

Administration Request: The Administration [requested](#) \$4 million for this account in emergency supplemental appropriations.

FY 2016 Appropriations: The [FY 2016 Omnibus](#) included \$7.9 million in appropriations for this account.

Repatriation Loans Program Account

Amount: \$1 million

Timing: to remain available until September 30, 2017

Purpose: “the cost of direct loans... to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases”

Transfer Authority: Section 201 would allow funds to be transferred to any other account in this title.

Emergency Designation: Yes

Domestic/International: International

Administration Request: The Administration [requested](#) \$1 million for this account in emergency supplemental appropriations.

FY 2016 Appropriations: The [FY 2016 Omnibus](#) included \$1.3 million in appropriations for this account.

United States Agency for International Development, Funds Appropriated to the President, Operating Expenses

Amount: \$10 million

Timing: to remain available until September 30, 2017

Purpose: “necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases”

Transfer Authority: Section 201 would allow funds to be transferred to any other account in this title.

Emergency Designation: Yes

Domestic/International: International

Administration Request: The Administration [requested](#) \$10 million for this account in emergency supplemental appropriations.

FY 2016 Appropriations: The [FY 2016 Omnibus](#) included \$1.144 billion in appropriations for this account, a level that was \$216 million below the President's Budget request and \$53 million above the FY 2015 level.

Bilateral Economic Assistance, Funds Appropriated to the President, Global Health Programs

Amount: \$145.5 million

Timing: to remain available until September 30, 2017

Purpose: "necessary expenses to prevent, prepare for, and respond to the Zika virus, health conditions related to such virus, and other vector borne diseases"

Emergency Designation: Yes

Domestic/International: International

Administration Request: The Administration [requested](#) \$325 million for this account in emergency supplemental appropriations.

FY 2016 Appropriations: The [FY 2016 Omnibus](#) included \$2.833 billion in appropriations for this account, a level that was \$78 million above the president's budget request and \$50 million above the FY 2015 level.

DISASTER SPENDING

Sec. 145 of the Continuing Resolution would appropriate an additional \$500 million for the Community Development Block Grant (CDBG) program. These funds are designated as disaster relief, exempting them from the discretionary spending caps established by the Budget Control Act (BCA).

The funds would be available for obligation until expended. According to the [CBO](#), no funds would be spent in FY 2016 and only \$10 million would be spent in FY 2017. The entirety of these disaster funds are not projected to be spent until FY 2023.

The funds are meant to be allocated to "the most impacted and distressed areas resulting from a major disaster declared in 2016, and which the disaster occurred prior to the date of enactment of this Act, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act", and awarded to state and local governments. The bill does not specify any specific jurisdiction that would be allocated funding.

There have been [32 major disaster declarations](#) in 2016.

On September 12, 2016, the Louisiana Congressional Delegation [wrote to President Obama](#) urging him to request supplemental appropriations request to Congress for flood relief after floods in August 2016. Also on September 12, Louisiana Governor John Edwards wrote to President Obama [requesting \\$2.8 billion](#) in

federal assistance. On September 13, 2016, the OMB Director Shaun Donovan wrote to the Congress to [request \\$2.6 billion](#) in additional emergency funding for the Community Development Block Grant (CDBG).

On September 14, 2016, the West Virginia Congressional Delegation [wrote to President Obama](#) urging him to include a supplemental appropriations request for West Virginia flood relief after floods in June 2016, and supporting West Virginia Governor Earl Ray Tomblin's request for \$310 million in Community Development Block Grant funding.

On September 12, part of the Texas Congressional Delegation [wrote to Speaker Paul Ryan](#) to request at least \$589 million in supplemental appropriations to respond to flooding and storms in Texas over the last two years.

The bill would allow the Secretary of Housing and Urban Development to “waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974”.

The funds may not be used for any activities that are reimbursable by FEMA or the Army Corps of Engineers.

The Budget Control Act (BCA) allows for spending above the normal discretionary spending caps for [disaster relief activities](#) carried out under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. These activities are primarily funded by appropriations to Federal Emergency Management Agency's (FEMA) Disaster Relief Fund (DRF).

The amount of appropriations that is permitted to be designated as cap-exempt disaster funding each year is calculated by an average of the last ten years of actual disaster spending (exempting the highest and lowest amounts). If any amount from the average calculated in the previous year is unused, then it can be applied to the next year's amount. According to the [Office of Management and Budget \(OMB\)](#), the disaster amount for FY 2017 is projected to be \$8.566 billion. As of [August 31, 2016](#), the Disaster Relief Fund had a balance of \$2.845 billion available, with a projected balance at September 30, 2016, of \$1.369 billion.

The [House Republican Budget](#) proposed elimination of the Community Development Block Grant program. The [RSC Budget](#) also proposed elimination of the CDBG, stating that “this program has been unauthorized (yet still funded) for decades and is a prime example of the federal government's difficulty prioritizing local programs. CDBG has paid for programs as diverse as doggie daycare, a local circus, and decorative sidewalks in an affluent suburb.”

RESCISSIONS

Division D of the bill would rescind a total of \$400 million previously appropriated but unobligated funds. [CBO](#) estimates that these rescissions would only reduce outlays by \$75 million, meaning that CBO does not expect these funds to actually be spent.

The bill would rescind \$10 million from prior year unobligated appropriations for Department of Commerce, Economic Development Administration, Economic Development Assistance Programs that were designated as an emergency requirement.

The bill would rescind \$13 million in unobligated appropriations from the FY 2010 Supplemental Appropriations Act for Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities that were designated as an emergency requirement.

The bill would rescind \$279,045 in unobligated appropriations from the FY 2006 Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act for Department of Homeland Security, Office of the Secretary and Executive Management that were designated as an emergency requirement.

The bill would rescind \$39,246 in unobligated appropriations from the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States for Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses that were designated as an emergency requirement.

The bill would rescind \$48.076 million in unobligated appropriations from the FY 2009 Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, the FY 2006 Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, and the FY 2006 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery for Department of Homeland Security, United States Coast Guard, Acquisition, Construction, and Improvements that were designated as an emergency requirement.

The bill would rescind \$731,790 in unobligated appropriations from the FY 2006 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery for Department of Homeland Security, Federal Emergency Management Agency, Administrative and Regional Operations that were designated as an emergency requirement.

The bill would rescind \$168.1 million in unobligated funds from Obamacare that were originally meant to assist territories to establish insurance exchanges.

The bill would rescind \$7.522 million in unobligated appropriations from the FY 2015 Consolidated and Further Continuing Appropriations Act for USAID Operating Expenses that were designated as an emergency requirement.

The bill would rescind \$109.478 million in unobligated appropriations from the FY 2015 Consolidated and Further Continuing Appropriations Act for Bilateral Economic Assistance, Funds Appropriated to the President that were designated as an emergency requirement.

The bill would rescind \$4.385 million in unobligated appropriations from the FY 2006 Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act for Department of Transportation, Federal Aviation Administration, Facilities and Equipment that were designated as an emergency requirement.

The bill would rescind \$990,277 in unobligated appropriations from the Dire Emergency Supplemental Appropriations Act, 1992, Including Disaster Assistance to Meet the Present Emergencies Arising from the Consequences of Hurricane Andrew, Typhoon Omar, Hurricane Iniki and Other Natural Disasters, and Additional Assistance to Distressed Communities for Department of Transportation, Federal Aviation Administration, Facilities and Equipment that were designated as an emergency requirement.

The bill would rescind \$37.4 million in unobligated appropriations from the Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance for the Department of Transportation that were designated as an emergency requirement.

OUTSIDE GROUPS:

Club for Growth: Key Vote ["NO" on FY17 Continuing Resolution](#)

FreedomWorks: Key Vote [NO on H.R. 5325, the Senate Continuing Resolution Vehicle](#)

Heritage Action: Key Vote ["No" On Lame Duck Continuing Resolution \(H.R. 5325\)](#)

Heritage Foundation: [Heritage Experts Pan Senate Continuing Resolution](#) and [In New Spending Bill, McConnell Sides With Liberals, Ignores Conservative Priorities](#) and [A Better Way Forward on the FY 2017 Continuing Resolution](#)

In opposition to a Lame Duck

- **Conservative Action Project:** [Congress Should Not Hold A Lame Duck Session](#)
- **Coalition of Conservative Groups:** [Why We Oppose Lame Duck Spending](#)
 - Americans for Prosperity
 - Freedom Partners Chamber of Commerce
 - The LIBRE Initiative
 - Generation Opportunity
 - Concerned Veterans for America
 - 60 Plus Association
 - American Encore
 - Americans for Constitutional Liberty
 - Americans for Limited Government
 - Americans for Tax Reform
 - Cause of Action Institute
 - Christian Coalition of America
 - Citizens' Alliance for Responsible Energy (CARE)
 - Coalition For a Strong America
 - Competitive Enterprise Institute
 - Energy & Environment Legal Institute (E&E Legal)
 - Energy Makes America Great
 - Faith & Freedom Coalition
 - Family PAC Federal
 - ForAmerica
 - Freedom Foundation
 - FreedomWorks
 - Grassroot Hawaii Action, Inc.
 - Gun Owners of America
 - Hispanic Leadership Fund
 - Institute for Liberty
 - Less Government
 - National Center for Public Policy Research
 - National Federation of Republican Assemblies
 - Reaching America
 - Tea Party Nation
 - Tea Party Patriots
 - The Weyrich Lunch
- **Heritage Action:** [Republican House Should Say No To McConnell, Reid On Lame Duck](#)
- **Heritage Foundation:** [The Implications of Regular Lame-Duck Sessions in Congress for Representative Government](#)

Support a Lame Duck

- **Research!America and the Aerospace Industries Association** [joint letter](#)
- [Coalition letter](#) from a collection of unions and related groups.

Planned Parenthood

- **Heritage Foundation:** [A GOP Congress Should Not Give Planned Parenthood Another Dime of Taxpayer Money](#)

COMMITTEE ACTION:

H.R. 5352 was introduced on May 25, 2016, as the Fiscal Year 2017 Legislative Branch Appropriations bill. The bill was passed by the House on June 10, 2016, by a [233 – 175](#) vote.

The Senate moved to consideration of the bill as the vehicle for the CR on September 22, 2016, after a [89 – 7](#) cloture vote.

Senate Majority Leader McConnell introduced the amendment consisting of the CR on September 22, 2016.

The Senate passed the bill as amended on September 28, 2016.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

The original Constitutional Authority Statement for H.R. 5352 was: “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 finds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.”

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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