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# Overview of the FY2016 Continuing Resolution (H.R. 719)

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## Summary

The purpose of this report is to provide an analysis of the FY2016 continuing appropriations in H.R. 719. None of the FY2016 regular appropriations bills were enacted by the start of the fiscal year (October 1, 2015). As of September 30, 2015, H.R. 719, a continuing resolution (CR) for FY2016, had passed the House and Senate.

The CR for FY2016 covers all 12 regular appropriations bills by providing continuing budget authority for projects and activities funded in FY2015 by that fiscal year's regular appropriations acts, with some exceptions. It includes both budget authority that is subject to the statutory discretionary spending limits on defense and nondefense spending and also budget authority that is effectively exempt from those limits, such as that designated as for "Overseas Contingency Operations/Global War on Terrorism."

Funding under the terms of the CR is effective October 1, 2015, through December 11, 2015—roughly the first 10 weeks of the fiscal year.

The CR generally provides budget authority for FY2015 projects and activities at the rate they were funded during that fiscal year. Most projects and activities funded in the CR are subject to an across-the-board decrease of less than 1% (0.2018%).

According to the Congressional Budget Office (CBO), the total amount of annualized budget authority for regular appropriations in the FY2016 CR that is subject to the statutory discretionary spending limits is \$1,016.582 billion. When spending is included in the CBO estimate that is effectively not subject to those limits, the total amount of annualized budget authority in the CR is \$1,099.962 billion.

In addition to the general provisions that establish the coverage, duration, and rate, CRs usually include provisions that are specific to certain agencies, accounts, or programs. These include provisions that designate exceptions to the formula and purpose for which any referenced funding is extended (referred to as "anomalies") and provisions that have the effect of creating new law or changing existing law (often used to renew expiring provisions of law). The CR includes a number of such provisions, each of which is briefly summarized in this report. CRS appropriations process experts for each of these provisions are listed in **Table 1**.

For general information on the content of CRs and historical data on CRs enacted between FY1977 and FY2015, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

For information on the FY2016 appropriations process, see CRS Report R44062, *Congressional Action on FY2016 Appropriations Measures*, by Jessica Tollestrup.

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## Introduction

Congress uses an annual appropriations process to fund discretionary spending, which supports the projects and activities of most federal government agencies.<sup>1</sup> This process anticipates the enactment of 12 regular appropriations bills each fiscal year.<sup>2</sup> If regular appropriations are not enacted by the start of the fiscal year (October 1), continuing appropriations may be used to provide temporary funding until the annual appropriations process is concluded.<sup>3</sup> Continuing appropriations acts are often referred to as “continuing resolutions” or “CRs.” CRs may be enacted for a period of days, weeks, or months. If all 12 regular appropriations bills are not enacted by the time that the first CR for a fiscal year expires, further extensions of that CR might be enacted until all regular appropriations bills have been completed or the fiscal year ends.

None of the FY2016 regular appropriations bills was enacted by the start of the fiscal year (October 1, 2015). H.R. 719, a CR for FY2016, was passed by the House and Senate and signed into law by the President on September 30, 2015.<sup>4</sup> This CR provides funds for covered projects and activities from the beginning of the fiscal year, October 1, 2015, through December 11, 2015.

The purpose of this report is to provide an analysis of the continuing appropriations in H.R. 719. The first two sections summarize the overall funding provided (“Coverage, Duration, and Rate”) and budget enforcement issues associated with the statutory discretionary spending limits (“The CR and the Statutory Discretionary Spending Limits”). The third section of this report provides short summaries of the provisions in this CR that are agency-, account-, or program-specific. These summaries are organized by appropriations act title. In some instances, additional information about those appropriations and how they operate under a CR is provided.

For general information on the content of CRs and historical data on CRs enacted between FY1977 and FY2015, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

For information on the FY2016 appropriations process, see CRS Report R44062, *Congressional Action on FY2016 Appropriations Measures*, by Jessica Tollestrup.

## Coverage, Duration, and Rate

This section of the report discusses the three components of a CR that generally establish the purpose, duration, and amount of funds provided by the act:

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<sup>1</sup> The federal budget process distinguishes between discretionary spending, which is controlled through annual appropriations acts, and direct (or mandatory) spending, which is controlled through authorizing laws. For further information on the types of spending in the congressional budget process, see CRS Report 98-721, *Introduction to the Federal Budget Process*, coordinated by James V. Saturno. For further information on the appropriations process, see CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by Jessica Tollestrup.

<sup>2</sup> Under current practice, each House and Senate Appropriations subcommittee typically drafts one regular appropriations bill for the activities under its jurisdiction, for a total of 12 bills each fiscal year. The full Appropriations Committee considers and reports each bill to its respective parent chamber.

<sup>3</sup> Continuing appropriations acts are commonly referred to as “continuing resolutions,” because they usually provide appropriations in the form of a joint resolution rather than a bill. Continuing appropriations, however, are occasionally provided in bill form.

<sup>4</sup> The provisions of the CR were added to an unrelated measure (TSA Office of Inspection Accountability Act of 2015) through an amendment exchange.

- A CR’s “coverage” relates to the purposes for which funds are provided. The projects and activities funded by a CR are typically specified with reference to regular (and, occasionally, supplemental) appropriations acts from the previous fiscal year. When a CR refers to one of those appropriations acts and provides funds for the projects and activities included in such an act, the CR is often referred to as “covering” that act.<sup>5</sup>
- The “duration” of a CR refers to the period of time for which budget authority<sup>6</sup> is provided for covered activities.
- CRs usually fund projects and activities using a “rate for operations” or “funding rate” to provide budget authority at a restricted level, but do not prescribe a specified amount. The funding rate for a project or activity is based on the total amount of budget authority that would be available annually for that project or activity under the referenced appropriations acts, and is pro-rated based on the fraction of a year for which the CR is in effect.

## Coverage

The CR for FY2016 covers all 12 regular appropriations bills by providing continuing budget authority for projects and activities funded in FY2015 by that fiscal year’s regular appropriations acts—Divisions A-K of the FY2015 Consolidated and Further Continuing Appropriations Act, P.L. 113-235, with some exceptions,<sup>7</sup> and Department of Homeland Security Appropriations Act, 2015, P.L. 114-4.

Statutory limits on discretionary spending are in effect for FY2016, as established by the Budget Control Act of 2011 (BCA; P.L. 112-25).<sup>8</sup> The CR includes both budget authority that is subject to those limits and also budget authority that is effectively exempt from those limits.<sup>9</sup> Budget authority that is effectively exempt includes that which is designated or otherwise provided as “Overseas Contingency Operations/Global War on Terrorism” (OCO/GWOT), “continuing disability reviews and redeterminations,” “health care fraud and abuse control,” “disaster relief,” and “emergency requirements.”<sup>10</sup>

Budget authority is provided by the CR under the same terms and conditions as the referenced FY2015 appropriations acts.<sup>11</sup> Effectively, this requirement extends many of the provisions in the

<sup>5</sup> For further information on the concept of “coverage,” see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

<sup>6</sup> Appropriations bills provide agencies with *budget authority*, which is defined as authority provided by federal law to enter into contracts or other financial *obligations* that will result in immediate or future expenditures (or *outlays*) involving federal government funds. For explanations of these terms, see Government Accountability Office (GAO), *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 2005, pp. 20-21, <http://www.gao.gov/new.items/d05734sp.pdf>. For the purposes of this report, the terms *budget authority* and *funding* are used interchangeably.

<sup>7</sup> These exceptions include Division A, Section 743 and Title VIII; Division C, Title X; Division G, Title VI; and Division J, Title IX.

<sup>8</sup> The BCA amended the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA; 2 U.S.C. §901). For further information on the Budget Control Act, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

<sup>9</sup> H.R. 719, §§101(a), 114.

<sup>10</sup> Budget authority is designated pursuant to Section 251(b) of BBEDCA (2 U.S.C. 901).

<sup>11</sup> H.R. 719, §101(b). Section 103 also stipulates that budget authority is available in the same way it was provided in the referenced FY2015 appropriations acts, which includes any requirements in committee reports that are included in (continued...)

FY2015 acts that stipulated or limited agency authorities during FY2015. In addition, in general none of the funds are to be used to initiate or resume an activity for which budget authority was not available in FY2015.<sup>12</sup> A goal of these and similar provisions in other CRs, as well as many of the other provisions discussed in the sections below, is to protect Congress's constitutional authority to provide annual funding in the manner it chooses in whatever final appropriations measures are enacted.<sup>13</sup>

## Duration

Funding in the CR is effective October 1, 2015, through December 11, 2015—about the first 10 weeks of the fiscal year. The CR provides that, in general, budget authority for some or all projects and activities could be superseded by the enactment of the applicable regular appropriations act or another CR prior to or on December 11.<sup>14</sup> For projects and activities funded in the CR that a subsequent appropriations act does not fund, budget authority would immediately cease upon such enactment, even if prior to December 11.<sup>15</sup>

## Rate

The CR provides budget authority for projects and activities funded in the FY2015 appropriations acts covered by the CR, at a rate based on the amount of funding provided in those acts and the duration of the CR (through December 11). The rate is the net of any provisions reducing FY2015 budget authority that were included in those acts.<sup>16</sup> For entitlement and other mandatory spending that is funded through appropriations acts, the CR provides funding to maintain program levels under current law.<sup>17</sup>

Most projects and activities funded in the CR are subject to an across-the-board decrease of less than 1% (0.2018%).<sup>18</sup> This decrease does not apply to appropriations designated or otherwise provided as OCO/GWOT, continuing disability reviews and redeterminations, health care fraud

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(...continued)

the terms of the acts.

<sup>12</sup> H.R. 719, §104.

<sup>13</sup> H.R. 719, §109. This section prohibits certain funding actions that would “impinge on final funding prerogatives.” In addition, Section 110 directs that “only the most limited funding actions” allowed under the CR be taken.

<sup>14</sup> H.R. 719, §106. Section 107 of this CR provides that obligations and expenditures made between October 1 and the enactment of any subsequent full-year appropriations would be charged to the annual account. For further information, see U.S. Executive Office of the President, Office of Management and Budget (OMB), *Circular No. A-11: Preparation, Submission, and Execution of the Budget*, June 2015, §123, pp. 4-5, [https://www.whitehouse.gov/sites/default/files/omb/assets/a11\\_current\\_year/s123.pdf](https://www.whitehouse.gov/sites/default/files/omb/assets/a11_current_year/s123.pdf).

<sup>15</sup> In such instances, as well as instances where annual appropriations are ultimately less than the CR's funding rate, funds that were provided by the CR until it was superseded are still available to the agency to satisfy obligations made during that period. New obligations, however, must not be made, and agencies are instructed by OMB to reduce obligations “to the maximum extent possible.” OMB, *Circular No. A-11*, §123, p. 4.

<sup>16</sup> In general, any rescissions or changes in mandatory budget authority for FY2015 that were included in the referenced FY2015 appropriations acts (P.L. 113-235 and P.L. 114-4) apply to the budget authority provided by the CR. For an example of how such reductions were applied for a previous fiscal year's CR (FY2015), see OMB, “Apportionment of the Continuing Resolution(s) for Fiscal Year 2015,” September 25, 2014, <https://www.whitehouse.gov/sites/default/files/omb/bulletins/2014/b-14-03.pdf>.

<sup>17</sup> H.R. 719, §111.

<sup>18</sup> H.R. 719, §101(b).

and abuse control, disaster relief, and emergency requirements.<sup>19</sup> It does apply, however, to advance appropriations enacted in previous fiscal years that first became available in FY2016.<sup>20</sup>

## The CR and the Statutory Discretionary Spending Limits

### Background

Appropriations for FY2016 are subject to statutory discretionary spending limits on “defense” and “nondefense” spending pursuant to the BCA. The defense category includes all discretionary spending under budget function 050 (defense); the nondefense category includes discretionary spending in the other budget functions.<sup>21</sup> If discretionary spending is enacted in excess of a statutory limit in either category, the BCA requires the level of spending to be brought into conformance through “sequestration,” which involves primarily across-the-board cuts to non-exempt spending in the category of the limit that was breached (i.e., defense or nondefense).<sup>22</sup> Once discretionary spending is enacted, OMB evaluates that spending relative to the spending limits and determines whether sequestration is necessary. For FY2016 discretionary spending, the first such evaluation (and any necessary enforcement) is to occur within 15 calendar days after the 2015 congressional session adjourns sine die.<sup>23</sup> For any FY2016 discretionary spending that becomes law after the session ends, the OMB evaluation and any enforcement of the limits would occur 15 days after enactment.<sup>24</sup>

### FY2016 CR

The Congressional Budget Office (CBO) estimates the budgetary effects of interim CRs on an “annualized” basis, meaning that those effects are measured as if the CR were providing budget authority for an entire fiscal year. According to CBO, the total amount of annualized budget authority for regular appropriations in the CR that is subject to the BCA limits (including projects

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<sup>19</sup> H.R. 719, §§114(b)(1), 135.

<sup>20</sup> H.R. 719, §115. Advance appropriations are budget authority that becomes available one or more fiscal years after the fiscal year covered by the appropriations act. For further information, see CRS Report R43482, *Advance Appropriations, Forward Funding, and Advance Funding: Concepts, Practice, and Budget Process Considerations*, by Jessica Tollestrup.

<sup>21</sup> For further information with regard to budget functions, see CRS Report 98-280, *Functional Categories of the Federal Budget*, by Bill Heniff Jr.

<sup>22</sup> Enforcement of the statutory discretionary spending limits may occur through points of order that are raised during House or Senate floor consideration of appropriations measures. Such points of order may be raised under Section 314(f) of the CBA against any bill, joint resolution, amendment, motion, or conference report that would cause the discretionary spending limits to be exceeded. For further information with regard to points of order in the congressional budget process, see CRS Report 97-865, *Points of Order in the Congressional Budget Process*, by James V. Saturno.

<sup>23</sup> BBEDCA, §251(a)(1). In general, an adjournment sine die terminates an annual session of Congress. Unless otherwise specified by law, the latest this adjournment can occur is January 3 each year. For further information with regard to sine die adjournments of a congressional session, see CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by Richard S. Beth and Jessica Tollestrup.

<sup>24</sup> BBEDCA, §251(a)(6). This requirement is in effect for spending enacted after the end of the congressional session but before July 1. For spending enacted between July 1 and the end of the fiscal year, Section 251(a)(5) provides for “look-back” budget enforcement, through which the relevant spending limit for the following fiscal year would be reduced by the amount of the breach of the current year limit.

and activities funded at the rate for operations and anomalies) is \$1,016.582 billion.<sup>25</sup> Although that total is equal to the combined amount of the statutory discretionary spending limits for FY2016, the CR is estimated to exceed one of those two limits. While CBO estimates defense spending in the CR to total \$520.385 billion, which is about \$2.7 billion below the defense limit, nondefense spending is estimated to total \$496.197 billion, which is about \$2.7 billion above the defense limit.<sup>26</sup> As was previously mentioned, however, the earliest that the statutory discretionary spending limits could be enforced is 15 days after the end of the congressional session. This date is likely to occur after the expiration of the CR on December 11, 2015.

When spending is included in the CBO estimate that is effectively not subject to those limits—because it was designated or otherwise provided as OCO/GWOT, continuing disability reviews and redeterminations, health care fraud and abuse control, disaster relief, and emergency requirements—the total amount of annualized budget authority in the CR is \$1,099.962 billion.<sup>27</sup>

## Agency, Account, and Program-Specific Provisions

In addition to the general provisions that establish the coverage, duration, and rate, CRs usually include provisions that are specific to certain agencies, accounts, or programs. These provisions are generally of two types. First, certain provisions designate exceptions to the formula and purpose for which any referenced funding is extended. These are often referred to as “anomalies.”<sup>28</sup> The purpose of anomalies is to preserve Congress’s constitutional prerogative to provide appropriations in the manner it sees fit, even in instances when only short-term funding is provided.<sup>29</sup> Second, certain provisions may have the effect of creating new law or changing existing law. Most typically, these provisions are used to renew expiring provisions of law or extend the scope of certain existing statutory requirements to the funds provided in the CR. Substantive provisions that establish major new policies have also been included on occasion.<sup>30</sup> Unless otherwise indicated, such provisions are temporary in nature and expire when the CR sunsets.

These anomalies and provisions that change law may be included at the request of the President.<sup>31</sup> Congress could accept, reject, or modify these proposals in the course of drafting and considering

<sup>25</sup> CBO, “H.R. 719, the TSA Office of Inspection Accountability Act of 2015, as Passed by the House on September 24, 2015, with a Further Amendment (SA 2689, the Continuing Appropriations Act, 2016),” September 25, 2015, <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/sa2689tohr719.pdf>.

<sup>26</sup> CBO, “H.R. 719, the TSA Office of Inspection Accountability Act of 2015, As Passed by the House on September 24, 2015, With a Further Amendment (SA 2689, the Continuing Appropriations Act, 2016) Regular Appropriations Only—Excludes Amounts Designated as Overseas Contingency Operations, Disaster, Program Integrity, and Emergency Funding,” September 25, 2015, <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/sa2689tohr719.pdf>.

<sup>27</sup> See footnote 25.

<sup>28</sup> For further information on anomalies, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

<sup>29</sup> Article 1, Section 9, of the U.S. Constitution grants Congress the “power of the purse” by prohibiting expenditures “but in Consequence of Appropriations made by Law.”

<sup>30</sup> For example, the first FY2015 CR (P.L. 113-164, §149) included provisions that authorized the President to arm and train “vetted elements” of Syrian opposition groups and provided for the potential use of funds for those purposes.

<sup>31</sup> *Congressional Quarterly* released documents that purport to be lists of OMB-requested appropriations anomalies and authorization extensions. CRS has not confirmed the authenticity of this document. This document, if authentic, might provide insight into particular anomalies and extensions ultimately included in the CR. See *CQ Hot Docs*, “FY2016 Continuing Resolution (CR) Appropriations Issues (Anomalies Required for a Short CR),” and “Authorization Issues,” August 27, 2015.

appropriations measures that provide continuing appropriations. In addition, Congress may identify other anomalies and provisions changing law for inclusion in the CR.

This section of the report summarizes provisions in this CR that are agency-, account-, or program-specific, alphabetically organized by appropriations act title.<sup>32</sup> The summaries generally provide brief explanations of the provisions. In some cases they include additional information, such as whether a provision was requested by the President or included in prior year CRs. It also addresses CR-specific issues for the activities funded by these appropriations acts related to advance appropriations for the Department of Veterans Affairs and foreign military financing aid to Israel. For additional information on specific provisions in the CR, contact the CRS appropriations experts listed in **Table 1** at the end of the report.

## **Agriculture, Rural Development, Food and Drug Administration, and Related Agencies**

### **Section 116—Commodity Assistance Program<sup>33</sup>**

For the duration of the CR, Section 116 increases funding for the Commodity Supplemental Food Program, a domestic food assistance program that predominantly serves the low-income elderly.<sup>34</sup> Instead of basing funding for the program on the FY2015 funding level (\$212 million), this CR provision would use a base of approximately \$221 million. This anomaly is typically included to maintain current caseload and participation while accounting for increased food costs.

### **Section 117—Rural Housing<sup>35</sup>**

This provision has two parts. The first part was reportedly requested by the President for inclusion in the CR,<sup>36</sup> and it would permit OMB to apportion funding to the Department of Agriculture's Rural Housing Service (RHS) for the Rural Rental Assistance program at a higher rate than would normally be permitted under the standard terms of the CR described earlier in this report. (See "Coverage, Duration, and Rate.") The President's request stated that this authority is needed because rental assistance contract renewal costs are expected to be significantly higher in FY2016 than in FY2015 and because the timing of renewals has shifted such that a large share occur in the first few months of the fiscal year, requiring a higher rate of spending in the first quarter.

The second part of the provision does not appear to have been requested by the President for inclusion in the CR. It would authorize the Secretary to waive a provision of the FY2015 appropriations law that prohibits RHS from renewing rental assistance contracts before the expiration of a 12-month period. This "re-renewal" prohibition was included in the President's FY2015 budget request, and again in the FY2016 budget request, as part of a suite of cost-cutting

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<sup>32</sup> This section of the report does not address Section 128 of the CR, because it generally applies to all budget authority provided by the CR.

<sup>33</sup> This section was authored by Randy Alison Aussenberg, Specialist in Nutrition Assistance Policy, [raussenberg@crs.loc.gov](mailto:raussenberg@crs.loc.gov), 7-8641.

<sup>34</sup> For more program background, see CRS Report R42353, *Domestic Food Assistance: Summary of Programs*, by Randy Alison Aussenberg and Kirsten J. Colello.

<sup>35</sup> This section was authored by Maggie McCarty, Specialist in Housing Policy, [mmccarty@crs.loc.gov](mailto:mmccarty@crs.loc.gov), 7-2163.

<sup>36</sup> See *CQ Hot Docs*, "FY2016 Continuing Resolution (CR) Appropriations Issues (anomalies required for a short CR)," p 4.

measures. Rural housing advocates have lobbied for a repeal of the re-renewal prohibition, arguing it has caused funding shortages for some properties which, they contend, puts those properties at risk of loss to the affordable housing stock.<sup>37</sup> The provision included in the CR would not repeal the prohibition but would instead provide the Secretary of Agriculture with the discretion to waive the prohibition for the duration of the CR.

## Commerce, Justice, Science, and Related Agencies

### Section 118—National Oceanic and Atmospheric Administration<sup>38</sup>

Section 118 would allow the National Oceanic and Atmospheric Administration (NOAA) to apportion the procurement, acquisition, and construction account up to the rate necessary to maintain the planned launch schedules for the Joint Polar Satellite System (JPSS). This would provide NOAA with flexibility that may be needed to maintain JPSS launch schedules.

Previous CRs have included provisions similar to Section 118.<sup>39</sup> Previous provisions provided flexibility to NOAA for maintaining launch schedules of JPSS and the Geostationary Operational Environmental Satellite System.<sup>40</sup> Section 118 applies only to JPSS.

Polar-orbiting satellites constantly circle the earth in a north-south orbit and provide the primary inputs for weather prediction models. JPSS has a history of development challenges, cost overruns, and delays.<sup>41</sup> JPSS is scheduled to replace current coverage with the launch of JPSS-1 in 2017 and JPSS-2 in 2021. An ongoing concern is the potential gap in satellite coverage before JPSS becomes operational, as the current satellite is near the end of its design life. JPSS is designed to provide global environmental data such as cloud imagery, sea surface temperature, atmospheric profiles of temperature and moisture, atmospheric ozone concentrations, Arctic sea ice monitoring, and search and rescue.

### Section 119—U.S. Marshals Service (USMS)<sup>42</sup>

For FY2015, a total of \$1.595 billion in appropriations was enacted for the USMS's Federal Prisoner Detention (FPD) account.<sup>43</sup> However, \$1.1 billion of the total provided for the account was derived from unobligated balances from the Department of Justice's (DOJ) Assets Forfeiture Fund (AFF).<sup>44</sup> For the duration of the CR, Section 119 would end the required transfer of \$1.1 billion of unobligated balances from the AFF to the FPD account, and it would also suspend a limitation on the transfer of unobligated balances from the AFF<sup>45</sup> to the FPD account that are in

<sup>37</sup> For example see, Council for Affordable and Rural Housing, "Funding Rental Assistance Program—Urgent Need for CARH Members to Contact Members of Congress," press release, August 11, 2015, <http://www.carh.org/funding-rental-assistance-program-urgent-need-for-carh-members-to-contact-members-of-congress/>.

<sup>38</sup> This section was authored by Harold F. Upton, Analyst in Natural Resource Policy, [hupton@crs.loc.gov](mailto:hupton@crs.loc.gov), 7-2264.

<sup>39</sup> See P.L. 112-175, P.L. 113-46, and P.L. 113-164.

<sup>40</sup> For further information, see CRS Report R44098, *The National Oceanic and Atmospheric Administration (NOAA) Budget for FY2016*, by Harold F. Upton.

<sup>41</sup> JPSS was formerly known as the National Polar-orbiting Operational Environmental Satellite System (NPOESS).

<sup>42</sup> This section was authored by Nathan James, Analyst in Crime Policy, [njames@crs.loc.gov](mailto:njames@crs.loc.gov), 7-0264.

<sup>43</sup> The FPD account provides for the housing, transportation, and care for federal detainees housed in non-federal detention facilities.

<sup>44</sup> For more information on the AFF, see GAO, *Justice Assets Forfeiture Fund: Transparency of Balances and Controls over Equitable Sharing Should Be Improved*, GAO 12-736, July 2012, <http://www.gao.gov/assets/600/592349.pdf>.

<sup>45</sup> Section 217(c) of Division B of the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235).

excess of the required \$1.1 billion transfer. In effect, this section would fund federal prisoner detention operations for the duration of the CR by allowing DOJ to transfer unobligated balances from the AFF to the FPD account.

Reportedly, the Administration requested that Congress not supplement funding for the FPD account with unobligated balance transfers from the AFF.<sup>46</sup> The Administration also requested an anomaly that would allow the USMS to obligate funds from the FPD account at a rate equal to \$1.454 billion. The Administration reported that the AFF does not currently project excess unobligated balances, so the FPD account needs additional new resources from a source other than the AFF to cover operational expenses related to prisoner detention.<sup>47</sup> In other words, the Administration stated that without the requested anomaly, the USMS will not be able to cover projected detention costs, and the AFF will be required to deplete its carry-over balances and reduce programmatic expenses.<sup>48</sup>

### **Section 120—National Aeronautics and Space Administration (NASA)<sup>49</sup>**

This provision would extend the availability of previously appropriated funds for closeout of NASA's space shuttle program. The last flight of a space shuttle was in July 2011. Closeout funds for the program have been appropriated and obligated but have not yet been fully expended. Without this extension, OMB estimates that approximately \$68 million could not be expended after September 30, 2015, making it unavailable to cover remaining obligations for closeout costs.<sup>50</sup>

### **Section 121—National Telecommunications and Information Administration<sup>51</sup>**

Section 121 would allow uncompleted Broadband Technology Opportunity Program (BTOP) projects to continue to expend obligated funds through FY2020. Under current law, funds obligated under the American Recovery and Reinvestment Act (ARRA, P.L. 111-5) for this program are no longer available to be expended after September 30, 2015. The National Telecommunications and Information Administration administers the ARRA BTOP grants.

Specific concerns have been raised in Congress over the completion of BTOP public safety grant projects, which are funding the construction of interoperable communications networks for first responders.<sup>52</sup> The BTOP public safety grant projects were partially suspended after passage of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), which authorized and funded a national public safety broadband network (called FirstNet). They were suspended pending spectrum leasing agreements between each project and FirstNet. BTOP public safety

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<sup>46</sup> See *CQ Hot Docs*, "FY2016 Continuing Resolution (CR) Appropriations Issues," (anomalies required for a short CR)," August 27, 2015, pp. 4-5.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> This section was authored by Daniel Morgan, Specialist in Science and Technology Policy, [dmorgan@crs.loc.gov](mailto:dmorgan@crs.loc.gov), 7-5849.

<sup>50</sup> See *CQ Hot Docs*, "FY2016 Continuing Resolution (CR) Appropriations Issues," (anomalies required for a short CR)," August 27, 2015, p. 5.

<sup>51</sup> This section was authored by Lennard G. Kruger, Specialist in Science and Technology Policy, [lkruger@crs.loc.gov](mailto:lkruger@crs.loc.gov), 7-7070.

<sup>52</sup> For further information, see CRS Report R41775, *Background and Issues for Congressional Oversight of ARRA Broadband Awards*, by Lennard G. Kruger.

projects that reached an agreement with FirstNet were eventually resumed, but some are not able to be completed before the deadline of September 30, 2015.

## Department of Defense

### Section 102 – Prohibition on Increasing Production Rates<sup>53</sup>

Section 102, which is typically included in interim CRs, would prohibit the Department of Defense from accelerating the rate at which it is acquiring any major procurement item, which includes any type of ship, plane, missile, or ground vehicle. This would have the effect of barring production rate increases for several types of weapons that are incorporated into the Administration's FY2016 DOD budget request. Among the programs that would be affected are production of C-130J cargo planes (slated to increase from 14 aircraft in FY2015 to 29 in FY2016), remanufacture (with upgrades) of the Army's Apache attack helicopter (slated to increase from 35 helicopters rebuilt in FY2015 to 64 in FY2016), and the Navy's T-AO mid-ocean refueling tanker, the first of which is requested in the FY2016 budget.

### Section 122 – Authorization Extensions

This section would extend authorizations for the duration of the CR that would otherwise expire at the end of FY2015 for two programs. These programs have been authorized routinely on a year-by-year basis through the National Defense Authorization Act:

- The Office of Security Cooperation with Iraq, originally established by Section 1215(f)(1) of P.L. 112-81, the FY2012 National Defense Authorization Act; and
- A program to pay cash rewards of up to \$5 million to persons assisting U.S. forces in counterterrorism operations, originally established by Section 1065(a) of P.L. 107-314, the FY2003 Bob Stump National Defense Authorization Act.

## Energy and Water Development and Related Agencies

### Section 123 – Uranium Enrichment Decontamination and Decommissioning Fund<sup>54</sup>

Section 123 would authorize the Department of Energy (DOE) to apportion funding for the Uranium Enrichment Decontamination and Decommissioning Fund through December 11, 2015, up to the rate for operations that would be necessary to avoid disruption of continuing projects or activities. This account primarily funds the decommissioning and environmental remediation of three federal uranium enrichment facilities in Kentucky, Ohio, and Tennessee. DOE would be required to notify the House and Senate Appropriations Committees within three days after each use of this authority. This provision is similar to Section 122 of the Continuing Appropriations Resolution, 2015 (P.L. 113-164).

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<sup>53</sup> This section and the next were authored by Pat Towell, Specialist in U.S. Defense Policy and Budget, ptowell@crs.loc.gov, 7-2122.

<sup>54</sup> This section was authored by David M. Bearden, Specialist in Environmental Policy, dbearden@crs.loc.gov, 7-2390.

## Financial Services and General Government

### Section 124—District of Columbia Local Funds<sup>55</sup>

This section provides the authority for the District of Columbia to expend local funds (from local tax revenues and other non-federal sources) for programs and activities funded in FY2015 at the rate set forth in the DC FY2016 Budget Request Act of 2015.<sup>56</sup>

### Section 125—Recovery Board<sup>57</sup>

Section 125 provides that no funds are included in the CR for the Recovery Accountability and Transparency Board, which was established by ARRA to provide oversight and transparency in the expenditure of ARRA funds. The board was funded through the Financial Services and General Government appropriations bill for the first time in FY2012. Since then, the board was funded by now exhausted ARRA appropriations. The board received appropriations of \$20 million for FY2014 and \$18 million for FY2015 but is slated to sunset on September 30, 2015. Neither the House (H.R. 2995) nor the Senate (S. 1910) FY2016 FSGG appropriations bills contains funding for the board.

### Section 126—Small Business Administration<sup>58</sup>

This provision authorizes the apportionment of appropriations that are provided by the CR up to the rate that is necessary to allow the Small Business Administration (SBA) to continue issuing general business loans under the 7(a) loan guaranty program if “increased demand for commitments” exceeds the program’s fiscal year authorization ceiling, which is currently \$23.5 billion. On July 23, 2015, for just the second time since the agency began operations in 1953, the SBA suspended the consideration of 7(a) loan guaranty program applications because the demand for 7(a) loans was projected to exceed the program’s then-\$18.75 billion FY2015 authorization ceiling. The SBA resumed issuing 7(a) loans on July 28, 2015, following enactment of P.L. 114-38, the Veterans Entrepreneurship Act of 2015, which increased the 7(a) loan guaranty program’s FY2015 authorization ceiling to \$23.5 billion. Previous CRs had increased the 7(a) loan program’s authorization ceiling to a specified amount to reduce the likelihood that the demand for commitments would exceed the ceiling. For example, P.L. 113-164, the Continuing Appropriations Resolution, 2015, increased the ceiling from \$17.5 billion to \$18.5 billion, and P.L. 113-235, the Consolidated and Further Continuing Appropriations Act, 2015, increased the ceiling to \$18.75 billion. This appears to be the first time that a CR anomaly has not specified a ceiling amount.<sup>59</sup>

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<sup>55</sup> This section was authored by Eugene Boyd, Analyst in Federalism and Economic Development Policy, [eboyd@crs.loc.gov](mailto:eboyd@crs.loc.gov), 7-8689.

<sup>56</sup> For further information about the purposes and amounts that are the basis for this alternative formula, see CRS Report R44030, *FY2016 Appropriations: District of Columbia*, by Eugene Boyd.

<sup>57</sup> This section authored by Garrett Hatch, Specialist in American National Government, [ghatch@crs.loc.gov](mailto:ghatch@crs.loc.gov), 7-7822.

<sup>58</sup> This section was authored by Robert Jay Dilger, Senior Specialist in American National Government, [rdilger@crs.loc.gov](mailto:rdilger@crs.loc.gov), 7-3110; and Sean Lowry, Analyst in Public Finance, [slowry@crs.loc.gov](mailto:slowry@crs.loc.gov), 7-9154.

<sup>59</sup> For additional information and analysis, see CRS Report R41146, *Small Business Administration 7(a) Loan Guaranty Program*, by Robert Jay Dilger.

## Section 127—Internet Tax Freedom Act<sup>60</sup>

Section 127 extends a moratorium preventing state and local governments from taxing Internet access or imposing multiple or discriminatory taxes on electronic commerce, originally enacted as the Internet Tax Freedom Act (ITFA; P.L. 105-277, Title IX) in 1998. The act included a grandfather clause allowing state and local governments to continue taxing Internet access, provided the tax had been imposed and enforced before October 1, 1998. Under the moratorium, state and local governments cannot impose their sales taxes on the monthly payments that consumers make to their Internet service providers. The 113<sup>th</sup> Congress enacted multiple extensions of ITFA. The Internet tax moratorium and grandfather clause were set to expire on November 1, 2014, but were extended through December 11, 2014, as part of the Continuing Appropriations Act, 2014 (P.L. 113-46). The Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235) extended these provisions through September 30, 2015.<sup>61</sup>

## Department of Homeland Security

### Sections 129-133—Extension of Specialized Procurement Authority and Certain Visa Programs<sup>62</sup>

The provisions in the CR that pertain to the activities of the Department of Homeland Security (DHS) extend specialized procurement authority and certain visa programs through the expiration date of the CR. These are solely extensions—no changes are made or policy direction provided. The Administration reportedly requested four of the five provisions and indicated it has no objection to the fifth.<sup>63</sup>

Section 129 of the CR extends special procurement authorities for leading edge research and development activities at DHS, known as “other transaction authority.” This provision, requested by the Administration, has been carried in many CRs covering DHS, including most recently the FY2015 CR, P.L. 113-164.

The following provisions were all carried in the CR for FY2010 (Division B of P.L. 111-68) but in no CRs since FY2010 until FY2016:<sup>64</sup>

- Section 130, which continues the authorization for the E-Verify employment eligibility verification program to operate,<sup>65</sup>
- Section 131, which extends the EB-5 immigrant investor visa program,
- Section 132, which extends the nonminister religious worker visa program, and

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<sup>60</sup> This section was authored by Jeffrey M. Stupak, CRS Research Assistant, [jstupak@crs.loc.gov](mailto:jstupak@crs.loc.gov), 7-2344.

<sup>61</sup> For additional information and analysis, see CRS Report R43772, *The Internet Tax Freedom Act: In Brief*, by Jeffrey M. Stupak.

<sup>62</sup> This section was authored by William L. Painter, Analyst in Emergency Management and Homeland Security Policy, [wpainter@crs.loc.gov](mailto:wpainter@crs.loc.gov), 7-3335.

<sup>63</sup> See *CQ Hot Docs*, “FY2016 Continuing Resolution (CR) Appropriations Issues (anomalies required for a short CR),” p. 9, and “Authorization Issues,” p. 2.

<sup>64</sup> See **Table 1** to identify CRS expertise in these specific programs and activities.

<sup>65</sup> Additional context on E-Verify and U.S. Citizenship and Immigration Services, which runs the program, can be found in CRS Report R44038, *U.S. Citizenship and Immigration Services (USCIS) Functions and Funding*, by William A. Kandel.

- Section 133, which extends a program to provide visas for doctors who serve in rural areas of the United States.

## Department of the Interior, Environment, and Related Agencies

### Section 134—Recreation Fee Authority<sup>66</sup>

This provision extends, through September 30, 2017, the authority in the Federal Lands Recreation Enhancement Act<sup>67</sup> for five agencies to establish, collect, and retain recreation fees on federal recreational lands and waters. The five agencies are the Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and National Park Service—all in the Department of the Interior (DOI)—and the Forest Service in the Department of Agriculture. In FY2014, the agencies collected a total of \$278.6 million in recreation fees under the program. Each agency can retain and spend the collected fees without further appropriation. Most of the monies are retained at the site where collected for on-site improvements to benefit visitors. The current authority of the agencies, which would expire on September 30, 2016, was provided in P.L. 113-235 (Division F, Title IV, §422).<sup>68</sup>

### Section 135—Forest Service Wildland Fire Management<sup>69</sup>

Section 135 would provide the Forest Service with an additional \$700 million for FY2016 for “urgent” wildland fire suppression activities.<sup>70</sup> The agency would also be able to use the \$700 million to repay amounts transferred from other accounts to pay for suppression activities.<sup>71</sup> These monies would be available to the Forest Service only (1) if the funds previously provided for wildfire suppression would be “imminently” exhausted, and (2) upon notification to the Appropriations Committees. Section 135 would also designate the funding as an emergency requirement, effectively exempting it from certain budget rules, such as the statutory discretionary spending caps.

### Section 136—Onshore and Offshore Oil and Gas Pay Authority<sup>72</sup>

This provision extends, through the duration of the CR, the authority of the Secretary of the Interior to establish higher minimum rates of pay for certain DOI employees working on onshore and offshore energy development, namely those in specified engineering, geophysicist, and geologist job series. The intent is to foster hiring and retention of these highly skilled employees at several DOI agencies.<sup>73</sup> DOI’s high turnover rates in oil and gas inspection and engineering

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<sup>66</sup> This section was authored by Carol Hardy Vincent, Specialist in Natural Resources Policy, [chvincent@crs.loc.gov](mailto:chvincent@crs.loc.gov), 7-8651.

<sup>67</sup> 16 U.S.C. §§6801-6814.

<sup>68</sup> For additional background on the program, see CRS In Focus IF10151, *Federal Lands Recreation Enhancement Act: Overview and Issues*, by Carol Hardy Vincent.

<sup>69</sup> This section was authored by Katie Hoover, Analyst in Natural Resources Policy, [khoover@crs.loc.gov](mailto:khoover@crs.loc.gov), 7-9008.

<sup>70</sup> For more information on wildfire suppression spending, see CRS Report R44082, *Wildfire Spending: Background, Issues, and Legislation in the 114th Congress*, by Katie Hoover et al.

<sup>71</sup> In FY2015, the Forest Service obligated more than the FY2015 appropriation of \$1.0 billion for wildland fire suppression activities, resulting in the agency transferring \$700.0 million from other accounts to pay for emergency suppression activities.

<sup>72</sup> This section was authored by Laura B. Comay, Analyst in Natural Resources Policy, [lcomay@crs.loc.gov](mailto:lcomay@crs.loc.gov), 7-6036.

<sup>73</sup> The DOI agencies include the Bureau of Ocean Energy Management, Bureau of Safety and Environmental (continued...)

positions have been found by the Government Accountability Office (GAO) to be high risks to the federal government, challenging DOI's ability to meet its oil and gas oversight responsibilities and "potentially placing both the environment and royalties at risk."<sup>74</sup> GAO determined that the recruitment and retention problems are largely due to lower salaries and a slow hiring process compared with similar positions in industry. The current authority of the Secretary to raise the minimum pay rates, which would expire on September 30, 2015, was provided in P.L. 113-76 (§§117 and 123).

### Section 137—Dwight D. Eisenhower Memorial Commission<sup>75</sup>

Section 137 contains two provisions related to the Dwight D. Eisenhower Memorial Commission and the Dwight D. Eisenhower Memorial. First, Section 137 would extend, through December 11, 2015, the Eisenhower Memorial Commission's authorization to establish a "permanent" memorial to President Eisenhower in the District of Columbia.<sup>76</sup> Without the extension, the commission's authority to establish the Eisenhower Memorial would expire on September 30, 2015 (under P.L. 113-235, Division F, Title IV, §423(a)).

Second, Section 137 would continue, through December 11, 2015, to prohibit the Secretary of the Interior from issuing a construction permit to build the Eisenhower Memorial until 100% of the funds are raised. Without the extension, the prohibition would expire on September 30, 2015 (under P.L. 113-235, Division F, Title IV, §423(b)). The prohibition was initially included in P.L. 113-46 (§138). Prior to this prohibition, the commission had been granted<sup>77</sup> the ability to request a construction permit prior to collecting 100% of the funds necessary to complete the memorial.<sup>78</sup>

### Section 138—Payments in Lieu of Taxes (PILT)<sup>79</sup>

The PILT program compensates local governments for the presence of federally owned land. A provision of P.L. 113-291 (§3096) provided \$70 million in mandatory spending for PILT. Of this amount, \$33 million was made available in FY2015. The remaining \$37 million will be made available after the start of FY2016 on October 1, 2015, leaving some doubt as to whether the amount should be considered a late payment for FY2015 or an early payment for FY2016. Section 138 clarifies that the \$37 million is to be applied to the FY2015 payment cycle. In

(...continued)

Enforcement, Bureau of Land Management, and Bureau of Indian Affairs.

<sup>74</sup> GAO, *High-Risk Series: An Update*, February 2015, p. 98, <http://www.gao.gov/assets/670/668415.pdf>.

<sup>75</sup> This section was authored by Jacob R. Straus, Analyst on the Congress, [jstraus@crs.loc.gov](mailto:jstraus@crs.loc.gov), 7-6438.

<sup>76</sup> Under the Commemorative Works Act (40 U.S.C. §§8901-8909), a sponsor group (i.e., the Eisenhower Memorial Commission) is authorized for seven years, beginning on the date of enactment of such authority, to complete the memorial's design and construction. For more information on these statutory limits and past extensions for memorial sponsor groups, see CRS Report R41658, *Commemorative Works in the District of Columbia: Background and Practice*, by Jacob R. Straus. For more information on the Dwight D. Eisenhower Memorial, see CRS Report R43744, *Monuments and Memorials Authorized Under the Commemorative Works Act in the District of Columbia: Current Development of In-Progress and Lapsed Works*, by Jacob R. Straus.

<sup>77</sup> P.L. 112-74.

<sup>78</sup> Pursuant to 40 U.S.C. §8906(a), a construction permit cannot be issued until four criteria are met. They are: (1) approval of a site location by the Secretary of the Interior (or Administrator of the General Services Administration), the National Capitol Planning Commission, and the Commission of Fine Arts; (2) consultation of "knowledgeable individuals qualified in the field of preservation and maintenance," to "determine structural soundness and durability of the commemorative work;" (3) the sponsor group has submitted contract documents for construction to the Secretary or Administrator; and (4) the sponsor group "has available sufficient amounts to complete construction of the project."

<sup>79</sup> This section was authored by M. Lynne Corn, Specialist in Natural Resources Policy, [lcorn@crs.loc.gov](mailto:lcorn@crs.loc.gov), 7-7267.

addition, P.L. 113-235 (§11) provided \$372 million in discretionary spending for FY2015. The FY2015 total PILT appropriation of \$442 million represents 97.8% of the full formula amount.<sup>80</sup>

## Departments of Labor, Health and Human Services, and Education, and Related Agencies

### Section 139—Centers for Disease Control and Prevention (CDC)<sup>81</sup>

Section 139 would allow CDC to use previously appropriated funds to continue construction of a replacement freezer building on its Fort Collins, Colorado, campus in order to meet construction deadlines.<sup>82</sup> (This provision is also proposed as FY2016 appropriations language in the agency's budget justification.<sup>83</sup>)

### Section 140—Highly Qualified Teachers (HQT)<sup>84</sup>

Section 140 would extend the HQT provision enacted in Section 163(b) of the Continuing Appropriations Act, 2011 (P.L. 111-242), as amended by the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (P.L. 111-322), through the 2016-2017 school year.

States that receive funds under Title I-A of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act (P.L. 107-110), must ensure that all teachers of core academic subjects meet the definition of an HQT. The definition in law requires teachers to be fully certified. Regulations adopted in December 2002 expanded the HQT definition to include teachers *participating* in alternative certification programs who have not yet become fully certified. P.L. 111-322 referenced this definition and stipulated that it be in effect only until the end of the 2012-2013 school year; P.L. 112-175 provided an extension through 2013-2014, and P.L. 113-46 extended the provision through 2015-2016.

### Section 141—State Children's Health Insurance Program<sup>85</sup>

Section 141 would rescind \$1.7 billion from the State Children's Health Insurance Program (CHIP) Child Enrollment Contingency Fund. The rescinded funds include some funding from the initial deposit into the contingency fund (\$2.1 billion in FY2009) and the interest accrued to the fund. In addition to the initial deposit, for FY2010 through FY2017, the fund can receive deposits of such sums as are necessary for making contingency payments to eligible states. Previously, multiple appropriations laws rescinded a total of \$24.3 billion from the CHIP performance bonus payments fund from FY2011 through FY2015, which is a different account than CHIP Child Enrollment Contingency Fund.

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<sup>80</sup> For additional information on the PILT program, see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by M. Lynne Corn.

<sup>81</sup> This section was authored by Sarah A. Lister, Specialist in Public Health and Epidemiology, [slister@crs.loc.gov](mailto:slister@crs.loc.gov), 7-7320.

<sup>82</sup> Kerry Young, "CDC May Get an Exception from Budget Limbo Facing HHS," CQ Healthbeat News, *CQ Roll Call*, August 28, 2015.

<sup>83</sup> CDC, Fiscal Year 2016, Justification of Estimates for Appropriations Committees, p. 35, <http://www.cdc.gov/fmo/>.

<sup>84</sup> This section was authored by Jeffrey J. Kuenzi, Specialist in Education Policy, [jkuenzi@crs.loc.gov](mailto:jkuenzi@crs.loc.gov), 7-8645.

<sup>85</sup> This section was authored by Alison Mitchell, Analyst in Health Care Financing, [amitchell@crs.loc.gov](mailto:amitchell@crs.loc.gov), 7-0152.

## Section 142—National Advisory Committee on Institutional Quality and Integrity<sup>86</sup>

Section 142 would extend the duration of the National Advisory Committee on Institutional Quality and Integrity (NACIQI) through December 11, 2015. NACIQI is a committee tasked with assessing the process of accreditation in higher education and the institutional eligibility and certification of institutions of higher education to participate in federal student aid programs authorized under Title IV of the Higher Education Act.<sup>87</sup> Currently, Section 114(f) of the act provides that NACIQI shall terminate on September 30, 2015.

Section 422 the General Education Provisions Act (GEPA)<sup>88</sup> generally provides an automatic one-year extension of the authorization of appropriations for, or the duration of, programs administered by the Department of Education. This automatic extension would occur only if Congress—in the regular session that ends prior to the beginning of the terminal fiscal year of authorization or duration of an applicable program—does not pass legislation extending the program. However, GEPA Section 422 explicitly states that the automatic one-year extension does not apply to the authorization of appropriations for, or the duration of, committees that are required by statute to terminate on a specific date. Thus, the automatic one-year extension does not apply to NACIQI, and NACIQI would terminate on September 30, 2015, unless it is extended. Previously, NACIQI was set to terminate on September 1, 2014. However, on September 26, 2014, Congress extended its operation for an additional fiscal year through September 30, 2015, under P.L. 113-174.<sup>89</sup>

## Legislative Branch

### Section 143—Gratuity Payment<sup>90</sup>

Section 143 provides one gratuity payment to the widow of a deceased Member of the House. This language had previously been included in the House-passed and Senate committee-reported versions of H.R. 2250, the FY2016 Legislative Branch Appropriations bill.

A gratuity equal to one year's salary has long been given to the heirs of Members of Congress who die in office.<sup>91</sup> The payment is generally included in the next legislative branch, supplemental, or continuing appropriations act following the death.

<sup>86</sup> This section was authored by Alexandra Hegji, Analyst in Social Policy, [adhegji@crs.loc.gov](mailto:adhegji@crs.loc.gov), 7-8384.

<sup>87</sup> For additional information on NACIQI, see CRS Report R43826, *An Overview of Accreditation of Higher Education in the United States*, by Alexandra Hegji.

<sup>88</sup> GEPA contains a broad array of statutory provisions that are applicable to the majority of federal education programs administered by the Department of Education. 20 U.S.C. §1221, et seq.

<sup>89</sup> See CRS Report R44206, *FY2016 Extension of the Higher Education Act: An Overview*, by David P. Smole and Alexandra Hegji.

<sup>90</sup> This section was authored by Ida A. Brudnick, Specialist on the Congress, [ibrudnick@crs.loc.gov](mailto:ibrudnick@crs.loc.gov), 7-6460.

<sup>91</sup> For the Senate, see Floyd M. Riddick, *Riddick's Senate Procedure: Precedents and Practices*, S. Doc. 101-28, 101<sup>st</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 1992), p. 1254, which footnotes *Congressional Record* debate from 1892; and U.S. Senate, *United States Senate Handbook*, p. I-92. For the House of Representatives, see Clarence Cannon, *Cannon's Precedents of the House of Representatives of the United States* (Washington: GPO, 1935-1941), vol. VI, p. 380; and Lewis Deschler, *Deschler's Precedents of the United States House of Representatives*, vol. II, H.Doc. 94-661, 94<sup>th</sup> Cong., 2<sup>nd</sup> sess. For additional information, see CRS Congressional Distribution Memorandum, *Gratuity Payments for Members of Congress Who Die in Office: Historical Practice*, November 8, 2013, by Ida Brudnick, R. Eric Petersen, and Jennifer Manning.

## **Military Construction and Veterans Affairs, and Related Agencies**

### **Section 144—Denver Replacement Medical Center<sup>92</sup>**

This section of the CR would authorize the Department of Veterans Affairs (VA) to transfer up to \$625 million from unobligated balances in FY2015 and FY2016 advance appropriations discretionary accounts to the Construction Major Projects account to fund the Denver Replacement Medical Center construction project. The section contains conditions for this authority, such as the written approval of the House and Senate Appropriations Committees.

### **Section 145—Veterans Benefits Administration (VBA)**

Under Section 145, the VA is allowed to obligate funding in its general operating expenses account for VBA under the CR formula at a rate for operations of \$2.7 billion to maintain necessary staffing levels, overtime pay, and information technology required to support disability claims processing and other veterans services provided by VBA. The Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235) provided approximately \$2.5 billion for the VBA General Operating Expenses account for FY2015.

### **Section 146—Rescission and Reappropriation**

Section 146 would rescind certain amounts from FY2014 medical accounts (medical services, medical support and compliance, and medical facilities), which became available on October 1, 2013, and re-appropriates it to those same accounts to be available for two fiscal years.

### **Other Related Issues—Budget Year and Advance Appropriations**

The VA is funded through a combination of budget year and advance appropriations.<sup>93</sup> For FY2015, P.L. 113-235 provided approximately \$159.1 billion for veterans' benefits and services. This included approximately \$94.3 billion for veterans' benefits—such as disability compensation, pensions, and readjustment benefits—and \$56.4 billion for the programs of the Veterans Health Administration, which includes medical care for veterans and medical and prosthetic research. Furthermore, P.L. 113-235 provided \$58.6 billion in advance FY2016 appropriations for the medical services, medical support and compliance, and medical facilities accounts, which would be available on October 1, 2015.

The CR would fund most VA programs through a formula using the FY2015 level of appropriations minus an across-the-board rescission of 0.2108%. Section 115 of the CR would require that this same percentage be applied to rescind funds from the FY2016 advanced appropriated accounts.

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<sup>92</sup> This section and the next three were authored by Sidath Viranga Panangala, Specialist in Veterans Policy, spanangala@crs.loc.gov, 7-0623.

<sup>93</sup> For further information about the veterans' medical care budget, see CRS Report R43547, *Veterans' Medical Care: FY2015 Appropriations*, by Sidath Viranga Panangala.

## Department of State, Foreign Operations, and Related Programs

### Section 147 – Commission on International Religious Freedom<sup>94</sup>

Section 147 extends the termination date of the U.S. Commission on International Religious Freedom. It would otherwise expire on September 30, 2015. A similar provision in the FY2015 CR (P.L. 113-164) extended the commission's termination date to September 30, 2014; P.L. 113-271 further extended the date to September 30, 2015.

### Section 148 – Assistance to Ukraine<sup>95</sup>

Section 148 provides that funds from specified international affairs accounts may be obligated at the rate necessary to sustain assistance to Ukraine, including international broadcasting, economic, and security assistance. Section 148 is limited to Ukraine, whereas a similar provision (Section 145) included in the FY2015 CR (P.L. 113-164) also referenced “independent states of the Former Soviet Union and Central and Eastern Europe.”

### Section 149 – U.S. Commission on Public Diplomacy<sup>96</sup>

Pursuant to current law,<sup>97</sup> authority for the U.S. Commission on Public Diplomacy ends October 1, 2015, and the commission would cease to exist and operate on that date. Section 149 would extend the authorization through December 11, 2015. Congress has extended the commission's authorization in various types of legislation, including most recently in the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239).

### Other Related Issues – Foreign Military Financing Aid to Israel<sup>98</sup>

Section 109 of the CR states that for programs for which current law allows appropriations to be distributed at high rates early in the fiscal year, such high rates of distribution shall not apply under the CR. Instead, distributions are governed by Section 110 of the bill, which requires that “only the most limited funding action” be taken to continue projects and programs under the CR. In the international affairs context, this affects foreign military financing aid to Israel, which the FY2015 appropriation (P.L. 113-235) requires to be disbursed in full within 30 days of enactment. These same general provisions have been included in CRs for a number of previous fiscal years.

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<sup>94</sup> This section was authored by Alex Tiersky, Specialist in Foreign Affairs, [atiersky@crs.loc.gov](mailto:atiersky@crs.loc.gov), 7-7367.

<sup>95</sup> This section was authored by Marian Lawson, Specialist in Foreign Assistance Policy, [mlawson@crs.loc.gov](mailto:mlawson@crs.loc.gov), 7-4475.

<sup>96</sup> This section was authored by Matthew C. Weed, Specialist in Foreign Policy Legislation, [mweed@crs.loc.gov](mailto:mweed@crs.loc.gov), 7-4589.

<sup>97</sup> Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (Division G of P.L. 105-277; 22 U.S.C. §6553).

<sup>98</sup> This section was authored by Marian Lawson, Specialist in Foreign Assistance Policy, [mlawson@crs.loc.gov](mailto:mlawson@crs.loc.gov), 7-4775.

## Transportation, Housing and Urban Development, and Related Agencies

### Section 150—Department of Housing and Urban Development (“New Core” Project)<sup>99</sup>

The President reportedly requested this provision, which would allow OMB to apportion certain Department of Housing and Urban Development (HUD) management and administration funding at a higher rate than would normally be permitted under the standard terms of the CR described earlier in this report. (See “Coverage, Duration, and Rate.”) This is to allow HUD to continue on schedule with its “New Core” project, which is a transition of HUD’s financial management systems to a federal shared services provider (SSP).<sup>100</sup> OMB has directed federal agencies to consider converting to SSPs to improve their financial systems.<sup>101</sup> At the completion of this transition, HUD will become the first Cabinet-level agency to use a federal SSP. This provision would require HUD to report to Congress before, during, and after the use of the enhanced apportionment authority provided under the bill.

**Table I. Selected CRS Appropriations Experts**

Appropriations Title	Topic	CR Section	CRS Expert Name, Phone Number, and Email
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies	Commodity Assistance Program	116	Randy Aussenberg, 7-8641, raussenberg@crs.loc.gov
	Rural Housing	117	Maggie McCarty, 7-2163, mmccarty@crs.loc.gov
Commerce, Justice, Science, and Related Agencies	Department of Commerce—National Oceanic and Atmospheric Administration	118	Harold F. Upton, 7-2264, hupton@crs.loc.gov
	Department of Justice—U.S. Marshals Service	119	Nathan James, 7-0264, njames@crs.loc.gov
	Science Agencies—National Aeronautics and Space Administration	120	Daniel Morgan, 7-5849, dmorgan@crs.loc.gov
	Broadband Technology Opportunities Program	121	Lennard G. Kruger, 7-7070, lkruger@crs.loc.gov
Department of Defense	Prohibition on Increasing Production Rates and Authorization Extensions	102 and 122	Pat Towell, 7-2122, ptowell@crs.loc.gov
Energy and Water Development and Related Agencies	Uranium Enrichment Decontamination and Decommissioning Fund	123	David M. Bearden, 7-2390, dbearden@crs.loc.gov

<sup>99</sup> This section was authored by Maggie McCarty, Specialist in Housing Policy, mmccarty@crs.loc.gov, 7-2163.

<sup>100</sup> For more information about the New Core project, see <https://itdashboard.gov/investment?buscid=665>.

<sup>101</sup> For example see CRS Report RL33765, *OMB’s Financial Management Line of Business Initiative: A Brief Overview*, by Garrett Hatch.

<b>Appropriations Title</b>	<b>Topic</b>	<b>CR Section</b>	<b>CRS Expert Name, Phone Number, and Email</b>
Financial Services and General Government	DC Local Funds	124	Eugene Boyd, 7-8689, eboyd@crs.loc.gov
	Recovery Board	125	Garrett Hatch, 7-7822, ghatch@crs.loc.gov
	Small Business Administration	126	Robert Jay Dilger, 7-3110, rdilger@crs.loc.gov; Sean Lowry, 7-9154, slowry@crs.loc.gov
	Internet Tax Freedom Act	127	Jeffrey M. Stupak, 7-2344, jstupak@crs.loc.gov
Department of Homeland Security	Specialized R&D Procurement Authority	129	L. Elaine Halchin, 7-0646, ehalchin@crs.loc.gov
	E-Verify	130	Andorra Bruno, 7-7865, abruno@crs.loc.gov
	Investor Visa Program	131	Carla N. Argueta, 7-1018, cargueta@crs.loc.gov
	Nonminister Religious Worker and Rural Area Doctor Visa Programs	132-133	Alison Siskin, 7-0260, asiskin@crs.loc.gov
Department of the Interior, Environment, and Related Agencies	Recreation Fee Authority	134	Carol Hardy Vincent, 7-8651, chvincent@crs.loc.gov
	Forest Service Wildland Fire Management	135	Katie Hoover, 7-9008, khoover@crs.loc.gov
	Onshore and Offshore Oil and Gas Pay Authority	136	Laura B. Comay, 7-6036, lcomay@crs.loc.gov; Marc Humphries, 7-7264, mhumphries@crs.loc.gov
	Dwight D. Eisenhower Memorial Commission	137	Jacob R. Straus, 7-6438, jstraus@crs.loc.gov
	Payments in Lieu of Taxes	138	M. Lynne Corn, 7-7267, lcorn@crs.loc.gov
Departments of Labor, Health and Human Services, and Education, and Related Agencies	Department of Health and Human Services (HHS)—Centers for Disease Control and Prevention	139	Sarah A. Lister, 7-7320, slister@crs.loc.gov
	Department of Education (ED)—Highly Qualified Teachers	140	Jeffrey J. Kuenzi, 7-8645, jkuenzi@crs.loc.gov
	HHS—State Children’s Health Insurance Program	141	Alison Mitchell, 7-0152, amitchell@crs.loc.gov
	ED—National Advisory Committee on Institutional Quality and Integrity	142	Alexandra Hegji, 7-8384, adhegji@crs.loc.gov
Legislative Branch	Gratuity Payment	143	Ida A. Brudnick, 7-6460, ibrudnick@crs.loc.gov

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<b>Appropriations Title</b>	<b>Topic</b>	<b>CR Section</b>	<b>CRS Expert Name, Phone Number, and Email</b>
Military Construction and Veterans Affairs, and Related Agencies	Veterans Affairs	144-146	Sidath Viranga Panangala, 7-0623, spanangala@crs.loc.gov
Department of State, Foreign Operations, and Related Programs	International Religious Freedom	147	Alex Tiersky, 7-7367, atiersky@crs.loc.gov
	Ukraine Assistance	148	Susan Epstein, 7-6678, sepstein@crs.loc.gov; Marian L. Lawson, 7-4475, mlawson@crs.loc.gov
	Public Diplomacy Commission	149	Matthew Weed, 7-4589, mweed@crs.loc.gov
Transportation, Housing and Urban Development, and Related Agencies	Department of Housing and Urban Development ("New Core" Project)	150	Maggie McCarty, 7-2163, mmccarty@crs.loc.gov

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