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Overview of Continuing Appropriations for FY2017 (H.R. 5325)

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Summary

The purpose of this report is to provide an analysis of the continuing appropriations provisions for FY2017 in H.R. 5325. The measure also included provisions covering appropriations in the Military Construction and Veterans Affairs Appropriations bill for all of FY2017 (Division A), as well as emergency funds to combat the Zika virus and provide relief for flood victims in Louisiana and other affected states (Division B). On September 29, 2016, the President signed H.R. 5325 into law (P.L. 114-223).

Division C of H.R. 5325 was termed a “continuing resolution” (CR) because measures to provide temporary authority for federal agencies and programs to continue spending are typically in the form of a joint resolution. It provides temporary funding in FY2017 for the programs and activities covered by the remaining 11 regular appropriations bills, since none of them had been enacted previously. These provisions provide continuing budget authority for projects and activities funded in FY2016 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, 2016, through December 9, 2016—roughly the first 10 weeks of the fiscal year.

The CR generally provides budget authority for FY2017 for projects and activities at the rate at which they were funded during FY2016. Most projects and activities funded in the CR, however, are also subject to an across-the-board decrease of 0.496% (pursuant to Section 101(b) of Division C).

According to the cost estimate prepared by the Congressional Budget Office (CBO), the total amount of budget authority for the Military Construction and Veterans Affairs appropriations act—and the annualized budget authority for the other regular appropriations in the FY2017 CR that are subject to the statutory discretionary spending limits—totals approximately \$1,067 billion. When spending that is effectively not subject to those limits (Overseas Contingency Operations, disaster relief, emergency requirements, and program integrity adjustments) is included in the CBO estimate, the total is \$1,149 billion.

In addition to the general provisions that establish the coverage, duration, and rate of spending, 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”) as well as 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 FY2016, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by James V. Saturno and 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.¹ This process anticipates the enactment of 12 regular appropriations bills each fiscal year.² If regular appropriations are not enacted prior to the start of the fiscal year (October 1), continuing appropriations may be used to provide temporary funding until the annual appropriations process can be concluded. Continuing appropriations acts are often referred to as continuing resolutions (CRs) because they are typically enacted in the form of a joint resolution. CRs may be enacted for a period of days, weeks, or months. If any of the 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 FY2017 regular appropriations bills was enacted prior to the enactment of H.R. 5325. As enacted, the measure provides continuing appropriations for projects and activities covered by 11 of the 12 regular appropriations bills from the beginning of the fiscal year—October 1, 2016—through December 9, 2016 (Division C). It also provides appropriations in the Military Construction and Veterans Affairs Appropriations Act for all of FY2017 (Division A), as well as emergency funds to combat the Zika virus and provide relief for flood victims in Louisiana and other affected states (Division B). H.R. 5325 was passed by the Senate and House on September 28, 2016, and signed into law by the President on September 29 (P.L. 114-223).

The purpose of this report is to provide an analysis of the continuing appropriations provisions in H.R. 5325.³ 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 FY2016, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by James V. Saturno and Jessica Tollestrup.

¹ 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 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 and James V. Saturno.

² 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 subsequently considers and reports each bill to its respective parent chamber.

³ Provisions concerning the Military Construction and Veterans Affairs Appropriations Act (Division A) and emergency and disaster relief appropriations (Division B) are examined in other CRS reports.

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:

- 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.⁴
- The “duration” of a CR refers to the period of time for which budget authority⁵ 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 they do not prescribe a specified dollar 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 prorated based on the fraction of a year for which the CR is in effect.

Coverage

Division C covers 11 of the 12 regular annual appropriations bills by providing continuing budget authority for projects and activities funded in FY2016 by that fiscal year’s regular appropriations acts—Divisions A-L (except for Division J) of the FY2016 Consolidated Appropriations Act, P.L. 114-113—with some exceptions.⁶

Statutory limits on discretionary spending are in effect for FY2017, as established by the Budget Control Act of 2011 (BCA; P.L. 112-25) and modified most recently by the Bipartisan Budget Act of 2015 (P.L. 114-74). The CR includes both budget authority that is subject to those limits and budget authority that is effectively exempt from those limits. Budget authority that is effectively exempt includes that 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.”⁷

Budget authority is provided by the CR under the same terms and conditions as the referenced FY2016 appropriations acts. Effectively, this requirement extends many of the provisions in the FY2016 acts that stipulated or limited agency authorities during FY2016. 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 FY2016. A goal of these and similar provisions in other CRs, as well as many of

⁴ For further information on the concept of “coverage,” see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by James V. Saturno and Jessica Tollestrup.

⁵ 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. For the purposes of this report, the terms *budget authority* and *funding* are used interchangeably.

⁶ Those exceptions are section 728 of Division A; Title IX of Division K; and section 420 of Division L.

⁷ Section 114.

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.⁸

Duration

Section 106 provides that funding in the CR is effective October 1, 2016, through December 9, 2016—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 9.⁹ 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 9.

Rate

The CR provides budget authority for projects and activities funded in the 11 FY2016 appropriations acts covered by the CR at a rate based on the amount of funding provided in those acts for the duration of the CR (through December 9). The rate is based on the actual amounts made available in FY2016 and so would be the net of all funding provisions, including those that had the effect of reducing FY2016 budget authority. For entitlement and other mandatory spending that is funded through appropriations acts, Section 111 provides funding to maintain program levels under current law.

Most projects and activities funded in the CR are subject to an across-the-board decrease that would have the effect of reducing the rate about one-half of 1% (0.496%) below the level of FY2016 funding.¹⁰ Under Section 114, however, this decrease does not apply to appropriations designated or otherwise provided as OCO/GWOT, continuing disability reviews and redeterminations, health care fraud and abuse control, disaster relief, and emergency requirements. This decrease does apply to advance appropriations enacted in previous fiscal years that first became available in FY2017.¹¹

The CR and the Statutory Discretionary Spending Limits

Background

Appropriations for FY2017 are subject to statutory discretionary spending limits on categories of spending designated as “defense” and “nondefense” spending pursuant to the BCA. The defense

⁸ For example, Section 109 prohibits certain funding actions that would “impinge on final funding prerogatives,” and Section 110 directs that “only the most limited funding actions” allowed under the CR may be taken.

⁹ The subsequent enactment of a regular appropriations bill would also supersede the level of funding provided in the CR. Section 107 provides that obligations and expenditures made between October 1 and the enactment of any subsequent full-year appropriations would be charged to the applicable appropriation.

¹⁰ Section 101(b).

¹¹ Section 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.

category includes all discretionary spending under budget function 050 (defense). The nondefense category includes discretionary spending in the other budget functions.¹² 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). The Office of Management and Budget (OMB) provides a preview report at the beginning of the calendar year calculating any adjustments to the existing statutory spending limits.¹³ For FY2017 the adjusted discretionary spending caps are \$551.068 billion for defense and \$518.531 billion for nondefense. Once discretionary spending is enacted, OMB evaluates that spending relative to the spending limits and determines whether sequestration is necessary. For FY2017 discretionary spending, the first such evaluation (and any necessary enforcement) is to occur within 15 calendar days after the 2016 congressional session adjourns *sine die*.¹⁴ For any FY2017 discretionary spending that becomes law after the session ends, the OMB evaluation and any enforcement of the limits would occur 15 days after enactment.¹⁵

FY2017

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,¹⁶ when the funding provided in Division A (the Military Construction and Veterans Affairs Appropriations Act) is added to the annualized amount for the 11 appropriations acts covered by the continuing appropriations provisions in Division C, the total amount of annualized discretionary budget authority for regular appropriations subject to the BCA limits (including projects and activities funded at the rate for operations and anomalies) is \$1,066.582 billion—less than combined amount of the statutory discretionary spending limits for FY2017. A breach in one category, however, may not be offset by savings in the other. CBO estimates defense spending in H.R. 5325 to total \$546.484 billion, which is about \$4.6 billion below the defense limit, and nondefense spending is estimated to total \$520.098 billion, which is about \$1.6 billion above the nondefense limit. Because the earliest that the statutory discretionary spending limits could be enforced by a sequester is 15 days after the end of the congressional session, and the CR expires on December 9, 2016, these amounts can be adjusted prior to that time by further appropriations legislation for FY2017.

When spending effectively not subject to those limits—because it was designated or otherwise provided as OCO/GWOT, continuing disability reviews and redeterminations, health care fraud

¹² For further information with regard to budget functions, see CRS Report 98-280, *Functional Categories of the Federal Budget*, by Bill Heniff Jr.

¹³ The preview report for FY2017 is available at https://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration/sequestration_preview_report_fy17_house.pdf.

¹⁴ Section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act. 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.

¹⁵ Section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act. 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.

¹⁶ The CBO cost estimate provided for the Senate amendment (SA 5082) to H.R. 5325 is available at <https://www.cbo.gov/publication/52045>.

and abuse control, disaster relief, and emergency requirements—is included, CBO estimates total annualized budget authority in the CR of \$1,149.084 billion.

Agency, Account, and Program-Specific Provisions

In addition to the general provisions that establish the coverage, duration, and rate, CRs typically 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.”¹⁷ 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.¹⁸ 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.¹⁹ 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. Congress could accept, reject, or modify these proposals in the course of drafting and considering appropriations measures that provide continuing appropriations. In addition, Congress may identify or initiate any other anomalies and provisions changing law that they want to be included 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 for 10 of the 11 regular appropriations acts covered in Section 101 (there are no anomalies concerning items funded in the State Foreign Operations, and Related Programs Appropriations Act), as well as a provision directing the use of FY2017 advance appropriations provided in the medical services account of the FY2016 Military Construction, Veterans Affairs, and Related Agencies Appropriations Act (P.L. 114-113, Division J) for the Jason Simcakoski Memorial and Promise Act (title IX of the Comprehensive Addiction and Recovery Act of 2016, P.L. 114-198). 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. For additional information on specific provisions in the CR, contact the CRS appropriations experts listed in Table 1 at the end of the report.

¹⁷ For a discussion of the concept of “anomalies,” see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by James V. Saturno and Jessica Tollestrup.

¹⁸ 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.”

¹⁹ For example, the first FY2015 CR (P.L. 113-164, Section 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.

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

Section 117 – Commodity Assistance Program²⁰

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.²¹ Instead of funding the program based on the FY2016 funding level (\$222 million), this CR provision would use a base of approximately \$236 million. This anomaly is typically included to maintain current caseload and participation while accounting for increased food costs.

Section 118 – Commodity Credit Corporation²²

This CR anomaly allows Commodity Credit Corporation (CCC) to receive its estimated \$13 billion appropriation about a month earlier than usual to avoid running out of money. The CCC is the funding mechanism for most of the mandatory spending programs in the 2014 farm bill (P.L. 113-79), including the farm commodity program subsidies.²³ Most of its payments to farmers this year are due in October, and without the anomaly, it would have exhausted its \$30 billion credit line at the Treasury. This new anomaly in the CR does not change the appropriations level.

Section 119 – Rural Housing²⁴

This provision was reportedly requested by the President²⁵ and permits OMB to apportion funding to the Department of Agriculture's Rural Housing Service for the Rural Rental Assistance program at a higher rate than would normally be permitted under the standard terms of the CR as described earlier in this report. About 40% of rental assistance contract renewal costs occur in the first few months of the fiscal year, requiring a higher rate of spending in the first quarter. Similar authority was included in the FY2016 CR.

Section 120 – Priority Review for Pediatric Disease Drugs²⁶

This provision extends the Food and Drug Administration's Rare Pediatric Disease Priority Review Voucher Program for the duration of the CR. However, subsequent to the CR, the Advancing Hope Act (P.L. 114-229) further extends the program until December 31, 2016, and makes other changes to the voucher program. A sponsor of an approved new drug or biological product for a rare pediatric disease may receive a transferable voucher to be used under specified conditions for priority review of another application.²⁷ The initial sunset date for issuing vouchers

²⁰ This section was authored by Randy Alison Aussenberg, Specialist in Nutrition Assistance Policy, raussenberg@crs.loc.gov, 7-8641.

²¹ For more program background, see CRS Report R42353, *Domestic Food Assistance: Summary of Programs*, by Randy Alison Aussenberg and Kirsten J. Colello.

²² This section was authored by Jim Monke, Specialist in Agricultural Policy, jmonke@crs.loc.gov, 7-9664.

²³ For background, see CRS Report R44606, *The Commodity Credit Corporation: In Brief*, by Megan Stubbs.

²⁴ This section was authored by Maggie McCarty, Specialist in Housing Policy, mmccarty@crs.loc.gov, 7-2163.

²⁵ See *CQ Hot Docs*, "FY2017 Continuing Resolution (CR) Appropriations Issues (anomalies for a short CR)," p 4.

²⁶ This section was authored by Agata Dabrowska, Analyst in Health Policy, adabrowska@crs.loc.gov, 7-9455.

²⁷ For more information, see CRS Report R42680, *The Food and Drug Administration Safety and Innovation Act (FDASIA, P.L. 112-144)*, coordinated by Susan Thaul.

was March 2016 and was extended to September 30, 2016, by the Consolidated Appropriations Act of 2016.²⁸

Other Related Issues

The CR does *not* extend Section 728 of the FY2016 Agriculture appropriation, as indicated by Section 101(a)(1) of the CR. In the FY2016 Agriculture appropriation, Section 728 provided \$271 million of supplemental funding for three land rehabilitation programs,²⁹ and \$130 million of that amount was declared disaster relief and was not subject to budgetary caps.

Commerce, Justice, Science, and Related Agencies

Section 116(b)—Comprehensive Addiction and Recovery Act of 2016, Department of Justice³⁰

Section 116(b) provides \$20 million to the Department of Justice to fund authorizations in the Comprehensive Addiction and Recovery Act of 2016 (CARA; P.L. 114-198) for the duration of the CR. In 2016, Congress passed CARA to address the epidemic of heroin and other opioid abuse through provisions for multiple federal agencies. The \$20 million appears to be for Section 201 of CARA, the newly authorized Comprehensive Opioid Abuse Grant Program for states, units of local government, and Indian tribes.³¹ As authorized, these grants are intended to provide services primarily relating to opioid abuse, including (1) treatment alternatives to incarceration programs, (2) collaboration between criminal justice and substance abuse agencies, (3) training and resources for first responders to administer opioid overdose reversal, (4) investigation of illicit activities related to unlawful distribution of opioids, (5) medication-assisted treatment programs used by criminal justice agencies, (6) prescription drug monitoring programs, (7) programs to prevent and address opioid abuse by juveniles, (8) programs to use technology that provides secure containers for prescription drugs, (9) prescription drug take-back programs, and (10) a comprehensive opioid abuse response program.

Department of Defense

Section 102—Prohibition on “New Starts” and Increasing Production Rates³²

Section 102 is similar to provisions typically included in interim CRs in previous years. It prohibits the Department of Defense from funding either so-called *new starts*—that is, procurement or research and development of a major program for which funding was not

²⁸ Other legislative approaches are discussed in CRS Report R44502, *Senate Medical Innovation Bills: Overview and Comparison with the 21st Century Cures Act (H.R. 6)*, coordinated by C. Stephen Redhead and Amanda K. Sarata.

²⁹ The Emergency Conservation Program, Emergency Forest Restoration Program, and Emergency Watershed Protection program. For more background, see CRS Report R42854, *Emergency Assistance for Agricultural Land Rehabilitation*, by Megan Stubbs.

³⁰ This section was authored by Lisa N. Sacco, Analyst in Illicit Drugs and Crime Policy, lsacco@crs.loc.gov, 7-7359.

³¹ Section 201 is the only section of CARA that authorizes new funding for the Department of Justice. It authorizes \$103 million for each of FY2017 through FY2021.

³² This section and the two following sections were authored by Pat Towell, Specialist in U.S. Defense Policy and Budget. ptowell@crs.loc.gov. For further analysis, see CRS Report R44636, *FY2017 Defense Spending Under an Interim Continuing Resolution (CR): In Brief*, by Lynn M. Williams and Darren P. Wees

provided in FY2016 or acceleration of rate of production for any major program for which FY2016 procurement funding was provided.

Among the Administration's proposed new starts barred by this provision are production of a new class of ballistic missile-launching submarines³³ and the CH-53K heavy lift helicopter, modernization of the radars on B-52 bombers,³⁴ and replacement of the wings on A-10 ground attack aircraft.

Among the programs for which the Administration has proposed production rate increases that are barred by this provision are the KC-46A aerial refueling tanker,³⁵ the Joint Light Tactical Vehicle,³⁶ the Marine Corps's vertical take-off version of the F-35 Joint Strike Fighter,³⁷ and the E-2D Advanced Hawkeye carrier-borne radar plane.

Section 121—Authorization of New Personnel Security Technology Program

Section 121 authorizes the Defense Department to use up to \$95.0 million to develop, acquire, and sustain new information technology systems to support the personnel security background investigations of the Office of Personnel Management.

Section 122—Authorization Extension

Section 122 would extend through FY2017 authorization (that otherwise would have expired at the end of FY2016) for 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.

Energy and Water Development and Related Agencies

Section 123—Uranium Enrichment Decontamination and Decommissioning Fund³⁸

Section 123 would authorize the Department of Energy (DOE) to apportion funding for the Uranium Enrichment Decontamination and Decommissioning Fund through December 9, 2016, 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 provisions in previous years.

³³ For more information, see CRS Report R41129, *Navy Columbia Class (Ohio Replacement) Ballistic Missile Submarine (SSBN(X)) Program: Background and Issues for Congress*, by Ronald O'Rourke.

³⁴ For more information, see CRS Report R43049, *U.S. Air Force Bomber Sustainment and Modernization: Background and Issues for Congress*, by Jeremiah Gertler.

³⁵ For more information, see CRS Report RL34398, *Air Force KC-46A Tanker Aircraft Program*, by Jeremiah Gertler.

³⁶ For more information, see CRS Report RS22942, *Joint Light Tactical Vehicle (JLTV): Background and Issues for Congress*, by Andrew Feickert.

³⁷ For more information, see CRS Report RL30563, *F-35 Joint Strike Fighter (JSF) Program*, by Jeremiah Gertler.

³⁸ 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 Funds³⁹

This section grants congressional approval of the District of Columbia general fund and capital budgets for FY2017, consistent with the requirements of the District of Columbia home rule act (P.L. 93-198), which requires congressional approval of the District's budget. Section 124 grants the District the authority to expend locally raised funds only for those programs and activities that received funding the previous year under the District of Columbia Appropriations Act, 2016 (title IV of P.L. 114-114–113, Division E). District officials can expend locally raised funds at the rate set forth under “Part A—Summary of Expenses” as included in the Fiscal Year 2017 Local Budget Act of 2016 (D.C. Act 21–414). District of Columbia political leaders have consistently expressed concern that passage of the appropriations act for the District (in which Congress approves the city's budget) has too often been delayed until well after the start of the District's fiscal year, hindering their ability to manage the District's financial affairs and negatively affecting the delivery of public services.⁴⁰

Section 125—General Services Administration Expenses, Presidential Transition⁴¹

This section provides the General Services Administration (GSA) funding at a rate for operations of \$9,500,000 to carry out the Presidential Transition Act of 1963, as amended. Funding for the GSA Pre-Election Presidential Transition account is prohibited. The appropriation is for purposes related to the presidential election and is in addition to amounts otherwise appropriated for GSA. The provision is similar to transition funding provided in P.L. 110-329 enacted on September 30, 2008.

Section 126—Presidential Transition Administrative Support⁴²

This section provides funding at a rate of operations of \$7,582,000 for the Office of Administration under the Executive Office of the President (EOP) for expenses to carry out the Presidential Transition Act of 1963, as amended. The appropriation is for Presidential Transition Administrative Support and is in addition to amounts otherwise appropriated for the office. The funds may be transferred to other accounts, in this act or other acts, that fund the EOP and the Office of the Vice President to carry out such purposes. The provision is similar to transition funding provided in P.L. 110-329.

³⁹ This section was authored by Eugene Boyd, Analyst in Federalism and Economic Development Policy, eboyd@crs.loc.gov, 7-8689.

⁴⁰ For a full discussion of the issue of budget autonomy for the District of Columbia, see CRS Report R44030, *FY2016 Appropriations: District of Columbia*, by Eugene Boyd.

⁴¹ This section was authored by Garrett Hatch, Specialist in American National Government, ghatch@crs.loc.gov, 7-7822.

⁴² This section was authored by Barbara Schwemle, Analyst in American National Government, bschwemle@crs.loc.gov, 7-8655.

Section 127—District of Columbia—Federal Payment for Emergency Planning and Security Costs in the District of Columbia⁴³

This section provides additional funding for the District of Columbia at a rate for operations of \$19,995,000. The appropriation is for emergency planning and security costs related to the presidential inauguration. This is in addition to amounts otherwise appropriated for planning and security operations surrounding presidential inauguration activities. The provision is similar to transition funding provided in P.L. 110-329.

Section 128—National Archives and Records Administration—Operating Expenses⁴⁴

This section provides the National Archives amounts at a rate of operations of \$4,850,000. The appropriation is to carry out the presidential transition responsibilities of the Archivist of the United States under the Presidential Records Act of 1978 and is in addition to amounts otherwise appropriated for the archives.

Section 129—Small Business Administration—Business Loans Program Account⁴⁵

This provision is similar to one in the FY2016 CR. This section 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” should exceed the program’s fiscal year authorization ceiling, which is currently \$26.5 billion. A similar provision was included in P.L. 114-53, the Continuing Appropriations Act, 2016. 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.⁴⁶

⁴³ This section was authored by Eugene Boyd, Analyst in Federalism and Economic Development Policy, eboyd@crs.loc.gov, 7-8689.

⁴⁴ This section was authored by Wendy Ginsberg, Analyst in American National Government, wginsberg@crs.loc.gov, 7-3933.

⁴⁵ This section was authored by Robert J. Dilger, Senior Specialist in American National Government, rdilger@crs.loc.gov, 7-3110, and Sean Lowry, Analyst in Public Finance, slowry@crs.loc.gov, 7-9154.

⁴⁶ For additional information and analysis see CRS Report R41146, *Small Business Administration 7(a) Loan Guaranty Program*, by Robert Jay Dilger.

Department of Homeland Security

Section 130—Department of Homeland Security Account and Budget Structure⁴⁷

This section provides for the Department of Homeland Security (DHS) to obligate funds in the account and budget structure of the new Common Appropriations Structure (CAS) as laid out in a report submitted to the appropriations committees prior to the start of FY2017. Authorization to implement the CAS structure as outlined in the FY2017 request was laid out in the FY2016 Department of Homeland Security Act. This provision allows modifications to the structure developed since that time.

Section 131—Department of Homeland Security—Transportation Security Administration and Customs and Border Protection Operations and Support⁴⁸

This section is similar to provisions from past years and allows DHS to adjust the apportionment of FY2017 funds in order to maintain the staffing levels for Transportation Security Administration (TSA) screeners and Customs and Border Protection personnel attained at the end of FY2016. This provision is functionally similar to one included in the CR for FY2015 (P.L. 113-164). In its request, the Administration indicated that this exception was necessary because TSA had repurposed funding provided for FY2016 to allow hiring of additional screeners and converting a number of part-time screeners to full-time.

Section 132—Department of Homeland Security Special Procurement Authority⁴⁹

This section extends special procurement authorities for research and development activities at DHS, known as “other transaction authority.” Similar provisions have previously been included in CRs covering DHS, including, most recently, Section 129 of the FY2016 CR (P.L. 114-53).

Department of the Interior, Environment and Related Agencies

Section 133—Recreation Fee Authority Extension⁵⁰

This provision extends, through September 30, 2018, the authority in the Federal Lands Recreation Enhancement Act⁵¹ 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 in the Department of the Interior and the Forest Service in the Department of Agriculture. In FY2015, the agencies

⁴⁷ This section was authored by William L. Painter, Specialist in Emergency Management and Homeland Security Policy, wpainter@crs.loc.gov, 7-3335.

⁴⁸ This section was authored by Carla N. Argueta, Analyst in Immigration Policy, cargueta@crs.loc.gov, 7-1018, and Bart Elias, Specialist in Aviation Policy, belias@crs.loc.gov, 7-7771.

⁴⁹ This section was authored by L. Elaine Halchin, Specialist in American National Government, ehalchin@crs.loc.gov, 7-0646.

⁵⁰ This section was authored by Carol Hardy Vincent, Specialist in Natural Resources Policy, chvincent@crs.loc.gov, 7-8651.

⁵¹ 16 U.S.C. §§6801-6814.

collected approximately \$329 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. Without this extension, the authority of the agencies would expire on September 30, 2017 under P.L. 114-53 (Section 134).⁵²

Section 134—Dwight D. Eisenhower Memorial⁵³

Section 134 contains two provisions related to the Dwight D. Eisenhower Memorial Commission and the Dwight D. Eisenhower Memorial. First, the section extends, through the end of the CR (December 9, 2016), the Eisenhower Memorial Commission’s authorization to establish a “permanent” memorial to President Eisenhower in the District of Columbia.⁵⁴ Without the extension, the commission’s authority to establish the Eisenhower Memorial would have expired on September 30, 2016 (under P.L. 114-113, Division G, Title IV, Section 419(a)).

Second, Section 134 suspends language in the FY2016 appropriations law⁵⁵ that prohibits the Secretary of the Interior, during FY2016, from issuing a construction permit to build the Eisenhower Memorial until 100% of the necessary funds are raised.⁵⁶ Without this prohibition, the commission has authority⁵⁷ to request a construction permit prior to collecting 100% of the funds necessary to complete the memorial.⁵⁸

Section 135—Applications for Permits to Drill: Available Receipts⁵⁹

Under current law,⁶⁰ the Bureau of Land Management (BLM) collects a fee for new applications for permits to drill (APD) on federal and Indian land. BLM uses the collected fees to process APDs, with 85% of the fees retained in a “Fee Account”⁶¹ and 15% provided to the BLM field offices that collected the fees. The Administration expects the amount of revenue in the Fee Account carried over from FY2016 to be insufficient to continue processing oil and gas APDs into FY2017. Due to this anticipated shortfall, this section provides \$26.0 million of “upfront” revenue to allow for continuous processing of APDs at the start of FY2017. The \$26.0 million in

⁵² For additional background on the program, see CRS In Focus IF10151, *Federal Lands Recreation Enhancement Act: Overview and Issues*, by Carol Hardy Vincent.

⁵³ This section was authored by Jacob R. Straus, Analyst on the Congress, jstraus@crs.loc.gov, 7-6438.

⁵⁴ 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.

⁵⁵ P.L. 114-113, Division G, Title IV, Section 419(b).

⁵⁶ The prohibition was initially included in P.L. 113-46 (Section 138).

⁵⁷ This authority was provided in P.L. 112-74.

⁵⁸ In general, pursuant to 40 U.S.C. §8906(a), a construction permit cannot be issued until four criteria are met: (1) approval of a site location by the Secretary of the Interior (or GSA administrator), 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) submission of contract documents for construction to the Secretary or Administrator; and (4) “sufficient amounts to complete construction of the project.”

⁵⁹ This section was authored by Marc Humphries, Specialist in Energy Policy, mhumphries@crs.loc.gov, 7-7264.

⁶⁰ 30 U.S.C. §191(d).

⁶¹ This account is contained within the BLM Permit Processing Improvement Fund.

upfront revenue would be offset by an equal amount later, as fees are collected throughout the year.⁶²

Section 136—National Park Service—Presidential Inaugural Costs⁶³

This provision increases funding for the National Park Service (NPS) by \$4.2 million to support security and visitor safety activities related to the presidential inaugural ceremonies in January 2017. The monies are added to NPS's largest budget account, titled "Operation of the National Park System." NPS requested this funding increase in its FY2017 budget justification in anticipation of the inauguration being designated as a National Special Security Event.⁶⁴ NPS manages or co-manages multiple sites in Washington, DC, where inaugural activities take place, including the White House and the National Mall.⁶⁵

Section 137—Toxic Substance Control Act Service Fee Fund⁶⁶

Section 137 provides the U.S. Environmental Protection Agency (EPA) with an additional \$3.0 million for FY2017 within the Environmental Programs and Management appropriations account for operations and necessary expenses of activities as defined in Section 26(b)(1) of the Toxic Substances Control Act (TSCA).⁶⁷ The Frank R. Lautenberg Chemical Safety for the 21st Century Act (P.L. 114-182) amending TSCA was enacted June 22, 2016, subsequent to the submission of the FY2017 budget request. P.L. 114-182 requires EPA to implement new requirements and undertake various activities, including the publication of multiple proposed rules to revise chemical regulatory procedures and criteria of TSCA and a proposed rule for the collection and use of authorized fees to defray TSCA implementation programmatic costs. Section 137 also authorizes fees collected in FY2017 and credited to the TSCA Service Fee Fund to be counted as discretionary offsetting receipts toward the \$3.0 million appropriation.⁶⁸

⁶² For additional information on APDs, and other issues related to oil and gas development on federal and non-federal lands, see CRS Report R42432, *U.S. Crude Oil and Natural Gas Production in Federal and Nonfederal Areas*, by Marc Humphries.

⁶³ This section was authored by Laura B. Comay, Analyst in Natural Resources Policy, lcomay@crs.loc.gov, 7-6036.

⁶⁴ National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2017*, pp. Overview-28 to Overview-29, <https://www.nps.gov/aboutus/upload/FY17-NPS-Greenbook-for-website.pdf>. The Secretary of Homeland Security designates National Special Security Events. For more information, see CRS Report R42867, *Inauguration Security: Operations, Appropriations, and Issues for Congress*, by Shawn Reese, Jacob R. Straus, and Christina Miracle Bailey.

⁶⁵ For more information on NPS appropriations by account and related issues, see CRS Report R42757, *National Park Service: FY2017 Appropriations and Recent Trends*, by Laura B. Comay.

⁶⁶ This section was authored by Robert Esworthy, Specialist in Environmental Policy, resworthy@crs.loc.gov, 7-7236.

⁶⁷ 15 U.S.C. §2625(b)(1).

⁶⁸ For additional information on EPA appropriations and related issues, see CRS In Focus IF10383, *U.S. Environmental Protection Agency (EPA): FY2017 President's Budget Request*, by Robert Esworthy and David M. Bearden.

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

Section 116(a) – Comprehensive Addiction and Recovery Act of 2016, Department of Health and Human Services⁶⁹

Section 116(a) provides \$17 million to the Secretary of Health and Human Services (HHS), in addition to the amounts otherwise provided by Section 101 (and notwithstanding Section 104), to carry out the authorizations in the Comprehensive Addiction and Recovery Act of 2016 (CARA, P.L. 114-198). Enacted on July 22, 2016, CARA aims to address the epidemic of heroin and other opioid abuse through provisions authorizing activities by multiple federal agencies, including HHS. CARA authorizes HHS to administer appropriations for various grant programs with the goal of preventing or treating opioid abuse or overdose. The language of the CR does not specify which HHS authorizations in CARA the \$17 million is intended to fund or whether \$17 million is expected to be enough to fund all or only some CARA-authorized HHS activities for the duration of the CR.

Section 138 – National Advisory Committee on Institutional Quality and Integrity⁷⁰

Section 138 extends the duration of the National Advisory Committee on Institutional Quality and Integrity (NACIQI) through December 9, 2016. 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 of 1965 (HEA).⁷¹ Section 114(f) of the HEA provides that NACIQI shall terminate on September 30, 2016.

Section 422 of the General Education Provisions Act (GEPA)⁷² 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 and the President—in the regular session that ends prior to the beginning of the terminal fiscal year of authorization or duration of an applicable program—do not enact legislation extending the program. GEPA Section 422 also 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 have terminated on September 30, 2016, had it not been extended.

⁶⁹ This section was authored by Erin Bagalman, Analyst in Health Policy, ebagalman@crs.loc.gov, 7-5345.

⁷⁰ This section was authored by Alexandra Hegji, Analyst in Social Policy, adhegji@crs.loc.gov, 7-8384.

⁷¹ For additional information on NACIQI, see CRS Report R43826, *An Overview of Accreditation of Higher Education in the United States*, by Alexandra Hegji.

⁷² 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.

Section 139 – Child Care and Development Block Grant (CCDBG)⁷³

Section 139 eliminates the requirement that states and territories spend \$127 million (in the aggregate) on activities to improve the quality of child care for infants and toddlers. It has been a common practice in recent years for appropriations acts to specify an amount that states must spend on these activities. However, the 2014 CCDBG reauthorization law (P.L. 113-186) established a new statutory requirement that takes effect in FY2017 requiring states to spend at least 3% of their allotted funds on activities to improve the quality of care for infants and toddlers. This anomaly ensures that states are not required to spend an additional \$127 million on these activities on top of the 3% required by statute, which would have effectively reduced amounts available for other purposes or activities (e.g., subsidizing the costs of child care for low-income working families).

Section 140 – Head Start⁷⁴

Section 140(a) ensures that the \$140 million in cost-of-living adjustments provided to Head Start and Early Head Start grantees in FY2016 is included in the formula for each grantee’s “base grant” for FY2017. This allows grantees to maintain program enhancements (e.g., salary increases) that had been supported by these funds in the previous year, consistent with common practice. The Head Start Act defines a base grant as the “amount of permanent ongoing funding” provided to Head Start agencies for a given fiscal year.

Section 140(b) ensures that amounts reserved for “duration expansion” grants under the FY2016 appropriations act (P.L. 114-113) will not be considered part of a grantee’s base grant for the duration of the FY2017 CR. The FY2016 appropriation reserved \$294 million for these grants outside the statutory allocation formula. The law specified that these funds be awarded to grantees that applied for additional funds to support costs of increasing Head Start program hours. Typically, such funds would be incorporated into the grantee’s base grant in the subsequent fiscal year. However, funding under the FY2017 CR would be insufficient to support both the increased base grant levels and a \$294 million set-aside for duration expansion grants. This anomaly ensures that the amount available for base grants under the terms of the CR is equal to the base grant calculation under the Head Start Act.

Section 141 – State Children’s Health Insurance Program⁷⁵

Section 141(a) would make the funding appropriated to the State Children’s Health Insurance Program’s (CHIP) Child Enrollment Contingency Fund for the first semi-annual allotment period of FY2017 unavailable for obligation. Section 141(b) would rescind \$6.2 billion from CHIP. The rescinded funds would be from two sources: the performance bonus payment fund (\$5.7 billion) and unobligated national allotments (\$0.5 billion). Previously, multiple appropriations laws rescinded a total of \$35.2 billion from FY2011 through FY2016 from the CHIP performance bonus payments fund, the Child Enrollment Contingency Fund, and unobligated national allotments.

⁷³ This section was authored by Karen E. Lynch, Specialist in Social Policy, klynch@crs.loc.gov, 7-6899.

⁷⁴ This section was authored by Karen E. Lynch, Specialist in Social Policy, klynch@crs.loc.gov, 7-6899.

⁷⁵ This section was authored by Alison Mitchell, Analyst in Health Care Financing, amitchell@crs.loc.gov, 7-0152.

Legislative Branch

Section 142 – Gratuity Payment⁷⁶

Section 142 provides one gratuity payment to the widow of a deceased Member of the House.

A gratuity equal to one year's salary has long been given to the heirs of Members of Congress who die in office.⁷⁷ The payment is generally included in the next legislative branch, supplemental, or continuing appropriations act following the death.

Military Construction and Veterans Affairs, and Related Agencies

Section 116(c) – Jason Simcakoski Memorial and Promise Act⁷⁸

Section 116(c) requires the Department of Veterans Affairs (VA) to use FY2017 advance appropriations provided in the medical services account of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2016 (P.L. 114-113) to implement the numerous provisions contained in the Jason Simcakoski Memorial and Promise Act (Title IX of P.L. 114-198). No new additional funding is provided by this provision for implementation purposes.

The Jason Simcakoski Memorial and Promise Act was enacted as part of the Comprehensive Addiction and Recovery Act of 2016 (P.L. 114-198). It requires the VA to expand the Opioid Safety Initiative to include all VA medical facilities, designate pain management teams at each VA medical facility to coordinate and oversee pain management therapy, participate in state prescription drug monitoring programs, disclose certain veteran information to state controlled substance monitoring programs, and eliminate copayments for veterans receiving opioid antagonists such as naloxone and naltrexone. Furthermore, the act would establish an office of patient advocacy within the office of the Under Secretary for Health, who would be required to carry out patient advocacy programs within the VA health care system. Moreover, this act, among other things, requires the VA to establish a pilot program to assess the feasibility of complimentary and integrative health care to compliment the provision of pain management services, and it would establish the Creating Options for Veterans Expedited Recovery Commission to examine complimentary and integrative health care treatment models. Lastly, the act would require the VA to document medical license violations going back 20 years as part of the hiring process of health care providers into the VA health care system, and it would require the VA to share any violations happening at VA medical facilities with state medical licensing boards, whether such information is requested by those entities or not.

⁷⁶ This section was authored by Ida A. Brudnick, Specialist on the Congress, ibrudnick@crs.loc.gov, 7-6460.

⁷⁷ For the Senate, see Floyd M. Riddick, *Riddick's Senate Procedure: Precedents and Practices*, S. Doc. 101-28, 101st Cong., 2nd 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, 94th Cong., 2nd 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.

⁷⁸ This section was authored by Sidath Viranga Panangala, Specialist in Veterans Policy, spanangala@crs.loc.gov, 7-0623.

Transportation, Housing and Urban Development, and Related Agencies

Section 143 – Amtrak Account Structure⁷⁹

Section 143 would allow the Department of Transportation to provide funding to Amtrak according to the new Amtrak budget structure Congress created in the Fixing America's Surface Transportation (FAST) Act (Division A of P.L. 114-94). Amtrak is in the process of switching over to the new budget structure, and both the House and Senate versions of the FY2017 Transportation, Housing and Urban Development, and Related Agencies appropriations bills would provide funding to Amtrak using the new budget structure. Without Section 143, the changeover will be delayed and other FAST Act provisions will be affected.

Section 144 – Maritime Security Program Allocation of Funds⁸⁰

Section 144 allows continued funding for the Maritime Security Program through the duration of the CR. This program provides direct payments to U.S.-flag ship operators engaged in foreign commerce to partially offset the higher operating costs of U.S. registry. The purpose of the program is to establish and sustain a fleet of 60 active ships that are privately owned, commercially viable, and militarily useful to meet national defense and other emergency sealift requirements. Participating operators are required to make their ships and commercial transportation resources available upon request by the Secretary of Defense during times of war or national emergency.

Section 145 – Community Development Block Grant Disaster Assistance⁸¹

The act appropriates \$500 million in Community Development Block Grant (CDBG-DR) funds for disaster relief, recovery, and mitigation activities in response to massive flooding in the state of Louisiana and a number of disasters that occurred earlier in 2016. CDBG-DR funds are to be awarded to states and local governments that received major disaster declarations during the first nine months of the 2016 calendar year. The act includes several terms and conditions surrounding the use of those funds that vary from the rules governing the regular CDBG program but are consistent with language included in previous CDBG-DR supplemental appropriations. The act:

- requires states and local government grantees to submit, and for the Department of Housing and Urban Development (HUD) to approve disaster plans before CDBG disaster funds may be obligated;
- requires that a grantee's disaster plans articulate how proposed activities will support long-term recovery efforts; and
- requires HUD to certify that state and local government grantee disaster plans include adequate financial controls and procurement processes that would prevent duplication of benefits; reduce waste, fraud, and abuse; and encourage timely expenditure of funds.

⁷⁹ This section was authored by Randy Peterman, Analyst in Transportation Policy, dpeterman@crs.loc.gov, 7-3267.

⁸⁰ This section was authored by John Frittelli, Specialist in Transportation Policy, jfrittelli@crs.loc.gov, 7-7033.

⁸¹ This section was authored by Eugene Boyd, Analyst in Domestic Social Policy, eboyd@crs.loc.gov, 7-8689.

The act allows grantees to use up to 5% of their CDBG disaster grant allocation for administrative expenses; prohibits CDBG-DR funds from being used for activities that are reimbursable by, or made available by, the Federal Emergency Management Agency (FEMA) or the Army Corps of Engineers; requires grantees to maintain a publicly accessible website identifying how all grant funds are to be used, including information on contracting and procurement processes; and holds harmless a state or community's regular CDBG allocation by ensuring that the amount of such funds awarded to grantees would not be affected by CDBG disaster-assistance allocations.

Finally, the act grants HUD broad authority to waive or establish alternative program requirements, except for provisions governing fair labor standards, fair housing, civil rights, and environmental review. However, the act includes two exceptions related to environmental review requirements. Specifically, it allowed CDBG-DR grantees who use their funding to meet certain FEMA matching requirements to adopt, without public review, environmental reviews performed by other federal agencies. In cases where a grantee has already performed an environmental review or the activity or project is excluded from an environmental review, the act explicitly allows for the expedited release of funds.

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	Agriculture and Commodity Credit Corporation	118	Jim Monke, 7-9664, jmonke@crs.loc.gov
	Commodity Assistance Program	117	Randy Aussenberg, 7-8641, raussenberg@crs.loc.gov
	Rural Housing	119	Maggie McCarty, 7-2163, mmccarty@crs.loc.gov
	Food and Drug Administration	120	Agata Dabrowska, 7-9455, adabrowska@crs.loc.gov
Commerce, Justice, Science, and Related Agencies	Department of Justice—Comprehensive Addiction and Recovery Act	116	Lisa N. Sacco, 7-7359, lsacco@crs.loc.gov
Department of Defense	Prohibition on Increasing Production Rates and Authorization Extensions	102, 121, 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
Financial Services and General Government	DC Local Funds and Emergency Planning and Security Costs Related to the Presidential Inauguration	124, 127	Eugene Boyd, 7-8689, eboyd@crs.loc.gov
	General Services Administration	125	Garrett Hatch, 7-7822, ghatch@crs.loc.gov
	Executive Office of the President—Presidential Transition Administrative Support	126	Barbara Schwemle, 7-8655, bschwemle@crs.loc.gov
	National Archives and Record Administration	128	Wendy Ginsberg, 7-3933, wginsberg@crs.loc.gov
	Small Business Administration	129	Robert Jay Dilger, 7-3110, rdilger@crs.loc.gov Sean Lowry, 7-9154, slowry@crs.loc.gov
Department of Homeland Security (DHS)	DHS—Account Structure	130	William L. Painter, 7-3335, wpainter@crs.loc.gov
	Transportation Security Administration Staffing	131	Bart Elias, 7-7771, belias@crs.loc.gov
	Customs and Border Protection Staffing	131	Carla N. Argueta, 7-1018, cargueta@crs.loc.gov
	DHS—Special Procurement Authority	132	L. Elaine Halchin, 7-0646, ehalchin@crs.loc.gov
Department of the Interior, Environment, and Related Agencies	Recreation Fee Authority	133	Carol Hardy Vincent, 7-8651, chvincent@crs.loc.gov
	Dwight D. Eisenhower Memorial Commission	134	Jacob R. Straus, 7-6438, jstraus@crs.loc.gov

Appropriations Title	Topic	CR Section	CRS Expert Name, Phone Number, and Email
	Bureau of Land Management— Applications for Permits to Drill	135	Marc Humphries, 7-7264, mhumphries@crs.loc.gov
	National Park Service— Presidential Inaugural Costs	136	Laura B. Comay, 7-6036, lcomay@crs.loc.gov;
	Toxic Substance Control Act Service Fee	137	Robert Esworthy, 7-7236, resworthy@crs.loc.gov
Departments of Labor, Health and Human Services (HHS), and Education, and Related Agencies	HHS—Comprehensive Addiction and Recovery Act	116	Erin Bagalman, 7-5345, ebagalman@crs.loc.gov
	Department of Education— National Advisory Committee on Institutional Quality and Integrity	138	Alexandra Hegji, 7-8384, ahegji@crs.loc.gov
	Child Care and Development Block Grant and Head Start	139, 140	Karen Lynch, 7-6899, klynch@crs.loc.gov
	HHS—State Children’s Health Insurance Program	141	Alison Mitchell, 7-0152, amitchell@crs.loc.gov
Legislative Branch	Gratuity Payment	142	Ida A. Brudnick, 7-6460, ibrudnick@crs.loc.gov
Military Construction and Veterans Affairs, and Related Agencies	Jason Simcakoski Memorial and Promise Act	116	Sidath Viranga Panangala, 7- 0623, spanangala@crs.loc.gov
Transportation, Housing and Urban Development, and Related Agencies	Amtrak Account Structure	143	Randy Peterman, 7-3267, dpeterman@crs.loc.gov
	Maritime Security Program— Allocation of Funds	144	John Frittelli, 7-7033, jfrittelli@crs.loc.gov
	Community Development Block Grant Disaster Assistance	145	Eugene Boyd, 7-8689, eboyd@crs.loc.gov

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