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H. J. Res. 117 – Continuing Appropriations Resolution, 2013

Noteworthy

- **Background:** H. J. Res 117 was introduced by Rep. Hal Rogers on September 10, 2012. The House passed the continuing resolution on September 13 by a vote of 329-91.
- **Floor Situation:** At 2:15 pm on September 19, the Senate will vote on the motion to invoke cloture on the motion to proceed to H.J.Res.117.
- **Executive Summary:** H. J. Res. 117 would continue for six months regular discretionary budget authority for the federal government at an annualized rate of \$1.047 trillion. This level is consistent with the Budget Control Act's cap on regular discretionary budget authority for fiscal year 2013.

Overview

According to the Congressional Budget Office (CBO), H. J. Res. 117 provides for six months, until March 27, 2013, an annualized amount of regular budget authority totaling \$1.047 trillion. This includes \$556.9 billion in Defense and \$490.1 billion in non-defense.

In addition to this regular funding, the fiscal year 2013 continuing resolution (CR) also provides a rate for operations of \$99.9 billion in budget authority for Global War on Terror/Overseas Contingency Operations (GWOT/OCO), \$6.4 billion in disaster funding through FEMA, and \$483 million in program integrity funding for administrative expenses at the Social Security Administration.

The GWOT/OCO funding for Department of Defense and Military Construction is at the President's fiscal year 2013 requested level; other GWOT/OCO funding is continued at fiscal year 2012 levels. The disaster funding through FEMA and the Social Security Administration's program integrity funding are both at the fiscal year 2012 level.

There was bipartisan agreement for fiscal year 2013 on a six month CR at \$1.047 trillion. A current rate CR was scored at \$1.039 trillion. The anomalies included in the CR were scored at \$2 billion. In order to make up the difference between the current rate and the agreed to level, the CR includes a 0.612 percent across the board increase.

All amounts included in this summary are on an annualized basis, meaning they are the numbers that would result if H. J. Res. 117 were later extended to cover all of fiscal year 2013.

Bill Provisions

Section 101 –

Subsection 101 (a) provides budget authority in fiscal year 2013 for projects and activities that were funded in fiscal year 2012. The funding rate provided by this subsection is equal to that provided in the applicable fiscal year 2012 appropriations bill.

Subsection 101 (b) continues Defense and Military Construction budget authority for GWOT/OCO at a level equal to the President's fiscal year 2013 budget request.

Subsection 101 (c) provides for an across-the-board increase of 0.612 percent for all regular appropriations. This subsection has the effect of making the total annualized amount of regular discretionary budget authority provided by H. J. Res. 117 equal to the regular discretionary budget authority cap of \$1.047 trillion in the Budget Control Act.

Section 102 –

This section prohibits the Department of Defense from funding any new "project, activity, operation, or organization" with fiscal year 2013 CR funds if that item was not funded in fiscal year 2012.

Section 103 –

This section provides that the fiscal year 2013 CR funding shall be governed by provisions in the applicable fiscal year 2012 appropriations Act.

Section 104 –

This section provides that no project or activity may receive funds if it was not funded in fiscal year 2012.

Section 105 –

This section provides that the fiscal year 2013 CR covers all obligations and expenses during the period of the CR.

Section 106 –

This section states that the CR will expire on March 27, 2013.

Section 107 –

This section provides that expenditures made under this CR will count towards funding totals when final appropriations legislation is enacted.

Section 108 –

This section allows the use of CR funds regardless of a timeline governing apportionments contained in 31 USC 1513. Identical language has been included in other CRs during the 112th Congress.

Section 109 –

This section prevents agencies that typically have high rates of outlays at the beginning of the fiscal year from making these outlays. This is done to preserve Congress' ability to lower spending levels later when final appropriations legislation is considered.

Section 110 –

This section requires agencies to outlay as little funding as possible to continue projects and activities.

Section 111 –

This section allows mandatory outlays to continue at rates provided for in current law.

Section 112 –

This section provides flexibility under the current rate for agencies to allocate salary and benefit funding to avoid furloughs in certain circumstances; but only if the agency has already taken all actions to lower and delay non-personnel administrative expenses. This section relates to agency-wide personnel costs and is unrelated to the individual salary freeze that is included in Section 114.

Section 113 –

This section allows CR funds to be obligated and spent notwithstanding several provisions of U.S. Code that prohibit obligation and expenditure of an appropriation that is unauthorized or exceeds the authorized amount: (1) 22 USC 2412 regarding foreign assistance; (2) 22 USC 2680 regarding the State Department; (3) 22 USC 6212 regarding the Broadcasting Board of Governors; (4) 50 USC 414(a)(1) regarding intelligence.

Section 114 –

This section continues the federal pay freeze that was passed in P.L. 111-322 by extending it until March 27, 2013. P.L. 111-322 had extended the pay freeze until December 31, 2012. The section further provides that any pay adjustment already scheduled to go into effect between October 1, 2012 and March 27, 2013 cannot go into effect until after March 27, 2013.

Section 115 –

This section makes budgetary designations for GWOT/OCO funding, disaster funding, and Social Security administrative funding. It adopts a provision in P.L. 112-74 that requires the President to ratify the budgetary designation for GWOT/OCO.

Section 116 –

This section requires departments and agencies to report a continuing resolution spending plan to the Appropriations Committees. If a sequester is eventually ordered, this section requires that an updated spending plan be submitted to the Appropriations Committees reflecting the sequester.

Section 117 –

This section requires the Director of the Office of Management and Budget to submit monthly reports on obligations by all departments and agencies to the Appropriations Committees.

Section 118 –

This section applies limitations to the appropriation for the Richard B. Russell National School Lunch Act. This is a continuation of provisions included in an earlier CR, P.L. 112-55.

Section 119 –

This section increases the rate for operations for the Department of Agriculture's Commodity Assistance Program by \$11.6 million to \$253.9 million to maintain existing case load.

Section 120 –

This section allows expenditures for work to continue on two weather satellites.

Section 121 –

This section prohibits funding for various aircraft retirement, divestiture, realignment, or transfer including Air National Guard and Air Force Reserve units. It also prohibits funding to be used to retire the C-23 Sherpa aircraft.

Section 122 –

This section extends Defense Department authority to acquire products and services procured in countries along a major route of supply to Afghanistan.

Section 123 –

This section extends Defense Department authority to assist local educational agencies that benefit dependents of members of the Armed Forces.

Section 124 –

This section allows the Secretary of Defense to reprogram GWOT/OCO funds provided by the CR following Congressional notification. The rationale behind this provision is the President's fiscal year 2013 request for GWOT/OCO is no longer fully consistent with current requirements and the Secretary of Defense needs additional flexibility to address those requirements.

Section 125 –

This section increases by \$343 million the rate for operations for the Department of Energy's nuclear security weapons activities, bringing total funding for the program to \$7.6 billion. For these activities, the CR removes various restrictions on Department of Energy funding that were included in the fiscal year 2012 omnibus.

Section 126 –

This section increases by \$100 million the rate for operations for domestic uranium enrichment under the Department of Energy.

Section 127 –

This section continues authorization for the Appalachian Regional Commission through March 27, 2013.

Section 128 –

This section allows the District of Columbia to spend local funds in accordance with the provisions included in H.R. 6020, the House Financial Services and General Government Appropriations Act, 2013.

Section 129 –

This section increases by \$9.8 million the rate for operations for federal payments to the District of Columbia for security for the Presidential Inauguration.

Section 130 –

This section provides \$8.9 million in funding for General Services Administration expenses under the Presidential Transition Act. This is the same amount that was provided to the Bush Administration in their last year in office.

Section 131 –

This section provides \$8 million in funding for the Executive Office of the President for expenses under the Presidential Transition Act. This is the same amount that was provided to the Bush Administration in their last year in office.

Section 132 –

This section increases the amount of fees that the Federal Communications Commission can retain and spend to \$98.7 million, an increase from the \$85 million included in the final fiscal year 2012 omnibus. The increase is to support spectrum auctions authorized in the Middle Class Tax Relief and Jobs Creation Act of 2012.

Section 133 –

This section allows certain Department of the Treasury appropriations to be used to fund the Treasury's role as administrator of the Gulf Coast Restoration Trust Fund. The highway bill, enacted July 6, 2012, established this trust fund.

Section 134 –

This section increases by \$5 million the rate for operations for the Office of Government Ethics' salaries and expenses for the database required in the STOCK Act.

Section 135 –

This section increases by \$127 million the rate for operations for the Small Business Administration's Business Loans Program Account.

Section 136 –

This section allows U.S. Customs and Border Protection (CBP) to obligate funding at a rate necessary to keep agent numbers at the same level as in the fourth quarter of fiscal year 2012. This section requires a spending plan from CBP within 15 days of enactment.

Section 137 –

This section increases the rate for operations for Department of Homeland Security (DHS) cybersecurity programs by \$282 million above the fiscal year 2012 level, to \$1.17 billion. The CR specifically funds two existing authorities – \$328 million for Network Security Deployment and \$218 million for Federal Network Security.

Given section 104 prohibits the use of funds to initiate a project or activity if funds were not available for it in FY2012, funding does not expand existing DHS authority and the funds cannot be used for any executive order creating a new program or activity in this area.

This section also requires an expenditure plan from DHS on cybersecurity activities under the CR.

Section 138 –

This section extends through March 27, 2013, the authority for the Secret Service to use appropriated funds for various investigative activities.

Section 139 –

This section extends through March 27, 2013 the authority of various interim DHS regulations regarding the security of chemical facilities.

Section 140 –

This section increases the rate for operations for the Department of the Interior's Wildland Fire Management by \$161 million to \$726.5 million. In addition, \$23 million is provided to reimburse various Interior accounts from which funds were borrowed for wildfire suppression in fiscal year 2012.

Section 141 –

This section increases the rate for operations for the Department of Agriculture's Forest Service Wildland Fire Management program by \$236 million to \$1.97 billion. In addition, \$400 million is provided to reimburse various Agriculture accounts from which funds were borrowed for wildfire suppression in fiscal year 2012.

Section 142 –

This section amends a provision of the Surface Mining Control and Reclamation Act of 1977 regarding payments to states and Indian tribes concerning the abandoned mine reclamation fee.

Section 143 –

This section extends through March 27, 2013 the Department of the Interior’s authority to conduct a pilot program regarding enhanced rights-of-way for the Forest Service.

Section 144 –

This section extends through March 27, 2013 various sections of the Federal Insecticide, Fungicide, and Rodenticide Act.

Section 145 –

This section extends the federal definition of a “highly qualified teacher” through the 2013-14 school year, and requires a report on whether certain categories of students are taught by “highly qualified teachers.”

Section 146–

This section extends the fiscal year 2012 omnibus formula allocation for the Low Income Home Energy Assistance Program.

Section 147 –

This section increases by \$131.7 million the rate for operations for the Administration for Children and Families’ Refugee and Entrant Assistance, to account for the unanticipated high level of arrivals of refugees.

Section 148 –

This section extends the expiring authorization for funding for the Temporary Assistance for Needy Families to states and territories through March 27, 2013.

Section 149 –

This section appropriates payment of \$174,000 to the heirs of the late congressman Donald M. Payne.

Section 150 –

This section increases the rate for operations for the Department of Veterans Affairs’ (VA) Veterans Benefits Administration by \$148 million to \$2.1 billion to meet increases in disability claims.

Section 151 –

This section extends the authority to maintain a VA regional office in the Philippines from December 31, 2012, to March 27, 2013.

Section 152 –

This section maintains level funding for highway programs, and aligns references and distribution rules with the latest surface transportation bill, MAP-21.

Section 153 –

This section updates the National Highway Traffic Safety Administration appropriation to align the references with the latest surface transportation bill, MAP-21.

Section 154 –

This section maintains level funding for mass transit programs and aligns references with the latest surface transportation bill, MAP-21.

Section 155 –

This section extends an authorization deadline regarding the availability of wireless service in the Washington Metropolitan Area Transit Authority (WMATA) to enable project funding to continue through March 27, 2013.

Administration Position

No Statement of Administration Policy is available at this time.

Cost

CBO reports that H. J. Res. 117, if in effect for all of fiscal year 2013, would result in budget authority of \$1.047 trillion. This level is consistent with the Budget Control Act's cap on regular discretionary budget authority for fiscal year 2013. Also consistent with the BCA, the bill includes \$99.9 billion in GWOT/OCO emergency funding and \$6.4 billion in emergency disaster funding for FEMA.

Possible Amendments

The amendment situation is unclear at this time.

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