



## H. J. Res. 99 – Fiscal Year 2017 Further Continuing Resolution (Rep. Frelinghuysen, R-NJ)

CONTACT: [Matt Dickerson](#), 202-226-9718

### FLOOR SCHEDULE:

[H. J. Res. 99 \(the Continuing Resolution\)](#) is expected to be considered on April 28, 2017 under a [rule](#).

[H. Res. 280](#), the rule providing for consideration of H.R. 1694, the Fannie and Freddie Open Records Act of 2017, waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported through the legislative day of April 29, 2017. This “martial law” same-day rule authority could be used to provide expedited consideration of the CR.

### TOPLINE SUMMARY:

The [Continuing Resolution \(CR\)](#) would extend discretionary appropriations through May 5, 2017. The CR would also continue to provide federal funding for the United Mine Workers of America union health plan.

A discussion of the state of play on completing the FY 2017 appropriations process can be found in the [RSC's Legislative Look Ahead – FY 2017 Appropriations](#).

### COST:

The CR would provide appropriations at the same rate of operations as the [current CR](#) that was enacted in December, 2016.

### CONSERVATIVE CONCERNS:

#### Bad Process:

[RSC Chairman Mark Walker](#) said in a statement after passage of the CR in December that, "The approach is just as important as the policy. In the next Congress, we have to dedicate ourselves to being proactive, rather than reactive. It should be our aim to set clear objectives early and achieve defined successes. The American people have entrusted us to change Washington. It is unacceptable for us not to deliver on the trust the voters have invested in us."

Many conservatives may be concerned that the process to complete action on the FY 2017 appropriations bills has been the same closed-door process that has resulted in bad omnibus spending deals in previous years.

### **Miners' Union Bailout:**

Some conservatives may believe that the federal government should not backstop private retirement plans and may be concerned that providing additional federal funds for the UMWA plan would set a precedent of bailing out additional private retiree health and pension funds that promised robust retirement benefits but irresponsibly underfunded contributions.

### **Continuing Obama's Policies:**

Some conservatives may be concerned that this CR would generally continue the policies and funding levels included in former [President Obama's FY 2016 Omnibus](#) for the duration covered by the bill.

- **Expand the Size and Scope of the Federal Government?** This bill would continue current spending levels and scope of activities.
- **Encroach into State or Local Authority?** Some conservatives may believe that many of the programs and activities funded under this CR would be more appropriately handled by state and local governments, or the private sector.
- **Delegate Any Legislative Authority to the Executive Branch?** Some conservatives may believe that continuing resolutions delegate power to the Executive Branch.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

## **DETAILED SUMMARY AND ANALYSIS:**

### **Further Continuing Appropriations**

The CR would extend the funding and policies included in [H.R. 2028, the Further Continuing and Security Assistance Appropriations Act, 2017](#) through May 5, 2017.

### **Miners' Health**

The CR would provide funding to extend health care coverage for retired union miners through May 5, 2017.

The [Continuing Resolution passed in December](#) made retirees who worked for certain coal mining companies that initiated bankruptcy proceedings in 2012 and 2015 eligible for the "1993 Benefit Plan," one of three multiemployer plans that provides health benefits to the United Mine Workers of America (UMWA). The December CR made these retirees eligible for the 1993 Plan for CY2017, but provided only enough funding to cover this population through April 30. Bills in the House and Senate seek a long-term funding solution for miners' health care benefits, as well as a separate pension fund, but such a fix could cost approximately \$3 billion over ten years.

## **COMMITTEE ACTION:**

H. J. Res. 99 was made publicly available on [docs.house.gov](https://docs.house.gov) at 10:59 pm on April 26, 2017.

In the 114<sup>th</sup> Congress, the House considered 6 of the 12 regular FY 2017 appropriations bills and passed 5. The Senate passed 3 appropriations bills. Senate Democrats [filibustered](#) the FY 2017 Defense Appropriations bill, stopping the appropriations process even after a [promise](#) from then-Senate Minority Leader Reid of a return to regular order. In the 115<sup>th</sup> Congress, the House passed the [Fiscal Year 2017 Defense Appropriations Bill](#). . To prevent lapses in appropriations, two FY 2017 CRs have been enacted. [H.R. 5325, the Fiscal Year 2017 Continuing Resolution](#) funded government from October 1, 2016, to December 8 and included the full-year [FY 2017 Military Construction and Veterans Affairs Appropriations bill](#). [H.R. 2028, the Further Continuing and Security Assistance Appropriations Act, 2017](#) provided continuing appropriations through April 28, 2017.

After the election, [many conservatives](#) fought to extend government funding through the lame-duck period and into early 2017. Conservatives advocated for this strategy not only to prevent another bad budget deal with the outgoing Obama administration, but more importantly, so that the Republican majorities in the House and Senate can work cooperatively with a Republican president to reshape the government early in the new administration.

On March 16, 2017, the president submitted a FY 2017 [supplemental appropriations request](#) to increase funding for the Department of Defense by \$30 billion and the Department of Homeland Security by \$3 billion, while [decreasing Non-Defense](#) spending by \$15 billion.

A more complete history of the FY 2017 appropriations process can be found in the [RSC's Legislative Look Ahead – FY 2017 Appropriations](#).

#### **ADMINISTRATION POSITION:**

No Statement of Administration Policy is available at this time.

#### **CONSTITUTIONAL AUTHORITY:**

“Congress has the power to enact this legislation pursuant to the following: The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .” In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: “The Congress shall have the Power... to pay the Debts and provide for the common Defence and general Welfare of the United States. ...” Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.”

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