



H.J.Res. 28– Making Further Additional Continuing appropriations for Fiscal Year 2019 (Rep. Lowey, D-NY)

FLOOR SCHEDULE:

The House is expected to consider H.J.Res. 28, a Continuing Resolution (“CR”), on January 17, 2019 pursuant to a closed [rule](#).

The rule would provide that it shall be in order at any time through the legislative day of January 25, 2019, for the Speaker to entertain motions that the House suspend the rules.

TOPLINE SUMMARY:

The [bill](#) would further extend through February 28, 2019 the discretionary funding and certain programmatic extensions of the [Continuing Resolution Division of H.R. 6157](#), which lapsed on December 22, 2018 under the terms of the most-recently enacted continuing resolution, [H.J.Res 143](#).

Thus, it would extend through February 28, 2019, funding under the following seven appropriations bills:

1. Agriculture, Rural Development, Food and Drug Administration, and Related Agencies
2. Commerce, Justice, Science, and Related Agencies
3. Financial Services and General Government
4. Homeland Security
5. Interior, Environment, and Related Agencies
6. State, Foreign Operations, and Related Programs
7. Transportation, Housing and Urban Development, and Related Agencies

Additionally, it would extend the authorization of several programs through February 28, 2019 including:

- Violence Against Women Act (VAWA),
- “Immigration Extensions” provided in Title II of Division M of the FY 2018 Omnibus,
- Certain registration and fees provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and Federal Food Drug and Cosmetic Act, and
- Temporary Assistance for Needy Families (TANF) and the Child Care Entitlement to States.

COST:

A Congressional Budget Office estimate for the bill is not available.

However, according to a CBO [estimate](#) for the [Senate Amendment to H.R. 695](#) from the 115th Congress, which also provided continuing appropriations for the same seven appropriations measures, the bill would provide on an annualized basis a net total of \$305.7 billion in base discretionary spending for FY 2019. Of this total, approximately \$7.8 billion is for defense purposes

and \$297.9 billion is for non-defense purposes. Further, the bill would provide for cap-exempt funding totaling \$19.6 billion, of which \$12.2 billion is for Overseas Contingency Operations/Global War on Terror (OCO) funding and \$7.4 billion is for disaster relief purposes.

Combined with appropriations already enacted for FY 2019, the bill would provide on an annualized basis a net total of \$1.237 trillion in base discretionary spending for FY 2019. Of this total, approximately \$646.9 billion is for defense purposes and \$589.9 billion is for non-defense purposes. Further, the bill would provide for cap exempt funding totaling \$91.9 billion, of which \$81.0 billion is for Overseas Contingency Operations/Global War on Terror (OCO) funding, \$9.3 billion is for disaster relief purposes, and \$1.68 billion for emergency requirements.

The Budget Control Act (BCA) base discretionary spending caps for FY 2019 are \$647 billion for defense spending and \$597 billion for non-defense spending.

CONSERVATIVE CONCERNS:

Wall Funding & Shutdown

For the second week in a row, Speaker Pelosi will be forcing the House to vote on appropriations measures that have no realistic chance of becoming law. Many conservatives will view this bill as a waste of time by House Democratic Leadership because it was understood by House and Senate leadership that the Senate would not consider a government funding measure until it was agreed to by the President. No such agreement exists to date.

Conservative members may be concerned that House Democrats have been forcing separate consideration of this continuing resolution and other individual appropriations measures in an attempt to peel off Republican members from voting 'no' by focusing on the keeping the unfunded portions of the government open with short extensions and the programs funded in individual appropriation bills. Conservatives should be resolute in understanding that votes on these funding bills represent part of a cohesive position on the FY 2019 funding debate. Further, the vote may be seen by conservatives as a ploy to blame Republicans for continuing the partial shutdown.

Many conservatives will be concerned that appropriations are being concerned without an agreement in place to provide full-year funding for the Department of Homeland Security with additional funding for a southern border wall/barrier as requested by President Trump. Currently enacted funding ([section 230 of the FY 2018 Omnibus](#)) for the Department of Homeland Security includes \$1.571 billion for fencing and border security technology along the southern border, of which about \$1.34 billion can be used for fencing. None of that funding can be used for construction of a President Trump wall according to restrictions of that section. House Republicans passed an amended continuing resolution on December 20, 2018 prior to the lapse in discretionary funding that would have fully funded the President's wall funding request.

Other Concerns:

Some conservatives may be concerned that the bill would extend the Violence Against Women Act (VAWA) through December 7, 2018, which would extend protections to individuals based on sexual orientation and gender identity.

Some conservatives may be concerned that the bill would extend the authorization for the Temporary Assistance for Needy Families (TANF) program rather than adopt reforms advocated in legislation advanced by the House Ways & Means Committee (the JOBS for Success Act).

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** Some conservatives may believe that some of the programs funded under the continuing resolution should be funded by state and local governments or the private sector.
- **Delegate Any Legislative Authority to the Executive Branch?** No.

- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Further Additional Continuing Appropriations Act, 2019

The bill would extend through February 28, 2019, funding as provided in the [FY 2018 Omnibus](#) for the following seven appropriations bills:

1. Agriculture, Rural Development, Food and Drug Administration, and Related Agencies
2. Commerce, Justice, Science, and Related Agencies
3. Financial Services and General Government
4. Homeland Security
5. Interior, Environment, and Related Agencies
6. State, Foreign Operations, and Related Programs
7. Transportation, Housing and Urban Development, and Related Agencies

Funding provided under those bills expired when the extension provided by the most recently enacted continuing resolution, H.J.Res. 143, expired on December 22, 2018.

The bill would also extend the authorization expiration date for several federal programs through February 28, 2019 that were also extended under H.J.Res. 143, but expired on December 22, 2018. Those extended programs are as follows:

Violence Against Women Act (VAWA).

On March 7, 2013, President Obama [signed](#) the [Violence Against Women Reauthorization Act](#) to continue the provision of assistance to victims of domestic and sexual violence through grant funding through the end of FY 2018. The legislation divided conservatives, including several changes to the original legislation, such as extending protections to individuals based on sexual orientation and gender identity. The reauthorization also included a provision allowing American Indian women who endure assault on reservations perpetrated by non-American Indian individuals to pursue justice in Tribal Courts.

The FY 2018 Omnibus appropriated \$492 million for the Office on Violence Against Women. The President's FY 2019 budget requests \$485.5 million for the Office. In its [Blueprint for Balance](#), the Heritage Foundation called for a complete elimination of VAWA grants, arguing that these services are better funded at the local level and [that](#) "using federal agencies to fund the routine operations of domestic violence programs that state and local governments could provide is a misuse of federal resources and a distraction from concerns that are truly the province of the federal government."

"Immigration Extensions" provided in Title II of Division M of the FY 2018 Omnibus.

Specifically, these extensions pertain to the federal E-Verify program, the Special Immigrant Religious Workers program, [Conrad 30 waiver program](#) for international medical school graduates, and EB-5 regional investor visas.

Another immigration extension would allow the Secretary of Homeland Security to increase the number of H-2B visas above the cap "by not more than the highest number of H-2B nonimmigrants who participated in the H-2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation" upon the determination that "the needs of American businesses cannot be satisfied in fiscal year 2018 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor".

Certain registration and fees provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and Federal Food Drug and Cosmetic Act

Temporary Assistance for Needy Families (TANF) and the Child Care Entitlement to States

TANF is a welfare program that provides federal grants to the states for a wide range of benefits, services, and activities, most notably cash welfare for certain low income families with children, but it funds a wide array of additional activities. TANF was created in the 1996 welfare reform law.

Some conservatives may be concerned that the bill does not include reforms to strengthen oversight of state use of federal TANF funding and bolster the program's work requirements. Such reforms are contained in legislation that was being developed by the House Ways & Means Committee in the 115th Congress called the [JOBS for Success Act](#).

COMMITTEE ACTION:

This bill was introduced on January 14, 2019.

ADMINISTRATION POSITION:

President Trump has consistently voiced his opposition to signing a government funding bill that did not include extra money for the southern border wall/barrier.

The [Statement of Administration Policy](#) for this bill recommends a veto with the following reasoning: "The Administration is committed to working with the Congress to reopen agencies affected by lapsed appropriations, but any effort to do so must address the security and humanitarian crisis on our Southwest border and should restore funding for all agencies affected by the lapse.

For fiscal year 2019, the Administration has clearly and repeatedly communicated the requirements for border security, including through a recent letter from the Office of Management and Budget to the House and Senate Appropriations Committees on January 6, 2019.

Presenting these, or similar bills, to the President without a broader agreement to address the border crisis is unacceptable. The Administration looks forward to working with the Congress to enact appropriations legislation that adequately addresses the crisis on our Southwest border and reopens the Federal Government for the American people as soon as possible."

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