



Conference Report to H.J.Res. 31: Consolidated Appropriations Act, 2019 (Rep. Lowey, R-NY)

FLOOR SCHEDULE:

The Conference Report to H.J.Res. 31 is expected to be considered February 14, 2019, under a [conference report rule](#).

TOPLINE SUMMARY:

The [bill](#) would provide full-year FY 2019 appropriations for agencies and departments that are annually funded under the following appropriations measures:

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

Funding had previously lapsed for such departments and agencies from December 22, 2018 until January 25, 2019 when a continuing resolution providing appropriations through February 15, 2019 was enacted.

Notably, the bill would provide \$1.375 billion for new border fencing construction and appropriate a level of ICE detention funding that would reduce the average daily population in ICE detention to approximately 40,520 by the end of the fiscal year, down from a current count of approximately 49,060. The bill would also reverse President Trump's civilian pay freeze and generally institute a 1.9% federal pay raise for 2019.

COST:

A Congressional Budget Office (CBO) cost estimate is not available.

CONSERVATIVE CONCERNS:

Conservatives may be concerned that, at a time when our federal debt has exceeded \$22 trillion and our South Western border is awash with criminal activity, this bill will fund less than a quarter of Trump's request for new wall funding while significantly increasing non-defense discretionary spending not critical to our national security.

The \$1.375 billion allocated here for border fencing is restricted in form and geography to potentially limit their effectiveness in being able to secure the border. Additionally, under the bill, local government entities may be able to block new border structures from being built within their municipalities, even if temporarily.

Conservatives may also be concerned that the bill seeks to limit the effective number of illegal aliens that can be detained by ICE in a way where significant numbers of the criminals in ICE detention could have to be released back into U.S. communities. The bill's funding also falls short for hiring an increased level of border patrol agents.

This appropriations bill, in violation of a new section of the House rules, will receive a vote on the House Floor after being introduced less than 72 hours before-hand. The bill was filed at 12:05AM today (and updated to add an entire Division of the bill at 1:20AM), and the House is expected to vote on the bill this evening. The bill is 1,169 pages long.

****Individual programmatic funding concerns are identified in the Detailed Summary and Analysis section below.**

- **Expand the Size and Scope of the Federal Government?** The bill provides discretionary funding at levels greater than what was provided for last fiscal year.
- **Encroach into State or Local Authority?** Some conservatives may believe that many of the programs funded by the bill should be the responsibility of 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?** According to the bill's Joint Explanatory Statement, "the Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of the House of Representatives." However, some conservatives may be concerned that bill would dictate that \$3 million of funds appropriated to the FWS shall be provided to the [National Fish and Wildlife Foundation](#), 501(c)(3). Additionally, the bill would allow a State to use for certain projects under the Surface transportation block grants program any earmarked amount with prior State notice.

DETAILED SUMMARY AND ANALYSIS:

Division A: Department of Homeland Security Appropriations Act

The bill would provide a total of \$49.4 billion in net base discretionary appropriations for the Department of Homeland Security, an increase that is \$1.7 billion above the FY 2018 enacted level and \$2 billion above the President's request. Within this amount, approximately \$2.2 billion would be provided for defense and the remainder for non-defense.

It would also provide \$12 billion in cap-exempt Disaster relief funding for Federal Emergency Management Agency, which is \$4.6 billion higher than the appropriation for FY2018.

U.S. Customs and Border Protection (USCBP): The bill would provide a total of \$14.9 billion in appropriations for USCBP, a level that is \$1 billion above the enacted FY 2018 level, and \$734,000 over the President's Request.

Procurement, Construction, and Improvements (USCBP): The bill would provide a total of \$2.5 billion for the USCBP's Procurement, Construction, and Improvements account, which among other things funds border barrier construction.

Border Barrier Funding: Within this account, the legislation allocates \$1.375 billion for “the construction of primary pedestrian fencing, including levee pedestrian fencing, in the Rio Grande Valley Sector”.

Conservatives may be concerned the bill would limit barrier spending to preclude using designs developed during the Trump administration.

Conservatives may be concerned the bill also restricts border fencing funds from being used within the (1) Santa Ana Wildlife Refuge; within the Bentsen-Rio Grande Valley State Park; (3) within La Lomita Historical park; (4) within the National Butterfly Center; or (5) within or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge.

Conservatives may also be concerned that under Section 232 of the bill, “prior to use of any ... for the construction of physical barriers within the city limits of any city or census designated place described in subsection (c), [DHS] and the local elected officials of such a city or census designated place shall confer and seek to reach mutual agreement regarding the design and alignment of physical barriers within that city or the census designated place...Such consultations shall continue until September 30, 2019 (or until agreement is reached, if earlier) and may be extended beyond that date by agreement of the parties, and no funds made available in this Act shall be used for such construction while consultations are continuing. (b) Not later than July 1, 2019, the Secretary shall issue notices for public comment regarding construction of pedestrian fencing in the places identified in subsection (c). The notices shall afford the public not less than 60 days to submit comments on the location of proposed fencing in the affected areas....(c) The cities and census designated place described in this subsection are as follows: (1) Roma, Texas. (2) Rio Grande City, Texas. (3) Escobares, Texas. (4) La Grulla, Texas.

Conservatives may be concerned that this language could be construed to effectively give the cited localities veto power over building border fence in their city limits, at least temporarily. Pursuant to the language, it appears that a city would be able to block building at least through the end of FY2019 by not coming to agreement while consultations are ongoing.

Conservatives may be concerned that the spending allocation falls short of what is needed to fulfil the promise to secure the border and that the limitations on where the fencing can be built hinders the overall effectiveness of a comprehensive border barrier strategy.

Additionally it provides:

- \$725 million for the acquisition and deployment of border security technologies and trade and travel assets and infrastructure, to include \$570,000,000 for non-intrusive inspection equipment at ports of entry; and
- \$270,222,000 is for construction and facility improvements, to include \$222,000,000 for humanitarian needs,
- \$14,775,000 for Office of Field Operations facilities, and \$33,447,000 for Border Patrol station facility improvements.

Immigration and Customs Enforcement (ICE): The bill would provide a total of \$7.6 billion in discretionary appropriations for ICE, a level that is \$511 million above the FY 2018 enacted level and \$703 million below the President's Request.

Operations & Support Account (ICE): The bill would provide this account with a total of \$7.5 billion, a level

that is \$548 million over the FY2018 enacted level, and \$678 million below the President's Request.

This account funds ICE detention beds. *Conservatives will be concerned that, according to the House Appropriations Democrats, the bill "provides an appropriated level for detention beds that establishes Congress's intent to reduce the daily population in ICE detention to approximately 40,520 by the end of the fiscal year, down from a current count of approximately 49,060."*

Speaking to the issue of being overly limited as to detention beds, Matt Albence, Deputy Director of ICE, said "...we will be forced to release criminal aliens in our custody...we will be limited in our ability to respond to state and local law enforcement agencies making arrests for these crimes...putting an artificial cap on the ability to detain individuals who pose threats will lead to disastrous results."

The following Average Daily Population (ADP) of detained illegal aliens according to ICE for recent fiscal years is as follows:

Average Daily Population (ADP), i.e. the average number of aliens in ICE custody on any given day during the Fiscal Year:

FY2019 (As of 2/2/2019): 45,814
FY2018: 42,188
FY2017: 38,106
FY2016: 34,376
FY2015: 28,449
FY2014: 33,227
FY2013: 33,788

Border Patrol Agents: *Conservatives may be concerned that, according to the Joint Explanatory Statement, under the bill, "funding is provided to sustain the current level of Border Patrol Agents" rather than an increase to boost border security.*

Transportation Security Administration (TSA): The bill would provide a total of \$7.93 billion in discretionary funding for the TSA, a level that is \$205 million above the FY 2018 enacted level, and \$364 million over the President's request.

Coast Guard: The bill would provide \$10.276 billion in discretionary appropriations for the Coast Guard, a level that is \$155 million below the FY 2018 enacted level, and \$577 million above the President's Request.

Secret Service: The bill would provide \$1.99 billion for the Secret Service, a level that is \$53 million below the FY 2017 enacted level. The decrease in funding accounts for the close of the previous campaign cycle.

Federal Emergency Management Agency (FEMA): The bill would provide a total of \$16.55 billion for FEMA, a level that is \$4.2 billion over FY2018, and \$5.5 billion over the President's Request.

Of this amount, \$12.258 billion would go to the disaster relief funding and \$12 billion of which would not be counted against the discretionary cap. The legislation would also include \$2.8 billion for FEMA grant programs.

The Budget Control Act (BCA) allows for spending above the normal discretionary spending caps for disaster relief activities carried out under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. These activities are primarily funded by appropriations to Federal Emergency Management Agency's (FEMA) Disaster Relief Fund (DRF). The amount of appropriations that is permitted to be designated as cap-exempt disaster funding each year is calculated by an average of the last ten years of actual disaster spending (exempting the highest and lowest amounts). If any amount from the average calculated in the previous year is unused, then it can be applied to the next year's amount.

NOTABLE POLICY PROVISIONS:

Extra Transfer Authority for Immigration Emergencies: for this purpose, section 503(f) authorizes the Secretary to transfer up to \$20,000,000 to address immigration emergencies after notifying the Committees of such transfer at least five days in advance.

ICE Detention Bed Reports: The bill requires ICE to report on, and make public, information regarding the numbers and types of people in its custody, such as:

- families;
- border apprehension detainees;
- interior enforcement detainees; and
- those who are in custody who have a positive credible fear claim.

The bill also requires ICE to report more about the number of people who are participating in its alternatives to detention program.

Some conservatives may believe this is a first step to trying to limit ICE interior illegal alien detention capabilities.

Congressional Visits: The bill would prohibit DHS from preventing a member of Congress from entering any facility that is used to detain or otherwise house alien minors. It also prohibits DHS from making changes to the current operations and facility conditions in anticipation of a congressional visit.

Sexual Assault Records: The bill would prevent DHS from destroying any record potentially relating to sexual assault or abuse of any individual in DHS's custody.

Deporting Sponsors: The bill includes a provision prohibiting ICE from removing sponsors or potential sponsors of unaccompanied children based on information provided by the Office of Refugee Resettlement as part of the sponsor's application to accept custody of an unaccompanied child, except when that information meets specified criteria.

Restraining Pregnant Women: The bill would prohibit the use of funds to use restraints on pregnant detainees in DHS custody except in certain circumstances.

Abortion Funding: The bill does *not* include a provision to prohibit federal funding for Immigration and Customs Enforcement (ICE) to provide for abortions, except in certain life-threatening cases, rape, and incest.

The bill does not include a conscience protection clause to prohibit ICE from requiring any person to perform an abortion.

Guantanamo Bay: The bill would continue a provision to prohibit funds to transfer or release detainees from Guantanamo Bay.

Visa Overstay Data: the bill would require the Secretary of Homeland Security to submit to Congress a report on the amount of visa overstays.

Importation of Prescription Drugs from Canada: the bill prohibits the use of funds to prevent an individual from importing for personal use from Canada prescription drugs that comply with the Federal Food, Drug, and Cosmetic Act.

Importation of Confiscated Cuban Property: The bill would *not* prohibit the use of funds to approve the

importation of confiscated Cuban property.

[Division B: Agriculture, Rural Development, Food and Drug, and Related Agencies Appropriations Act](#)

The bill would include a total of \$23 billion in discretionary funding for programs covered by the Agriculture, Rural Development, Food and Drug, and Related Agencies Act, *which is about \$6 billion above the president's request and may concern some conservatives*, and about even with the FY 2018 enacted level.

Title I - Agricultural Programs

Agricultural Research Service: The bill would appropriate \$1.684 billion for agricultural research programs which is \$341 million above the FY 2018 enacted level and \$665 million above the President's Budget Request.

National Institute of Food And Agriculture: the bill would provide \$1.471 million for the National Institute of Food and Agriculture. The bill also includes \$3 million for the Rural Health and Safety Education Program to address the opioid abuse epidemic and to combat opioid abuse in rural communities.

Animal and Plant Health Inspection Service: The bill includes \$1.014 million for APHIS, a level that is \$272 million above the President's Request, and \$29 million above the FY18 enacted level.

Agricultural Marketing Service: The bill provides \$1.651 billion for the Agricultural Marketing Service, a level that is \$16 million above the President's Request, and \$37 million above the FY18 enacted level.

Food Safety and Inspection Service: The bill provides \$1.049 billion for the Food Safety and Inspection Service, a level that is \$17.1 million above the President's Request, and \$7.5 million above the FY18 enacted level.

Title II - Farm Production and Conservation Programs

The bill provides \$33.589 billion for Farm Production and Conservation Programs, a level that is \$7.635 billion above the FY2018 enacted level and *\$7.274 billion above the President's Budget Request, which may concern conservatives*.

Farm Service Agency (FSA): The bill provides \$1.092 billion for the FSA, a level that is \$120 million below the FY2018 enacted level and \$168 million above the President's Budget Request.

Agriculture Credit Insurance Fund: The bill authorizes \$7.987 billion in farm operating and ownership loans, as well as other farm credit programs. According to the Senate Appropriations Committee, the "Agricultural Credit Insurance Fund Program Account is used to provide direct and guaranteed farm ownership, farm operating, conservation, Indian highly fractioned land, and emergency loans to individuals, as well as the following types of loans to associations: irrigation and drainage, grazing, Indian tribe land acquisition, and boll weevil eradication."

Natural Resources Conservation Service: The bill provides \$819 million for conservation programs in the Natural Resources Conservation Service, a level that is \$55 million less than the FY18 enacted level, and \$150 million above the President's Budget Request. This would include \$160 million for [watershed flood and prevention and rehabilitation operations](#).

Federal Crop Insurance Corporation Fund: *Conservatives may be concerned the bill would provide "such sums as are necessary" for the FCICF which for FY 2019 is estimated to be \$15.4 billion.* The FCIC Fund is a mandatory account from which funding for federal crop insurance program is derived. The Federal Crop

Insurance Program provides subsidized insurance for farmers to protect them from losses due to poor crop yields or lower than expected prices. Farmers only pay about 40 percent of premiums for crop insurance, with the taxpayers picking up the remaining 60 percent.

The RSC Budget would cut this insurance subsidy in half.

Commodity Credit Corporation Fund: The Commodity Credit Corporation (CCC) administers many of the Department of Agriculture's mandatory spending programs, namely its activities designed to provide market assistance to farmers. As is the case for the FCICF, the bill would appropriate such sums as are necessary for the mandatory spending of program, which for FY 2019 is estimated to be \$15.4 billion for the Fund.

The RSC Budget would eliminate nearly all of the programs funded from the account.

Title III - Rural Development

Housing Loans: The bill would authorize \$25 billion in loans for single family direct and guaranteed loans. The bill would also authorize \$230.0 million in multi-family loan guarantees.

Rental Assistance: The bill provides \$1.331 billion in rental assistance.

Multi-Family Housing Revitalization Program Account: The bill provides \$51.5 million for the Multi-Family Housing Revitalization Program Account, a level that is \$4.5 million above the FY18 enacted level. The President's Budget would terminate use of this account and transfer voucher funding (\$20 million requested by the President's Budget) to the rental assistance account and eliminate funding for the multi-family housing revitalization pilot program, and all the balances associated with the multi-family housing demonstration programs in this account would be transferred and merged with the Rural Housing Insurance Fund Program Account.

The Multi-Family Housing Revitalization Program includes funding for housing vouchers and a demonstration program for the preservation and revitalization of affordable multi-family housing projects.

Rural Utilities Service: RUS administers USDA electric and telephone programs and water and waste programs. The bill would authorize \$1.450 billion in rural water system direct and guaranteed loans and \$549 million in related grants and subsidy costs. The bill would authorize \$6.25 billion for electrification and telecommunication direct and guaranteed loans

Title IV - Domestic Food Programs

Women, Infants, and Children: The bill includes \$6.075 billion in discretionary funding for WIC, a level that is \$100 million less than the FY18 enacted level and \$325 million above the President's Budget Request.

Mandatory Programs: The bill includes a total of \$23.1 billion in mandatory funding for child nutrition programs and \$73.5 billion in mandatory funding for SNAP (food stamps), *despite not enacting conservative work requirement reforms in the 2018 Farm Bill.*

Commodity Assistance Program: The Commodity Assistance Program account primarily includes funding that provides supplemental food to low-income individuals under the Commodity Supplemental Food Program and pays for expenses associated with the storage and distribution of commodities through The Emergency Food Assistance Program (TEFAP).

The bill would provide \$322.1 million for this account. That includes \$222.9 million for the Commodity Supplemental Food Program. *The President's Budget would eliminate the account.* This would also provide

\$79.6 million for TEFAP expenses, \$18.5 million for the Farmers Market Nutrition Program – which the President’s budget would eliminate.

Conservatives may be concerned this account funds programs the President’s Budget would eliminate.

Title V - Foreign Assistance and Related Programs

Food for Peace: The bill would include \$1.5 billion in funding for Food for Peace Title II grants, a program the President’s budget proposed to eliminate.

McGovern-Dole: The bill would include \$210 million for the McGovern-Dole international food for education program.

Conservatives may be concerned these programs are funded and may consider them unnecessary.

Title VI - Related Agencies

FDA: The bill provides \$3.080 billion in discretionary funding along with authority to spend \$2.6 billion in user fees, for a total of \$5.7 billion in funding for the FDA.

NOTABLE POLICY PROVISIONS

Economic Research Service (ERS) Move out of DC: *Conservatives may be concerned the explanatory statement would indefinitely delay transferring the Economic Research Service (ERS) to the Office of the Chief Economist, and require more information on USDA’s proposal to move ERS and NIFA out of the metro D.C. area.*

Horse Meat Prohibition: The bill includes a prohibition of funding to inspect facilities for the slaughter of horses for human consumption, which effectively prohibits its commercial consumption.

Embryo Genetic Testing: The bill would prohibit the use of funds for the FDA to allow the genetic modification of embryos.

Prepackaged News Stories: The bill would prohibit the use of funds by an agency to produce any prepackaged news story unless the story includes a clear notification that it was prepared or funded by that agency.

“Variety” Requirements for SNAP Retailers Rule: The bill would prohibit use of funds to carry out the “variety” requirements of the [2016 final rule](#) entitled Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP).”

Pharmaceutical Electronic Communication Ban: The bill would prohibit the FDA from taking steps to allow disclosure of information for pharmaceuticals to prescribing health care professionals in electronic form (in lieu of in paper form).

Geographically Disadvantaged Farmers and Ranchers: *Conservatives may be concerned the bill would appropriate nearly \$2 million for the Geographically Disadvantaged Farmers and Ranchers program, under which the USDA is to provide direct reimbursement payments.*

Rural Energy Savings Program: The bill would appropriate funds for the [rural energy savings program](#)

National Bio- and Agro-defense Facility (NBAF): The bill would allow the USDA to appoint 50 people to the NBAF in Manhattan, Kansas at a rate of pay above the General or Executive Schedules.

Technical Assistance Grants Pilot Program for Conservation Reserve Program (CRP): The bill would appropriate \$1 million for the USDA's Commodity Credit Corporation (CCC) to make grants to CRP participants for forestry inventory analysis, forest management and economic outcomes modelling.

The RSC Budget for FY 2019 would eliminate the CRP.

Genetically Engineered Salmon: The bill would direct the FDA to not allow genetically engineered salmon to enter interstate commerce until the FDA publishes final labeling guidelines for informing consumers of such content.

Rural Water Projects Protectionism: Some conservatives may be concerned that the bill would prohibit certain rural water, waste water, waste disposal, and solid waste management projects from using non-American made iron and steel products.

Alternate Agricultural Risk Coverage Payment Calculation: The bill would establish a pilot program for FY 2019 that allows that USDA to use an alternate Agricultural Risk Coverage payment calculation for agricultural producers under the program. It would appropriate \$5 million for such purposes.

The RSC Budget for FY 2019 would eliminate the Agricultural Risk Coverage program.

Opioid Telemedicine: The bill would appropriate \$34 million, to remain available until expended, for telemedicine and distance learning services in rural areas to help address the opioid epidemic in rural America.

Some conservatives may be concerned that this funding is not limited to a specific timeframe which many would consider an abdication of Congress's power of the purse.

Rural Broadband Loan and Grant Pilot Program: The bill would appropriate an additional \$425 million, to remain available until expended, on top of the \$600 million in funding available until expended that was appropriated in the FY 2018 omnibus.

School Breakfast Program: The bill would prohibit the use of funds by the USDA to enforce a regulation requiring that in the School Breakfast Program, white potatoes cannot be used as a vegetable substitute for fruits.

Added Sugars: The bill would prohibit the use of funds for the FDA to enforce certain [labeling rules](#) that mandate single-ingredient foods to say on their labels that they contain added sugars (which does not necessarily include sugar that has actually been added).

Chinese Chicken: The bill would prohibit the use of funds to import poultry from China for use in federal food programs.

Fish for Pregnant Women: This would require the FDA to issue new advice, revising previous advice, on the topic of safe consumption of fish for pregnant women. It would have to be consistent with nutrition science recognized by the FDA.

Division C: Commerce, Justice, Science and Related Agencies Appropriations

The bill would provide \$71.85 billion in net discretionary funding for this bill, *a level that is \$5.76 billion above the President's requested level* and \$389 million above the FY 2018 enacted level.

Department of Commerce: The bill would provide the Department of Commerce \$11.4 billion, which is \$277 million above the FY18 enacted level and \$1.6 billion above the President's request.

Economic Development Administration: This bill would provide \$304 million in budget authority for the EDA, which provides duplicative and market distorting subsidies. *Both the RSC's and President's budgets called for its elimination.*

National Institute of Standards and Technology: The bill would provide NIST with \$985 million, \$213 million below the enacted FY18 level, and \$356 million above the President's Budget Request. The majority of the funds would be geared toward core research activities to improve competitiveness.

National Oceanic and Atmospheric Administration (NOAA): The bill would provide NOAA with \$5.425 billion, which is \$485 million below the FY18 enacted level and \$871 million above President Trump's requested amount. The bill maintains separate funding for the Joint Polar Satellite System (JPSS) and the Polar Weather Follow-on (PFO) Program and includes \$548 million and \$330 million for those programs, respectively.

Department of Justice (DOJ): The bill would provide the DOJ with \$30.9 billion, a level that is \$638 million above the FY 2018 enacted level and about \$2.1 billion above the President's request.

FBI: The Federal Bureau of Investigation would be provided \$9.6 billion, \$177 million above FY18 enacted level and \$653 million above the President's request. It would fund programs including anti-cybercrime, counterintelligence, and counterterrorism.

U.S. Marshals Service (USMS): The bill would provide the USMS with \$2.93 billion, \$24 million above the FY18 enacted level and \$104 million above the President's Request.

National Aeronautics and Space Administration (NASA): The bill would provide \$21.5 billion for National Aeronautics and Space Administration (NASA), \$763 million above the enacted FY18 level and \$1.6 billion above the President's Request. \$1.93 billion would be allocated for Earth Sciences, an account to which President Trump sought a seven percent cut.

National Science Foundation (NSF): The bill would provide \$8.1 billion for the NSF, \$308 million above the FY18 enacted level and \$603 million above the President's request.

Legal Services Corporation (LSC): The bill would fund the LSC at \$415 million, \$5 million above the FY18 enacted level and \$397 million above the President's Budget Request. *Conservatives may be concerned by this funding because the President's Budget proposed completely eliminating this program.*

Census Bureau: The bill would provide \$3.82 billion for the Census Bureau, *more than \$1 billion above the FY2018 enacted level.* The bill would limit obligations of Census IT funding to 50 percent until the Census Bureau delivers a report on its proposed spending on its Census Enterprise Data Collection and Processing program.

Unauthorized Appropriations: The bill would appropriate billions of dollars for dozens of programs that lack a current authorization.

NOTABLE POLICY PROVISIONS:

Crime Victims Fund (CVF) CHIMP: The bill would cap the amount of funds available for obligation from Crime Victims Fund deposits for obligation in FY2019 to \$3.35 million with the effect of delaying the availability of budget authority for one year and using that as an immediate offset to increase discretionary

spending in FY2019. *This is called Change in Mandatory Program (CHIMP), and is a fake budget gimmick used to increase spending.*

Guantanamo Bay: The bill would continue a current law provision to prohibit funds to construct, acquire, or modify a facility in the U.S. to house detainees held at Guantanamo Bay.

The bill would continue a current law provision to prohibit funds to transfer or release detainees held at Guantanamo Bay to the United States.

Cuban Trademarks: *The bill lacks language from the House-reported bill to prevent funds from being used to approve trademarks for businesses that have been confiscated by the Cuban government without the consent of the original owner or the owner's successor.*

Civilian Employee Job Protection: *Conservatives may be concerned that the bill would prohibit the use of funds to begin or announce a study or a public-private competition* regarding the conversion to contractor performance of any function performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

Abortion Funding: The bill would continue a current law provision to prohibit funds to pay for an abortion, except in the case of rape or to preserve the life of the mother. It would include language prohibiting the use of funds to require a person to perform or facilitate an abortion.

ZTE Corporation: *The bill lacks language that would generally prohibit the use of funds to acquire technology produced by Huawei Technologies Company, ZTE Corporation.*

Shotguns: The bill would prohibit funding to deny the importation of shotguns for sporting purposes.

Relic Firearms: The bill would prohibit funding to deny the importation of curio and relic firearms.

Firearms Export: The bill would prohibit funding to restrict the export of firearms to Canada.

Fast and Furious: The bill would prohibit funding to carry out a Fast and Furious gunwalking operation.

Rifle Reporting: *Some conservative may be concerned that the bill does not include a provision from the House-reported bill to prohibit funding for an unauthorized reporting and registration requirement regarding the sale of multiple rifles to the same person.*

Third Party Settlement Payments: *The bill does not include House rider prohibiting the Department of Justice from concluding a settlement that includes payment to a third party* – which would have potentially impacted a number of cases including those involving mortgage fraud and environmental pollution.

Arms Trade Treaty: The bill prohibits funding to implement the Arms Trade Treaty, absent ratification by the Senate.

Marijuana Laws: The bill includes language that would prevent the government from interfering in state medical marijuana laws.

Division D: Financial Services and General Government Appropriations Act, 2019

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 Conf Level	FY19 vs 18 Enacted	FY19 vs President
23,672	26,868	23,423	-248	- 3,445

The Financial Services and General Government Appropriations Act would appropriate a net total of \$23.423 billion, a level that is \$3.445 billion below the President’s Budget request (including program integrity) and \$248 million less than the FY 2018 enacted level.

Title I: Department of the Treasury

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 Conf Level	FY19 vs 18 Enacted	FY19 vs President
12,155	12,678	12,761	+605	+83

The Treasury would be appropriated a net total of \$12.6 billion, a level that is \$92 million below the President’s Budget request, \$430 million above the FY 2018 enacted level.

Treasury (Non-IRS): The non-IRS functions of the Treasury are appropriated \$1.458 billion, a level that is \$277 million above the President’s Budget request and \$733 million above the FY 2018 enacted level.

Office of Terrorism and Financial Intelligence: The bill would provide \$159 million for the Treasury’s Office of Terrorism and Financial Intelligence, a level that is the same as the President’s Budget request and \$17 million above the current FY 2018 level.

Fund for America’s Kids and Grandkids: *The bill does not contain this fund that would have been created by the House-passed bill.* According to the [Committee Report](#), it “is established to fund activities to further government efficiency, and through those efficiencies reduce the overall cost to operate government programs.” Pursuant to the House-passed bill, funds appropriated to the Fund would not be obligated until the Federal government is operating either at a surplus or zero deficit. The House-passed bill would appropriate \$585 million to this new account.

The Congressional Budget Office projects the federal deficit to rise from \$981 billion in FY 2019 to \$1.526 billion in 2028. The practical effect of the surplus/zero-deficit restriction in the House-passed bill is that it would be virtually impossible under current policy for the funds appropriated to the Fund to be spent so long as they remain in the fund.

Treasury Forfeiture Fund: The bill would rescind \$175 million in funds from the [Treasury Forfeiture Fund](#). The FY2018 Omnibus permanently rescinded \$702 million from the Fund.

The Fund is populated by assets seized pursuant to law-enforcement activities by the Treasury and certain Homeland Security agencies and is then available to support a [number of law enforcement activities](#). A smaller rescission of these funds means that more resources are available for law enforcement activities. A rescission from this fund is a “change in mandatory program” (CHIMPS). In the past, some rescissions from the Fund would reduce mandatory spending in the fiscal year under consideration, but would also increase mandatory spending in the out-years. Consequently, they would produce no real savings but be used to offset actual spending in the appropriations bill.

Some conservatives have expressed concerns in the past that seizures under various asset forfeiture programs fail to provide basic protections to citizens, and some may believe such activities to be

unconstitutional violation of the 4th Amendment. More information on asset forfeiture and the use of the Fund as a CHIMP is available from the [Heritage Foundation](#).

Internal Revenue Service (IRS): The bill would provide \$11.302 billion for the IRS, a level that is \$193 million below the president’s budget request, \$128 million below the current FY 2018 enacted level.

Additionally, the bill would appropriate an additional \$77 million to the IRS for either Taxpayer Services, Enforcement, or Operations Support accounts of the Internal Revenue Service to be used solely for carrying out the [Tax Cuts and Jobs Act](#) so long as the IRS submits to Congress a spending plan for such funds.

Civilian Pay Freeze: *Conservatives may be concerned that the bill would negate President Trump’s pay freeze for CY 2019 for federal civilian employees and institute a 1.9 percent raise.*

POLICY PROVISIONS:

Johnson Amendment: *The bill lacks language from the House-passed bill that would have prohibited the use of IRS funding to deny tax-exempt status to churches that participates in a political campaign.*

Targeting of Conservatives: The bill would prohibit the use of funds to target groups and individual citizens based upon their ideological beliefs or for exercising their First Amendment rights.

Hiring Former IRS Employees: The bill would prohibit hiring or awarding bonuses to IRS employees without taking into account the conduct and tax compliance of the employee.

Confidential Taxpayer Information: The bill would prohibit the use of funds in violation of [law](#) that prohibits the release of taxpayer return information by the federal government.

501(c)(4) Regulations: The bill would prohibit the use of funds for the IRS to issue regulations that would change the definition and standards for 501(c)(4) organizations. The IRS has attempted to rewrite regulations that would codify its practice of targeting conservative organizations. This important language is designed to protect the free speech rights of civic organizations.

Financial Action Task Force Reimbursement: The bill would allow the IRS to use funds appropriated for the Office of Terrorism and Financial Intelligence” to reimburse the “Departmental Offices—Salaries and Expenses” account for expenses incurred in such account for reception and representation expenses to support activities of the [Financial Action Task Force](#).

Cuba Issues: *The bill does not include language from the House-passed bill that would:*

- prohibit funds to approve, license, facilitate, authorize, or otherwise allow the importation of property confiscated by the Cuban Government; and
- prohibit approving or allowing the licensing of a mark, trade name, or commercial name that is substantially similar to one that was used in connection with a business or assets that was confiscated by Cuba, unless expressly consented.

Title II: Executive Office of the President

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 Conf Level	FY19 vs 18 Enacted	FY19 vs President
725.535	349.351	738.835	+13.300	+ 389.484

The Executive Office of the President would be appropriated a net total of \$739 million, a level that is \$389 million above the President’s Budget request, and \$13.3 million above than the FY 2018 enacted level.

White House Salaries and Expenses: The bill would provide \$55 million for White House staff salaries and expenses, a level that is the same as the President’s Budget request and the FY 2018 enacted level.

National Security Council and the Homeland Security Council: The bill would provide \$12 million for the National Security Council and the Homeland Security Council, a level that is \$1.5 million below the President’s Budget request and about the same as the FY 2018 enacted level.

Office of Management and Budget (OMB): The bill would provide \$103 million for the OMB, a level that is the same as the President’s Budget request and \$2 million above the FY 2018 enacted level.

Office of National Drug Control Policy (ONDCP): The bill would provide a total of \$417 million for the ONDCP, a level that is \$388 above the President’s Budget request and about the same as the FY 2018 enacted level.

POLICY PROVISIONS:

Impact of Executive Orders: The bill would require the OMB to include a statement of the budgetary impact (including costs, benefits, and revenues) of Executive Orders or Presidential Memorandum issued or revoked. For Memoranda, the requirement for cost estimates only applies when the estimated regulatory cost of the memorandum is in excess of \$100 million.

Signing Statements: *The bill would not prohibit the use of funds to prepare, sign, or approve statements abrogating legislation passed by Congress and signed by the president, as has been included in previous appropriations bills.*

Executive Orders Contravening Law: *The bill would not prohibit the use of funds to prepare or implement an Executive Order or Presidential Memorandum that contravenes existing law, as has been included in previous appropriations bills.*

Title III: The Judiciary

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 Conf Level	FY19 vs 18 Enacted	FY19 vs President
7,110	7,224	7,252	+ 142	+28

The Federal Judiciary would be appropriated a net total of \$7.252 billion, a level that is \$28 million above the President’s Budget request, \$142 million above the FY18 enacted level.

Supreme Court: The bill would provide the Supreme Court a total of \$104 million, a level that is nearly equal to the President’s Budget request and \$2.5 million above the FY 2018 enacted level.

Title IV: District of Columbia

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 Conf Level	FY19 vs 18 Enacted	FY19 vs President
721	658	725	- 4.2	+ 67

The District of Columbia (D.C.) would be appropriated a net total of \$725 million, a level that is \$67 million above the President’s Budget request and \$4.2 million below the FY 2018 enacted level.

College Tuition Subsidies: The bill would provide \$40 million for the DC Tuition Assistance Grant (DCTAG) program, a level that is 430 million above the President’s Budget request (which proposed to eliminate funding completely) and the same as the FY 2018 enacted level. The DCTAG program provides up to \$10,000 annually for undergraduate DC students to attend eligible four-year public universities and colleges nationwide at in-state tuition rates as well as grants of up to \$2,500 per year for students to attend private universities and colleges in the D.C. metropolitan area, private Historically Black Colleges and Universities nationwide, and public two-year community colleges nationwide.

POLICY PROVISIONS:

D.C. Local Funds: The bill provides authority for D.C. to spend its local funds. The bill would provide authority for D.C. to spend its local funds in the event of a federal government shutdown. The bill does not contain language from the House-passed bill that would repeal D.C.’s Local Budget Autonomy Amendment Act of 2012.

Assisted Suicide: *The bill does not contain language from the House-passed bill that would prohibit D.C. from using funds to enact any law to carry out assisted suicide.*

Reproductive Non-Discrimination Act: *The bill does not contain language from the House-passed bill that would prohibit the use of appropriated funds from being used to carry out the Reproductive Health Non-Discrimination Amendment Act of 2018 (D.C. Law 20– 261) which bars employers from making employment decisions based on an employee’s reproductive decisions.*

DC Individual Mandate: *The bill does not contain language from the House-passed bill that would negate the creation of an individual health insurance mandate in DC.*

Needle Exchanges: The bill would prohibit the use of federal funds for a drug needle exchange program.

Conscience Clause: The bill would maintain language supporting the conscience clause for contraceptive coverage by health insurance plans in D.C.

Drug Legalization: The bill would prohibit the use of federal fund to legalize or reduce the penalties against controlled substances including marijuana.

D.C. Hyde Amendment: The bill would prohibit the use of federal or local funds to provide for an elective abortion. Since 1979, Congress has prohibited the use of funds for abortion in D.C., except for FY 1994-95, and in FY 2010 through part of FY 2011.

Title V: Independent Agencies

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 Dem House Level	FY19 vs 18 Enacted	FY19 vs President
2,708	2,958	2,503	- 204	- 455

The independent agencies funded by the bill would be appropriated a net total of \$2.503 billion, a level that is \$455 million below the President’s Budget request and \$204 million below the FY 2018 enacted level.

Consumer Financial Protection Bureau (CFPB): *The bill does not contain language from the House-passed bill that would make the CFPB subject to the appropriations process in FY 2019.* Under the Dodd-Frank financial reform law, the CFPB is allowed to set its own budget using funds transferred from the Federal Reserve. This allows the CFPB to operate with no Congressional oversight. The bill also lacks House-passed language that would limit transfers to \$485 million in FY 2019, an amount equal to the President's Budget request.

Federal Communications Commission (FCC): The bill would provide \$339 million for the FCC, a level that is \$6 million above the president's budget request and \$17 million above the FY 2018 enacted level. The appropriation would be fully offset with offsetting collections.

Federal Election Commission (FEC): The bill would provide \$71 million for the FEC, a level that is equal to the President's Budget request and the FY 2018 enacted level.

Office of Personnel Management (OPM): The bill would provide a total of \$296 million for the OPM, a level that is the same as the President's Budget request and \$5 million above the FY 2018 enacted level.

Securities and Exchange Commission (SEC): The bill would provide the SEC with \$1.712 billion, a level that is \$13 million above the President's Budget request and \$184 million below the FY 2018 enacted level. This funding would be fully offset by fee collections.

The bill would not rescind \$25 million in unobligated balances from the SEC's Reserve Fund as requested in the President Budget request.

Small Business Administration (SBA): The bill would provide \$715 million for the SBA, a level that is \$38 million above the President's Budget request and \$14 million above the FY 2018 enacted level.

U.S. Postal Service (USPS): The bill would provide \$305 million for the USPS, a level that is \$15 million above the President's Budget request and \$5 million above the FY 2018 enacted level.

Limitation on Postal Reform: *Conservatives may be concerned that the bill contains language that would require that 6-day delivery shall continue at not less than the 1983 level and prohibit funds from being used to consolidate or close small rural and other small post offices.*

POLICY PROVISIONS:

Pro-Life: Sections 613 and 614 of the bill would prohibit funding abortion coverage through the Federal Employee Health Benefits Program (FEHBP), except in cases where the health of the mother is at risk or in the event of rape and incest. These provisions, sometimes called the Smith Amendment, were first enacted in 1983 and have consistently been included in appropriations bills.

The bill does not contain language from the House-passed bill that would prohibit abortion coverage through the Multi-State Plan Program created under Obamacare.

Conscience Clause: The bill would maintain conscience protections for contraceptive coverage by health insurance plans in the FEHB.

Discretionary Spending Cap Adjustment Authority: *Conservatives may be concerned that the bill would direct the Office of Management and Budget (OMB) to adjust the defense or non-defense discretionary spending caps upward in an amount as high as 0.2 percent of the sum of the adjusted discretionary spending limits for both categories for the fiscal year when there is a breach of the spending caps due to estimating differences between OMB and the Congressional Budget Office (CBO).* For FY 2019, the adjustment could be as high as \$2.488 billion.

Recreational Off-Road Vehicles: The bill would prohibit the Consumer Product Safety from moving forward with finalizing a rule designed to make vehicles safer until a National Academy of Sciences study is complete.

Food Marketed to Children: The bill would prohibit funds for the Federal Trade Commission to complete or publish the study, recommendations, or report prepared by the Interagency Working Group on Food Marketed to Children unless the FTC complies with E.O. 13563.

Internet Service Provider (ISP) Privacy Protection: The bill would prohibit agencies from requiring ISPs to disclose electronic communications information in a manner that violates the Fourth Amendment.

Political Disclosures: The bill would prohibit the SEC from requiring the disclosure of political contributions, contributions to tax-exempt organizations, or dues paid to trade associations. The bill would also prohibit the federal government from requiring federal contractors to disclose political contributions.

FEC Prior Approval Requirement: The bill lacks House-passed legislation that would prohibit funds from being used to enforce the Federal Elections Commission's prior approval requirement for corporate member trade association PACs.

Whistleblower Protection: The bill prohibits payment of salary to any federal employee who threatens or prohibits another federal employee from communicating with Congress.

Unions: The bill prohibits the federal government from disclosing the home addresses of federal employees to labor unions without employee authorization.

Official Duties: The bill would require executive employees to make a reasonable effort to use official time to complete their official duties.

Collection of Internet Activities: The bill contains language prohibiting the use of funds to monitor personal access or use of Internet sites or to collect, review, or obtain any personally identifiable information relating to access to or use of an Internet site.

Contractor Political Contributions: The bill would prohibit the use of funds to require any entity submitting an offer for a Federal contract or participating in an acquisition to disclose political contributions.

Federal Flood Risk Management Standard: *The bill does not contain language from the House-passed bill that would prohibit the use of funds to implement or enforce [Executive Order 13690](#) establishing a Federal Flood Risk Management Standard.*

Blood Diamonds: The bill does not contain language from the House-passed bill that would prohibit the use of funds to implement, administer, or enforce a rule issued pursuant to section 13(p) of the Securities Exchange Act of 1934 which calls on the SEC to create rules requiring issuers with conflict minerals that are necessary to the functionality or production of a product manufactured by such person to disclose annually whether any of those minerals originated in the Democratic Republic of the Congo or an adjoining country.

Unauthorized Appropriations: The bill includes billions in appropriations for dozens of programs that are not authorized by law.

[Division E: Department of the Interior, Environment, and Related Agencies Appropriations Act, 2019](#)

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 Conference Level	FY19 vs 18 Enacted	FY19 vs President
35,252	28,276	35,552	+300	+7,275

Net total discretionary budget authority appropriated for the Department of the Interior, Environment, and Related Agencies Appropriations under bill for FY 2019 totals \$35.552 billion, \$300 million above the FY 2018 enacted level, and *\$7.3 billion more than the President's request.*

Title I: Department of the Interior

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 Conf Level	FY19 vs 18 Enacted	FY19 vs President
13,053	10,527	12,958	-95	+ 2,431

The bill would provide \$12.9 billion in discretionary appropriations for the Department of the Interior, a level that is \$2.4 billion above the President's Budget request and \$95 million below the FY 2018 enacted level.

Bureau of Land Management (BLM): The bill would provide \$1.31 billion in discretionary appropriations for the BLM, a level \$322 million above the President's Budget request and \$14 million above the FY 2018 enacted level.

The bill would provide \$1.179 billion for Management of Lands and Resources, \$28.5 million for BLM Land Acquisition coming from the Land and Water Conservation Fund (the bill appropriates a total of [\\$187.7 million](#) for federal land acquisition funded from the LWCF including other agencies), and \$107 million for Oregon and California Grant Lands.

Many conservatives oppose funding land acquisition and increasing the property holding of the federal government.

Wild Horses & Burros: The bill contains language that would prohibit the use of BLM funds for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

U.S. Fish and Wildlife Service (FWS): The bill would provide \$1.58 billion in discretionary appropriations for the FWS, a level \$351 million above the President's Budget request and \$17 million below the FY 2018 enacted level.

The bill would provide \$1.292 billion for resource management, \$54 million for construction, \$65 million for land acquisition, \$53 million for the Cooperative Endangered Species Conservation Fund – a program the President's FY 2019 Budget would eliminate, \$42 million for the North American Wetlands Conservation Fund, \$4 million for Neotropical Migratory Bird Conservation, \$11.5 million for the Multinational Species Conservation Fund, and \$64.6 million for State and Tribal Wildlife Grants – a program the President's FY 2019 Budget would cut in half.

The bill would dictate that \$3 million of funds appropriated to the FWS shall be provided to the National Fish and Wildlife Foundation. Some conservatives may interpret this appropriation to be an earmark.

National Park Service (NPS): The bill would provide \$3.22 billion in discretionary appropriations for the NPS, a level \$520 million above the President's Budget request and \$20 million above the FY 2018 enacted level.

Centennial of the NPS: The National Parks Service turned 100 years old in 2016. For the [Centennial Challenge](#) program, the bill would provide \$20 million to provide matching grants to "improve visitor services, support outreach to new audiences, and strengthen partnerships to reinvigorate national parks and forge connections to new communities." *This may concern conservatives given that the President's Budget request would have not funded the program.*

U.S. Geological Survey (USGS): The bill would provide \$1.18 billion in discretionary appropriations for the USGS, a level \$301 million above the President's Budget request and \$12 million more than the FY 2018 enacted level.

Bureau of Ocean Energy Management (BOEM): The bill would provide \$129.45 million in net discretionary appropriations for the BOEM, a level the same as the President's Budget request and \$15 million above the FY 2018 enacted level. This bureau is charged with offshore energy leasing activities, including developing the Five-Year Outer Continental Shelf Oil and Gas Leasing Program.

The bill (in Section 108) includes language that would allow the Interior Department to transfer funds to successor offices or bureaus from affected accounts. The result would be that it is easier for the DOI to potentially reorganize its operations.

Bureau of Safety and Environmental Enforcement: The bill would provide \$136.25 million in net discretionary appropriations for the Bureau of Safety and Environmental Enforcement, a level \$4 million more than the President's Budget request and \$13 million more than the FY 2018 enacted level. This bureau is charged with regulating safety of offshore energy activities.

Office of Surface Mining Reclamation and Enforcement (OSM): The bill would provide \$255 million in discretionary appropriations for the OSM, a level \$133 million above the President's Budget request and the same as the FY 2018 enacted level. The OSM is charged with reclaiming abandoned coal mines for environmental purposes, often in cooperation with state agencies.

Abandoned Mine Reclamation Fund: Within funding for the Office of Surface Mining Reclamation and Enforcement, the bill would provide \$139.7 million for payments from the Abandoned Mine Reclamation Fund under the [Abandoned Mine Land \(AML\) Reclamation Program](#), a level \$133 million above the President's Budget request and the same as the FY 2018 enacted level. The AML program collects fees on coal production and distributes grants to states and tribes to reclaim land and waters damaged by coal mining.

Of the total payments, \$53 million is derived from the Abandoned Mine Reclamation Fund and \$115 million is from the Treasury's General Fund for grants to states.

Within the total payments, the bill directs that of the \$115 million for state and Indian tribe grants \$75 million to the three Appalachian States with the largest unfunded needs for the reclamation of Priority 1 and Priority 2 sites, and \$30,000,000 to be distributed in equal amounts to the 3 Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and \$10,000,000 shall be for grants to federally recognized Indian Tribes.

Indian Affairs: The bill would provide a total of \$3.08 billion in discretionary appropriations for the Bureau of Indian Affairs and the Bureau of Indian Education, a level \$666 million above the President's Budget request and \$17 million above the FY 2018 enacted level. These bureaus provide services such as law

enforcement, elementary and secondary education, and social programs to 1.9 million Native Americans in the 567 federally recognized tribes.

Office of the Secretary: The bill would provide \$124.9 million for the Office of the Secretary to provide departmental operations, a level \$10 million less than the President’s Budget request, and about the same as the FY 2018 enacted level.

Payments in Lieu of Taxes (PILT): The bill would provide \$500 million in discretionary funding for PILT. The President’s Budget requested \$465 million for this purpose. The FY 2018 enacted level was \$530 million. This program compensates local governments for the lost property taxes within their jurisdiction because of untaxable federal land.

Wildland Fire: The bill would provide \$3.05 billion for wildland fire management activities. This includes \$941.2 million for the DOI and \$3 billion for the Forest Service (FS). This amount would provide fire suppression funding at \$500 million above the 10-year average. A CRS report on the wildfire programs can be found [here](#).

Pursuant to the [FY 2018 Omnibus](#), wildfire suppression funding will be exempt from the Budget Control Act discretionary spending caps up to \$2.25 billion in FY 2020 and growing to \$2.95 billion in FY 2027.

Land and Water Conservation Fund (LWCF): The bill would appropriate a total of \$435 million from the LWCF for state and local programs, the Forest Legacy Program, and Federal Land Acquisition.

NOTABLE POLICY PROVISIONS:

Wild Horse and Burro: The bill authorizes the Interior department to enter into multi-year agreements with nonprofit organizations for the long-term care and maintenance of excess wild free roaming horses and burros by such organization on private land. Agreements may not exceed 10 years. The bill also authorizes the Secretary of the Interior to transfer excess wild horses or burros that have been removed from the public lands to other Federal, State, and local government agencies for use as work animals.

Sage Grouse: The bill includes a provision that would prohibit the issuance of a proposed rule for the Sage grouse under the Endangered Species Act.

Gray Wolves: *The bill does not include a provision from the House-passed bill that would require the Interior Department within 60 days of enactment to re-issue final rules removing gray wolves in Wyoming and the Great Lakes region from listing under the Endangered Species Act.* Nor does the bill contain language from the House-passed bill that would require by the end of the fiscal year 2019 that the Interior Department to issue a rule to remove the gray wolf (except for the Mexican gray wolf) in each of the 48 contiguous states from the List of endangered and threatened wildlife.

Title II: Environmental Protection Agency (EPA)

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 Conf Level	FY19 vs 18 Enacted	FY19 vs President
8,058	6,191	8,058	0	+ 1,866

The bill would provide \$8.058 billion in appropriations for the EPA under Title II, a level that is \$1.87 billion above the President’s Budget request and the same as the current FY 2018 enacted level.

Science and Technology: The bill would provide \$717 million for EPA Science and Technology, a level that is \$268 million above the President’s Budget Request and \$4 million more than the FY 2018 enacted level. This account funds research related to environmental, climate, and health concerns.

Environmental Programs and Management: The bill would provide \$2.598 billion for Environmental Programs and Management, a level \$813 million above the President’s Budget request and the same as the FY 2018 enacted level. This account funds abatement, prevention, enforcement, and compliance activities of the EPA.

Clean Air: The bill would provide \$273 million for Clean Air activities within the Environmental Programs and Management account, a level \$130 million above the President’s Budget request and the same as the FY 2018 enacted level.

Great Lakes Restoration Initiative: The bill would provide \$300 million for the Great Lakes Restoration Initiative, a level that is \$270 million above the President’s Budget request and equal to the FY 2018 enacted level, which may concern some conservatives.

Hazardous Substances Superfund: The bill would provide \$1.091 billion for the Hazardous Substances Superfund, a level \$3.1 million above the President’s Budget request and the same as the FY 2018 enacted level. This fund is used to clean up emergency hazardous materials, spills, and dangerous, uncontrolled, and abandoned hazardous waste sites.

State and Tribal Assistance Grants (STAG): The bill would provide \$3.605 billion for STAG, a level \$675 million above the President’s Budget request and \$42.8 million above the FY 2018 enacted level. STAG provides infrastructure assistance to local governments for environmental projects and categorical grants to state and tribal governments to operate environmental programs.

Water Infrastructure Programs: The bill would provide \$3 billion for water infrastructure programs, including \$1.7 billion for the Clean Water State Revolving Fund; \$1.2 billion for the Drinking Water State Revolving Fund; and \$68 million for the Water Infrastructure Finance and Innovation Act (WIFIA) Program, including \$8 million for administration and \$60 for direct loan subsidies.

The bill also provides that 10 percent of the Clean Water State Revolving Fund and 20 percent of Drinking Water State Revolving Fund made available to each state should be used for forgiveness of principal on negative interest loans.

Diesel Emissions Reduction Act (DERA) Grants: *The bill would provide \$87 million for DERA. The [RSC Budget](#) recommended eliminating DERA grants because “Grants made under Diesel Emissions Reduction Act (DERA) have gone to wasteful projects involving cherry pickers, electrifying parking spaces at rest stops, and retrofitting old tractors.”* For fiscal year 2019, the Agency is directed to continue to make at least 70 percent of DERA grants available to improve air quality in non-attainment areas.

Fountain Pens: The bill does not contain language from the House-passed bill under which the EPA would not be authorized to obligate or expend more than \$50 to purchase of any individual fountain pen.

Title III: Related Agencies

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 Conf Level	FY19 vs 18 Enacted	FY19 vs President
13,365	11,558	13,744	+378	+ 2,186

The bill would provide \$13.744 billion in discretionary appropriations for related agencies, a level \$2.186 billion above the President's Budget request and \$378 million above the FY 2018 enacted level.

Forest Service: The bill would provide a total of \$6.087 billion for the U.S. Department of Agriculture Forest Service (including wildland fire management funding amounting to about \$3 billion), a level \$1.428 billion above the President's Budget request and \$152 million above the FY 2018 enacted level.

National Forest System: With Forest Service funds, the bill would provide \$1.938 billion for the National Forest System, a level \$217 million above the President's Budget request and \$14 million above the FY 2018 enacted level.

Indian Health Service: The bill would provide \$5.8 billion for the Indian Health Service, a level \$380 million above the President's Budget request and \$266 million above the FY 2018 enacted level.

Smithsonian Institution: The bill would provide \$1.043 billion for the Smithsonian Institution, a level \$86 million above the President's Budget request and about the same as the FY 2018 enacted level.

National Gallery of Art: The bill would provide \$168.4 million for the National Gallery of Art, a level \$21 million above the President's Budget request and \$2 million above the FY 2018 enacted level.

Kennedy Center: The bill would provide a total of \$41.3 million in subsidies for the John F. Kennedy Center for the Performing Arts in Washington, D.C., a level \$3.8 million above the President's Budget request and about equal to the FY 2018 enacted level.

The RSC Budget proposed eliminating this funding, stating "It is inappropriate for the federal government to subsidize a performing arts center in one of the wealthiest areas in the country." Article I, Section 8, Clause 8 of the [Constitution](#) states that "The Congress shall have Power ... To promote the ... useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." However, the enumerated powers in the Constitution do not explicitly include the authority for Congress to provide direct taxpayer subsidies for the arts.

Many conservatives may believe that these subsidies are not necessary; the Kennedy Center has the ability to charge market-rate ticket prices for its shows and events. Tickets for the Broadway show *Hamilton* [retail for \\$199-625](#), and are available on the secondary market for higher. The Kennedy Center's [website](#) currently lists 16 multinational corporations as Executive benefactors contributing at least \$250,000 annually and 17 in the Corporate Leadership Circle as giving over \$100,000 per year, along with other contributors. The Kennedy Center also accepts tax-deductible contributions from individuals.

Wilson Center: The bill would provide \$12 million for Woodrow Wilson International Center for Scholars, *a level that is \$4.5 million above the President's Budget request and equal to the FY 2018 enacted level*. The [Wilson Center](#) is a taxpayer funded "think tank".

National Endowment for the Arts. The bill would provide \$155 million for the [National Endowment for the Arts](#), a level that is \$126 million above the President's Budget request and \$2 million above the FY 2018 enacted level. *The RSC Budget proposed eliminating this funding*, stating "Support for the arts can easily, and more properly be found from non-governmental sources." The [Heritage Foundation](#) supports eliminating this program. Article I, Section 8, Clause 8 of the [Constitution](#) states that "The Congress shall have Power ... To promote the ... useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." However, the enumerated powers in the Constitution do not include the authority for Congress to provide direct taxpayer subsidies for the arts.

National Endowment for the Humanities. The bill would provide \$155 million for the [National Endowment for the Humanities](#), a level that is \$113 million above the President's Budget request and \$2

million above the FY 2018 enacted level. *The RSC Budget proposed eliminating this funding*, stating “Support for the arts can easily, and more properly be found from non-governmental sources.” The [Heritage Foundation](#) supports eliminating this program. Article I, Section 8, Clause 8 of the [Constitution](#) states that “The Congress shall have Power ... To promote the ... useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” However, the enumerated powers in the Constitution do not include the authority for Congress to provide direct taxpayer subsidies for the arts.

NOTABLE POLICY PROVISIONS:

Obligation Requirement: Would require that amounts appropriated by this Act to the Department of the Interior shall be available for obligation and expenditure not later than 60 days after the date of enactment of this Act.

California Infrastructure and Water Projects: The bill does not contain language from the House-passed bill that would have exempted from judicial review: 1) the California WaterFix project from judicial review under state or federal law, including claims arising under the ESA, NEPA, Clean Water Act, California Endangered Species Act, and California Environmental Quality Act; and 2) water projects operated by the California Department of Water Resources, and all projects authorized under section 2 of the CALFED Bay-Delta Authorization Act.

Marbled Murrelet: *The bill does not contain language from the House-passed bill that would prohibit the use of funds to set aside forest land for marbled murrelet.*

Biomass Energy: The bill would continue language to direct the EPA, Energy Department, and Agriculture Department to ensure that emissions from burning biomass are treated as carbon-neutral.

Waters of the United States: *The bill does NOT contain language in the House-passed bill to repeal the Army Corps of Engineers and the Environmental Protection Agency (EPA) rule changing the definition of “navigable waters” under the Clean Water Act.*

In 2014, the EPA and the Corps proposed regulations that would reverse the long-standing definition of what waters would be regulated by the Clean Water Act. These regulations would place significant permitting and regulatory costs on many property owners. This regulation has been criticized by the [Heritage Foundation](#) as allowing regulation of “all ditches, except in narrow circumstances... even includ[ing] man-made ditches,” and by the [U.S. Chamber of Commerce](#) that it would “subject farmers, ranchers, manufacturers, home builders, local governments—nearly any property owner—to new layers of reviews and permitting.”

Prohibition on Lobbying: The bill includes a provision that would prohibit the use of funds to promote public support or opposition to legislation before Congress.

Greenhouse Gas Permitting: The bill includes a provision that would prohibit the EPA from implementing a regulation that would require permitting under the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

Manure Management Reporting: The bill includes a provision that would prohibit the EPA from implementing a regulation that would require reporting of greenhouse gas emissions from manure management systems.

Lead in Ammunition and Fishing Tackle: The bill includes a provision that would prohibit regulating the lead content of ammunition or fishing tackle.

Iron and Steel Domestic Sourcing Requirement: The bill would generally require that all iron and steel components used in public water system construction or improvements paid for with State water pollution control revolving funds must be produced in the United States. *This provision may concern some conservatives.*

Permitting for Agricultural Activities: The bill includes a provision that would prohibit the use of funds to require permits for the discharge of dredged or fill material under the Clean Water Act (CWA) for agricultural activities identified in subparagraphs (A) and (C) of Section 404(f)(1) of the CWA.

Agricultural Nutrients: The bill does not contain language from the House-passed bill that would prevent the EPA from issuing regulations applying to animal feeding operation under the Solid Waste Disposal Act.

Closing Areas for Hunting and Shooting: *The bill does not include a provision from the House-passed bill that would prohibit the BLM from closing areas that were open to recreational hunting and shooting as of January 1, 2013.*

Wild Horse and Burros Management: The bill does not contain language from the House-passed bill that would allow the Interior Department to manage wild horses and burros as a non-reproducing or single-sex herd, including through sterilization.

Ozone: The bill does not include language delaying or prohibiting implementation and enforcement of the ozone regulations published in October 2015. Last Congress, the House passed [H.R. 806](#), the Ozone Standards Implementation Act of 2017 to delay the 2015 regulations.

Unauthorized Appropriations: The bill includes billions of dollars in appropriations for dozens of programs that are not authorized by law.

Division F: Department of State and Foreign Operations

The bill would provide a net total of \$46.4 billion in Fiscal Year 2019 base discretionary budget authority that is subject to the Budget Control Act (BCA) discretionary spending caps, which is \$4.2 billion above the FY18 enacted level and \$3.6 billion above the President's Budget Request.

The bill also includes \$8 billion in Overseas Contingency Operations (OCO/GWOT) funding that is exempt from the BCA spending caps, which is double the FY18 enacted level and \$8.3 billion more than the President's Request.

In total, the bill would provide \$54.4 billion in discretionary appropriations for the Department of State and foreign operations.

Title I: Department of State

The Department of State would be appropriated \$12.1 billion, a level that is \$1.5 billion below President Trump's budget request and \$51 million above the FY 2018 enacted level.

Diplomatic Programs: The bill would provide \$5.947 billion in base funding for Diplomatic Programs, in addition to \$3.2 billion in OCO funding.

Educational and Cultural Exchange Programs: The bill would provide \$701 million for Educational and Cultural Exchange Programs.

Embassy Security, Construction and Maintenance: The bill would provide \$1.975 million in base funding for Embassy Security, Construction and Maintenance. It would not provide OCO funding for this purpose.

Contributions to International Organizations: The bill would provide \$1.3 billion in base funding for contributions to international organizations, in addition to \$96 million in OCO funding.

Contributions for International Peacekeeping Activities: The bill would provide \$562 million for in base funding for Contributions for International Peacekeeping Activities, in addition to \$989 million in OCO funding.

Broadcasting Board of Governors: The bill would provide \$808 million for the Broadcasting Board of Governors.

U.S. Institute of Peace: The bill would provide \$38.6 million for the U.S. Institute of Peace.

Title II: United States Agency for International Development (USAID)

The USAID would be appropriated \$1.21 billion in base funding for operating expenses, a level that is \$99 million above President Trump's budget request and \$25 million below the FY 2018 enacted level. The bill would also provide \$158 million in OCO funding for operating expenses.

Title III: Bilateral Economic Assistance

Bilateral Economic Assistance would be appropriated \$22.668 billion, a level that is \$3.2 billion above President Trump's budget request and \$3.1 billion above the FY 2018 enacted level.

Global Health Programs: The bill would provide \$8.837 billion for Global Health Programs, more than \$2 billion more than the President requested.

Development Assistance: The bill would provide \$3 billion for Development Assistance. The President's budget proposed eliminating this account.

International Disaster Assistance: The bill would provide \$3.8 billion for International Disaster Assistance.

Migration and Refugee Assistance: The bill would provide \$2.028 billion for Migration and Refugee Assistance, in addition to \$1.4 million in OCO funding, more than \$1 billion over the FY18 enacted level.

Title IV: International Security Economic Assistance

International Security Assistance would be appropriated \$8.598 billion, a level that is \$1.3 billion above President Trump's budget request and \$997 million below the FY 2018 enacted level.

Foreign Military Financing Program: The bill would provide \$5.962 billion for the Foreign Military Financing Program, in addition to \$229 million in OCO funding. Israel would receive \$3.3 billion under this account.

Title V: Multilateral Assistance

Multilateral Assistance would be appropriated \$1.856 billion, a level that is \$440 million above President Trump's budget request and about the same as the FY 2018 enacted level.

Title VI: Export and Investment Assistance

Export-Import Bank: *Many conservatives will be concerned that the bill would provide an appropriation of \$115.7 million for administrative expenses of the Ex-Im bank, paid for with offsetting collections.*

OPIC: *Many conservatives will be concerned that the bill would provide total appropriations of 79.2 million for the Overseas Private Investment Corporation (OPIC), paid for with offsetting collections.*

Title VIII: Overseas Contingency Operations (OCO)

OCO would be appropriated \$8 billion, a level that is \$8.3 billion above President Trump's budget request and \$4.018 billion below the FY 18 enacted level.

NOTABLE POLICY PROVISIONS:

Pro Life Provisions: The bill continues current law pro-life provision, including the:

- “Tiahrt Amendment,” which ensures family planning programs are voluntary.
- “Helms Amendment,” which bans foreign aid from being spent on abortions.
- “Kemp-Kasten Amendment,” which prohibits funds to organizations the President determines to support coercive abortion or involuntary sterilization.

Mexico City Policy: The bill does NOT contain bad language from the Senate version to negate President Trump's expanded Mexico City Policy (“Protecting Life in Global Health Assistance (PLGHA)). Language in the Senate version provides that foreign NGOs may receive foreign assistance funding even if their health or medical services, including counseling and referral services, include abortion, so long as these activities are legal in the local country and in the United States. On January 23, 2017 the Trump Administration issued a Presidential Memorandum reinstating the Mexico City Policy and applying it to all Global Health funding.

United Nations Population Fund (UNFPA): *The bill does not prohibit funds for the UNFPA as the House-reported bill would. The bill provides \$32.5 million for the fund.*

Green Climate Fund: The bill would provide that no funds are made available for a contribution, grant, or any other payment to the Green Climate Fund.

Prohibition on Assistance to State Sponsors of Terror: The bill would prohibit funds for assistance for the governments of Cuba, North Korea, Iran, and Syria.

Prohibition on Assistance to Coups: The bill would prohibit funds for assistance to countries where the democratically elected government is deposed by a military coup.

U.N. Arms Trade Treaty: The bill would prohibit funding to implement the UN Arms Trade Treaty unless ratified by the Senate.

Guantanamo: The bill lacks language that would require the Secretary of State to notify Congress within 5 days after the conclusion of an agreement with a country to receive a Guantanamo detainee with the details of the agreement.

Arab League Boycott of Israel: The bill would express the sense of Congress that that Arab League Boycott of Israel is an impediment to peace in the region.

Aid for Palestine: The bill would prohibit assistance for Palestine until Palestine has demonstrated a firm commitment to peaceful co-existence with the State of Israel.

Division G: Transportation, Housing, and Urban Development

The bill would provide \$71.1 billion in net discretionary appropriations for the Departments of Transportation, Housing, and Urban Development, and related agencies, a level that is \$23.1 billion above the President's Request and \$29 billion below the FY 2018 enacted level (when \$29.8 billion in FY2018 emergency funding is included).

Title I: Department of Transportation

The bill would appropriate \$26.493 billion on net for the Department of Transportation, a level that is \$10.4 billion higher than the President's Request and \$782 million lower than the FY 2018 enacted level.

TIGER Grants (now known as BUILD grants): *Some conservatives may be concerned that the bill funds \$900 million in TIGER Grants. President Trump's budget would eliminate them.*

As described by the [RSC budget](#), "TIGER Grants, also called the National Infrastructure Investment Program, were created by President Obama's failed Stimulus law. The program is particularly problematic because projects are selected by the administration, often for political purposes (Democrat districts received 69 percent of funding during the Obama administration), and go towards projects that would be [more appropriately funded by state or local governments](#). [GAO](#) has found problems with the funding decisions made by the administration under this program.³⁹⁴ The TIGER program is a remarkably poor investment, and Congress chose not to reauthorize it in the highway bill signed into law by President Obama in 2015. Ending appropriations for TIGER Grants beginning in FY 2018 would save taxpayers \$500 million each year. The president's Budget Blueprint calls for ending this unauthorized program."

Essential Air Service (EAS) (Payments to Air Carriers): The bill would provide EAS with \$175 in discretionary funding. This program also receives mandatory funding.

President Trump has requested that Congress eliminate this wasteful program because EAS flights are not full and have high subsidy costs per passenger. Several EAS-eligible communities are relatively close to major airports, and communities that have EAS could be served by other existing modes of transportation.

The [RSC](#) budget would also eliminate EAS.

Federal Aviation Administration (FAA): The bill would provide a total of \$17.45 billion in budgetary resources for the FAA. Approximately \$3.3 billion of this sum comes from the Airport and Airway Trust fund and the remainder from new discretionary appropriations.

Federal Highway Administration (FHWA): The bill would provide \$49.3 billion, with \$46 billion coming from the Highway Trust Fund, for the FHWA highway program.

Amtrak: The bill would provide \$1.94 billion for Amtrak which is \$1.2 more than the budget request and equal to the fiscal year 2018 enacted level.

President Trump has requested that Congress eliminate federal funding for Amtrak's money-losing long distance service.

MagLev Technology: *The bill would appropriate \$10 million for magnetic levitation train projects. Maryland is looking into a project to connect DC to Baltimore.*

Mass Transit: *The bill would provide \$9.9 billion from the Highway Trust Fund for mass transit.*

The [RSC Budget](#) would eliminate the Mass Transit account.

New Starts (Capital Investment Grants): The bill would provide \$2.553 billion for the New Starts Capital Investment Grants program. *The would more than double the President's Request of \$1 billion.*

As described by the [RSC Budget](#), "The New Starts Program, sometimes called Capital Investment Grants, provides billions in subsidies to local transit for capital improvements to fixed-guideway projects, including streetcars, subways, and dedicated bus lanes. Often these projects are inefficient and fail to reduce congestion. Because this program subsidizes only new projects, it incentivizes transit agencies to build

expensive projects without regard to cost, putting taxpayers on the hook for operating costs down the road and diverting funds from adequately maintaining existing roads and other infrastructure.”

President Trump’s budget proposed to limit funding for this program to “projects with existing full funding grant agreements only. Future investments in new transit projects would be funded by the localities that use and benefit from these localized projects. “

Taxpayer Funding for the D.C. Metro: *The bill would provide a direct appropriation of \$150 million to the D.C. Washington Metropolitan Area Transit Authority (WMATA).*

As described by the [RSC Budget](#), “The federal government should not be directly subsidizing the public transit system of one of the most affluent metropolitan areas in the U.S.”

Title II: Department of Housing and Urban Development

The bill would provide \$44.2 billion in net discretionary appropriations for the Department of Housing and Urban Development, a level that is *\$12.5 billion more than the President’s Request* and \$1.5 billion more than the FY 2018 enacted level. The bill would also provide \$4.4 billion in advance appropriations for FY 2020.

Tenant-Based Rental Assistance Section 8 Housing: The bill would provide \$22.6 billion for Section 8 Public Housing, which is more than \$2 billion over the President’s Request.

Public Housing Capital Fund: The bill would provide \$2.775 billion for the Capital Fund. President Trump’s budget would not fund this account.

Public Housing Operating Fund: The bill would provide \$4.65 billion for the Operating Fund, nearly \$1.4 billion more than President Trump’s budget requested.

Community Development Block Grant (CDBG): *The bill would provide \$3.3 billion for the CDBG, which has been unauthorized since 1994.*

President Trump’s budget proposed to eliminate CDBG because “The Federal Government has spent over \$150 billion on this block grant since its inception in 1974, but the program is not well-targeted to the poorest populations and has not demonstrated results.”

Project Based Rental Assistance: The bill would provide \$11.7 billion for Project Based Rental Assistance.

NOTABLE POLICY PROVISIONS

Use of Prior Earmarked Funds: The bill would allow a State to use for certain projects under the Surface transportation block grants program and Puerto Rico and Territorial Highway programs any earmarked amount with prior State notice. Notwithstanding the original period of availability of funds to be obligated, funding would remain available for obligation for 3 fiscal years after notice is provided.

Long Distance Train Routes: The bill would express the sense of Congress that long-distance passenger rail routes are important.

New Starts Share: The bill contains language prohibiting entering into a full funding grant agreement for a project with a New Starts share greater than 51 percent.

Electronic Logging Devices: The bill would exempt transporters of livestock or insects from complying with regulations requiring the use of electronic logging devices.

Capital Investment Grants (CIG) program: The bill would prohibit the use of funds by the Federal Transit Administration to carry out the policies explained in June 29, 2018 “Dear Colleague” from the FTA that generally call on strong local financial commitment and stable, reliable, and dependable non-Federal funding sources for local projects approved under the Capital Investment Grants (CIG) program. *The Dear Colleague says that it considers federal loans to be a cost, and this is the same position that the FTA has taken with respect to the Gateway Tunnel project, a project that many conservatives oppose.*

HOME Investment Trust Fund program: Under existing law, if any funds becoming available to a participating jurisdiction under the HOME Investment Trust Fund program are not placed under binding commitment to affordable housing within 24 months after the last day of the month in which such funds are deposited in the jurisdiction’s HOME Investment Trust Fund, the jurisdiction’s right to draw such funds from the HOME Investment Trust Fund shall expire. The bill would eliminate this temporal limitation through 2021.

State and local inspections: *The bill lacks language in the House-reported bill that would prohibit the use of funds to interfere with state and local inspections of state and local public housing units.*

Rating Factor: The bill would prohibit the use of funds to apply a “rating factor” in the award of funds made available and requiring competitive selection under the bill, including with respect to EnVision Centers.

Housing choice voucher mobility demonstration: The bill has a provision that would authorize a housing choice voucher mobility demonstration.

President Flight Restriction Reimbursements: Some conservatives may be concerned that the bill would allow up to \$3.5 million to be used to reimburse local airports impacted by temporary flight restrictions for any residence of the President that is designated or identified to be secured by the United States Secret Service, but only after an independent audit.

Gateway Tunnel: While the bill does not specifically direct funds to the Gateway tunnel project, some conservatives, may be concerned that the project could receive funding through programs appropriated under the bill, such as the Capital Investment Grants Program.

California Bullet Train: The bill is silent on the issue of [President Trump’s recent demand](#) that California return \$3.5 billion in funding that it received to implement a bullet train.

Unauthorized Appropriations: The bill would appropriate billions of dollars for dozens of programs that lack a current authorization.

[Division H: Program Extensions & Budgetary Waivers](#)

“Immigration Extensions” provided in Title II of [Division M of the FY 2018 Omnibus](#).

The bill contains extensions running through the end of FY 2019 that 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”

Budgetary Waivers:

This section would provide that the budgetary effects of Division H shall not be entered on the Senate or Statutory [PAYGO Scorecards](#). The bill would further provide that the effects of this Division should not be considered a Change in Mandatory Spending (CHIMP) for purposes of reducing the allocation to the Appropriations Committee.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

[On Tuesday, the President stated “I can’t say I’m happy” with regard to the deal reached for homeland security and border funding contained in H.J.Res. 31. However, on Wednesday, the President stated “I don’t want to see a shutdown. A shutdown would be a terrible thing.”](#)

CONSTITUTIONAL AUTHORITY:

According to the bill sponsor, 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.”

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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