



Conference Report to H.R. 6157: Department of Defense and Labor, Health & Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Rep. Granger, R-TX)

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FLOOR SCHEDULE:

The [Conference Report](#) to H.R. 6157 is expected to be considered beginning on June 26, 2018, under a [conference report rule](#).

The Conference Report reconciles the House and Senate-passed versions of H.R. 6157. The House-passed version of H.R. 6157 included the House's Department of Defense Appropriations Act, 2019. The Senate-passed version of H.R. 6157 included both the Senate's Department of Defense Appropriations Act, 2019 and Labor, Health & Human Services, Education, and Related Agencies Appropriations Act, 2019. The Conference Report includes appropriations for the Department of Defense and Departments of Labor, Health & Human Services, Education for Fiscal Year 2019, as well as a continuing resolution (CR).

TOPLINE SUMMARY:

The [Conference Report](#) to H.R. 6157 would provide appropriations for Department of Defense and Departments of Labor, Health & Human Services, Education, and related agencies for Fiscal Year 2019. It would also extend to December 7, 2018 discretionary spending at current levels as provided in [H.R. 1625, the FY 2018 Omnibus](#) for departments and agencies funded under the remaining appropriations measures that have not yet been enacted.

The bill would extend several expiring authorizations, including for Temporary Assistance for Needy Families (TANF), a number of immigration programs, the Violence Against Women Act (VAWA), and Payments in Lieu of Taxes (PILT).

The bill contains a numbers of spending anomalies to the continuing resolution component of the bill pertaining to child nutrition, the Biomass Crop Assistance program, the National Bio and Agro-Defense Facility, and Small Business Loans. Further, the bill would allow funding provided for FEMA's Disaster Relief Fund – over \$7 billion calculated on an annualized basis -- to be expended at a rate necessary to carry out disaster response and recovery activities under the Stafford Act.

The Joint Explanatory Statement accompanying the Conference Report can be found [here](#).

A summary of the Defense division of the Conference Report provided by the House Appropriations Committee can be found [here](#). A summary of the Labor-HHS-Education division of the Conference Report provided by the House Appropriations Committee can be found [here](#).

The Legislative Bulletin for the House version of the Defense Appropriations bill (H.R. 6157) can be found [here](#). The House did not consider its [Committee-reported](#) Labor, Health & Human Services, Education, and Related Agencies Appropriations Act, 2019.

COST:

The Congressional Budget Office (CBO) prepared an [estimate](#) for each Division of the bill (Division A: DOD appropriations; Division B: Labor, HHS, and Education appropriations; and Division C: Continuing appropriations and program extensions).

The estimate incorporates enactment of the [Conference Report for H.R. 5895, the “minibus”](#) for Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019. H.R. 5895 was passed by the Senate on September 12, 2018, and the House on September 13, 2018. The President signed, and H.R. 5895 was enacted, on September 21, 2018. Enactment of H.R. 5895 overrides the continuing appropriations provided under H.R. 6157 for Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs.

According to the estimate, the bill would provide a net total of \$1.237 trillion in base discretionary spending for FY 2019. This estimate is based on full year funding under Division A and B, assumed full year funding attributed to H.R. 5895, and continuing appropriations calculated on an annualized basis through the remainder of the FY 2019. Of this total, approximately \$646.9 billion is for defense purposes and \$590.2 billion is for non-defense purposes.

Total Discretionary Spending (Annualized Budget Authority, in Millions of Dollars)								
	Base Defense	Base Non-Defense	Total Base	Defense OCO	Non-Defense OCO	Disaster	Other Cap Exempt	Total Disc.
H.R. 6157	646,901	590,150	1,237,051	68,971	12,018	7,366	2,668	1,328,074
FY 2018 Omni	629,000	579,000	1,208,000	66,079	12,018	7,366	2,952	1,296,415
This Bill vs FY18 Omni	+ 17,901	+ 11,150	+ 29,051	+ 2,892	0	0	- 284	+ 31,659

The President’s FY 2019 budget request includes \$647 billion for base defense and \$540 billion for base non-defense, in addition to \$69 billion in defense OCO.

The bill would also provide \$81.0 billion in Global War on Terror (GWOT)/Overseas Contingency Operations (OCO) funding, \$7.366 billion in Disaster Relief funding, \$1.897 billion in Program Integrity funding, and \$771 million in 21st Century Cures Act funding that would not count against the Budget Control Act (BCA) discretionary spending caps.

Within in these amounts, Division A (DOD appropriations) would provide a net total of approximately \$646.9 billion for defense purposes and \$129 million for non-defense purposes. Division A would

provide \$67.9 billion in Global War on Terror (GWOT)/Overseas Contingency Operations (OCO) funding.

Total Division A Defense Appropriations (Budget Authority, in Millions of Dollars)			
	Base	OCO/GWOT	Total
H.R. 6156	606,469	67,914	674,383
FY 2018 Omnibus	589,452	65,166	654,618
This Bill vs FY18 Omni	+ 17,017	+ 2,748	+ 19,765

Division B (Labor, HHS, and Education appropriations) would provide a net total of \$0 for defense purposes and \$178.08 billion for base non-defense purposes. Division B would provide \$1.897 billion in Program Integrity funding. Division B would further provide appropriations of \$866.431 billion for [appropriated entitlement](#) programs funded by the bill. Including discretionary funding, the bill would provide for a total of \$1.046 trillion.

Total Division B Labor, Health and Human Services, and Education Appropriations (Budget Authority, in Millions of Dollars)			
	Base	Program Integrity	Total
H.R. 6156	178,076	1,897	179,973
FY 2018 Omnibus	177,100	1,896	178,996
This Bill vs FY18 Omni	+ 976	+ 1	+ 977

The bill’s overall discretionary defense and non-defense spending levels are technically in compliance with the Budget Control Act (BCA) spending caps as raised by the Bipartisan Budget Act of 2018 (BBA 2018). The pre-BBA2018 Budget Control Act caps for FY 2019 were \$562 billion for defense and \$530 billion for non-defense. The defense and non-defense caps are now \$647 billion and \$597 billion, respectively.

According to CBO, the bill contains a number [changes in mandatory programs \(CHIMPS\)](#). Because of CBO scoring conventions, an appropriations bill can offset increases in discretionary spending above the BCA spending caps by reducing mandatory spending in the first year of the budget window. These CHIMPS are often just gimmicks that either budget authority that would have not produced actual spending outlays or simply shift the timing of mandatory spending to the following fiscal year.

Notably, Division B contains two Children’s Health Insurance Program (CHIP) CHIMPS. Section 529 would rescind \$2.061 billion in budget authority from CHIP’s Children’s Health Insurance Fund, but would produce *zero* reduction in outlays because the funding would not have been spent anyway. Additionally, Section 527 would shift \$5.654 billion in budget authority from CHIP’s Child Enrollment Contingency Fund from FY 2019 to FY 2020, again producing *zero* outlay reductions. Members and

staff may recall that [H.R. 3, the Spending Cuts to Expired and Unnecessary Programs Act](#), which passed the House but failed on a procedural vote prior to a final passage vote in the Senate, [aimed to rescind budget authority from these accounts](#) to prevent future use as gimmicks. According to [Politico](#), “Democrats say they are embracing the budgetary maneuver because it frees up billions of dollars to be reinvested in other health, education and labor programs, while Trump’s version of the cutbacks would have eliminated the spending outright.”

Division C would continue a Crime Victims Fund CHIMP gimmick from [Section 510 of Division B of the FY 2018 Omnibus measure](#). It would reduce FY 2019 budget authority by \$7.194 billion, shifting \$6.178 billion of it to FY 2020. In FY 2019, this would reduce outlays by only \$743 million.

Division A (Defense), providing \$606.5 billion in net base appropriations would comply with the applicable Senate 302(b) allocation. Division B (Labor-HHS-Ed) providing \$178.08 billion in net base appropriations would comply with the applicable Senate 302(b) allocation. The Senate suballocations report can be found [here](#).

Additionally, Division A (Defense) would comply with the applicable House 302(b) allocation. Division B (Labor-HHS-Ed) would comply with the applicable House 302(b) allocation. The House suballocations report can be found [here](#).

CONSERVATIVE CONCERNS:

Conservatives may be pleased that the bill funds the Department of Defense in line with the increased Budget Control Act (BCA) cap for base discretionary spending as amended by Bipartisan Budget Act of 2018 (BBA18).

Some conservatives may object to pairing Department of Defense funding with Labor-HHS-Education funding and argue this holds national security funding hostage to low priority program funding.

Conservatives may be concerned that the bill does not contain dozens of [vital policy riders](#) from the House-reported Labor-HHS-Education bill. Many conservatives may be concerned the House Conferees deferred to the Senate position of excluding these items across-the-board. Some examples of these riders include:

- Prohibit funding for Planned Parenthood
- Conscience Protection Act of 2018
- Prohibit the use of funds to implement, administer, enforce, or further any provision of Obamacare
- Prohibit use of funds to support research using aborted fetal tissue
- Aderholt-Kelly Amendment: prohibit discriminating against a child welfare service that refuses to provide services based on religious beliefs or moral conviction
- Prohibit use of funds for NLRB’s Joint-employer rule
- Prohibit use of funding to carry out the Title X Family Planning program
- Eliminates Teen Pregnancy Prevention Grants
- Prohibit use of funds for Obamacare Marketplace “Navigators” program
- Prohibit collecting fees from exchange health plans to operate insurance exchanges
- Eliminate the CDC Climate Change program

Many conservatives may be concerned that the bill fails to defund Planned Parenthood. As a consequence, the abortion provider is likely to receive [millions of the taxpayers' dollars](#) appropriated by this bill.

Conservatives may be concerned that \$178 billion in discretionary appropriations is provided under the Labor-HHS-Education division of the bill. For comparison sake, FY 2017 funding was \$161 billion.

As explained above in the Cost section, Conservatives may be concerned that bill contains billions of dollars in phony CHIMPs offsets that reduce mandatory spending on paper (but produce little to no actual mandatory spending savings) and are used to boost discretionary spending that will produce billions of dollars in actual spending outlays.

Some conservatives may be concerned that the President requested [one littoral combat ship](#), at a cost of approximately \$1.3 billion, whereas the bill would fund the procurement of three according to the [House Appropriations Committee summary](#) of the Defense portion of the Conference Report.

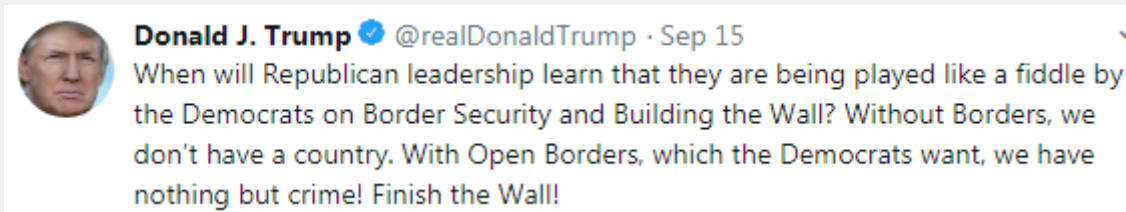
Conservatives may be concerned that [Congressionally Directed Medical Research Program \(CDMRP\)](#) is funded at \$1.674 billion, while the president's budget request is zero. According to [Taxpayers for Common Sense](#), "These programs are clearly earmarks and therefore take money away from other necessary Defense Department functions."


Conservatives may be concerned the bill directs that up to \$1 million from Operation and Maintenance, Navy shall be available for transfer to the John C. Stennis Center, a program that has little to do with military readiness.

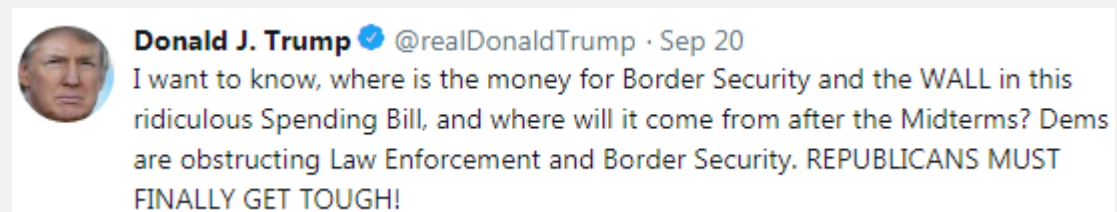
Some conservatives may be concerned that the bill would extend the Violence Against Women Act (VAWA) through December 7, 2018, which would extend protections to individuals based on sexual orientation and gender identity.


Some conservatives may be concerned the bill includes authorizing language related to the separation of families of illegal immigrants detained at the border without including important provisions from the House L-HHS Appropriations bill that would actually provide a legislative solution to the problem.

Many conservatives may be concerned that this is yet another spending bill that fails to adequately fund the border wall. President Trump has tweeted his frustration with this:



Donald J. Trump  @realDonaldTrump · Sep 15
When will Republican leadership learn that they are being played like a fiddle by the Democrats on Border Security and Building the Wall? Without Borders, we don't have a country. With Open Borders, which the Democrats want, we have nothing but crime! Finish the Wall!



Donald J. Trump  @realDonaldTrump · Sep 20
I want to know, where is the money for Border Security and the WALL in this ridiculous Spending Bill, and where will it come from after the Midterms? Dems are obstructing Law Enforcement and Border Security. REPUBLICANS MUST FINALLY GET TOUGH!

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would increase spending above current levels.
- **Encroach into State or Local Authority?** Some conservatives may believe that some of the programs funded by the bill encroach into state and local authority.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No, according to the Conference Report.

DETAILED SUMMARY AND ANALYSIS:

Division A: Department of Defense Appropriations Act, 2019

Division A would provide a net total of \$674.383 billion in Fiscal Year 2019 discretionary budget authority. Net total base discretionary budget authority that would be provided by the bill -- that is subject to the Budget Control Act (BCA) discretionary spending caps (as increased by the Bipartisan Budget Act of 2018 (BBA18)) -- is \$606.469 billion.

Net Total Base Discretionary Budget Authority In Millions of Dollars

FY18 Enacted	FY19 President's Request	FY19 Conference	FY19 vs 18 Enacted	FY19 vs President
589,452	607,394	606,469	+ 17,017	-925

The bill also includes \$67.914 billion in Overseas Contingency Operations (OCO/GWOT) funding that is exempt from the BCA spending caps. This is nearly the same as the President's Defense OCO request for the bill.

Total Department of Defense Appropriations	
<i>In Millions of Dollars</i>	
Base Appropriations	606,512
OCO Appropriations	68,079
Total FY 2019 DOD Appropriations	674,591

Civilian Pay Increase: The bill includes funding to provide for a 1.9 percent pay raise for civilian employees of the Department of Defense and other agencies funded by the bill. President Trump [recently](#) used his authority to cancel the automatic pay increase for civilian federal workers, a policy that would be overridden by the bill.

Army Corps of Engineers Restructuring: the Conference Report would provide no funding to implement the [President's proposal](#) to move the Army Corps' of Engineer's Civil Works program out of the Corps with navigation going to the Transportation Department for infrastructure grants and all other accounts going to the Interior Department. The proposal was made as part of a package of agency reforms and reorganization

recommendations titled “Delivering Government Solutions in the 21st Century”, many of which have been applauded by conservatives.

According to the Joint Explanatory Statement: “The conferees are opposed to the reorganization as it could ultimately have detrimental readiness and operational impacts on Department of Defense functions and activities, to include USACE support to ongoing military operations, international partners, and support to United States military installations around the world.”

Title I: Active, Reserve, And National Guard Military Personnel

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President's Request	FY19 Conference	FY19 vs 18 Enacted	FY19 vs President
133,367	140,689	138,537	+ 5,170	-2,152

Military Personnel would be appropriated \$138.537 billion, a level that is \$2.1 billion million below President Trump’s budget request and \$5.2 billion above the FY 2018 enacted level.

Military Personnel End Strength: The bill would provide funding to support end-strength levels of 16,400 above those authorized in FY 2018 and the same as President Trump’s budget request. A summary of end-strength personnel levels is below and a more detailed table can be found in the [Joint Explanatory Statement](#):

End Strength	FY18 Enacted	FY19 President's Request	FY19 House Level	New FY19 vs 18 Enacted	New FY19 vs President
Total, Active Forces	1,322,500	1,338,100	1,338,100	+ 15,600	0
Total, Selected Reserve	816,900	817,700	817,700	+ 800	0
Total, Military Personnel	2,139,400	2,155,800	2,155,800	+ 16,400	0

Military Pay Raise: The bill would provide funding to increase pay for all military personnel by 2.6 percent effective January 1, 2019.

Title II: Operation and Maintenance

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President's Request	FY19 Conference Level	FY19 vs 18 Enacted	FY19 vs President
188,245	199,469	193,682	+5,437	-5,787

Operation and Maintenance (O&M) would be appropriated \$193.682 billion, a level that is \$5.787 billion below President Trump’s budget request and \$5.437 billion above the FY 2018 enacted level.

A detailed table of O&M base appropriations can be found in the [Joint Explanatory Statement](#).

According to the [Statement of Administration Policy](#) to the House-passed FY 2019 DOD Appropriations Act that would have appropriated \$197.4 billion to O&M (approximately \$3.8 billion more than this Conference Report), the “Administration strongly objects...to the \$3 billion reduction to the Services’ Operation and Maintenance (O&M) accounts.” Thus, one could assume the Administration would object to this level that is even lower.

Security Assistance Programs: According to the [Joint Explanatory Statement](#), “the conferees direct the Secretary of Defense to conduct a review of security assistance programs, including, but not limited to, security cooperation programs authorized in Section 333 of the National Defense Authorization Act for Fiscal Year 2017, border security assistance programs authorized by Section 1226 of the National Defense Authorization Act for Fiscal Year 2016 as modified, and the Coalition Support Fund authorized by Section 1223 of the National Defense Authorization Act for Fiscal Year 2008 as modified.”

Title III: Procurement

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President's Request	FY19 Conference Level		FY19 vs 18 Enacted	FY19 vs President
133,868	130,564	135,362		+ 1,494	+ 4,798

Procurement would be appropriated \$135.362 billion, a level that is \$4.798 billion above President Trump’s budget request and \$1.494 billion above the FY 2018 enacted level.

A detailed table of Procurement base appropriations can be found in the [Joint Explanatory Statement](#).

Some conservatives may be concerned that the President requested [one littoral combat ship](#), at a cost of approximately \$1.3 billion, whereas the bill would fund the procurement of three according to the [House Appropriations Committee summary](#) of the Defense portion of the Conference Report.

The bill would not meet \$125 million of the president’s request for \$222 million in procurement funding for the C-135B. The House bill would have provided no funding, while the Senate bill would have fully funded the request. According to the [Statement of Administration Policy](#) for the House bill, “the Air Force requires the full funding level requested in the FY 2019 Budget to recapitalize its existing fleet of 1960s-era OC-135B U.S. Open Skies Treaty (OST) observation aircraft with modern, capable, and cost-effective replacements. Currently, the United States is not able to fully exercise its rights under OST because some airfields covered by OST are not accessible to the current OC-135B aircraft.”

Title IV: Research, Development, Test and Evaluation

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President's Request	FY19 Conference Level		FY19 vs 18 Enacted	FY19 vs President
88,308	91,057	94,896		+ 6,588	+3,839

Research, Development, Test and Evaluation (RDT&E) would be appropriated \$94.896 billion, a level that is \$3.839 billion above President Trump’s budget request and \$6.588 billion above the FY 2018 enacted level.

A detailed table of RDT&E base appropriations can be found in the [Joint Explanatory Statement](#).

Space Solar Power Program (Air Force): The Conference Report does not fully fund the Administration’s Space Solar Power Program, instead reducing it by \$105 million and designating it as a new start and congressional special interest item.

Title VI: Other Department of Defense Programs

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President's Request	FY19 House Level	New FY19 vs 18 Enacted	New FY19 vs President
36,646	35,840	36,212	-434	+ 373

Other Defense Programs would be appropriated \$36.212 billion, a level that is \$373 million above President Trump’s budget request and \$434 million below the FY 2018 enacted level.

Defense Health Program: The bill would provide \$34.007 billion for the Defense Health Program, a level that is \$287 million above President Trump’s budget request and \$421 million below the FY 2018 enacted level.

The primary mission of the Defense Health Program is to “provide for worldwide medical and dental services to active forces and other eligible beneficiaries.” Within this total, \$30.953 billion is for Operations and Maintenance, \$873 million is for Procurement, and \$2.18 billion is for Research, Development, Test, and Evaluation (RDT&E).

Conservatives may be concerned that as part of RDT&E, the Congressionally Directed Medical Research Program (CDMRP) is funded at \$1.674 billion, while the president’s budget request is zero. Further, this amount is higher than both the House and Senate bills -- \$775 million and \$963 million, respectively. According to [CRS](#), “Members of Congress are frequently lobbied to support adding funding to the annual defense appropriation for medical research on a wide variety of diseases and topics.” While medical research is a laudable activity, some conservatives may be concerned that many of the programs funded within the CDMRP are not for military-specific conditions and are duplicative of the type of [research done](#) at the National Institutes of Health (NIH). According to [Taxpayers for Common Sense](#), “These programs are clearly earmarks and therefore take money away from other necessary Defense Department functions.”

The bill provides [research funding](#) for:

- alcohol and substance abuse disorders research
- ALS research
- alzheimer research
- autism research
- bone marrow failure disease research
- breast cancer research
- cancer research
- Duchenne muscular dystrophy research
- Epilepsy research
- gulf war illness research
- hearing restoration research
- kidney cancer research
- lung cancer research
- lupus research
- medical research
- Melanoma research
- multiple sclerosis research
- orthopedic research
- ovarian cancer research
- prostate cancer research
- spinal cord research
- reconstructive transplant research
- tickborne disease research
- traumatic brain injury and psychological health research

- tuberous sclerosis complex research
- vision research
- Global HIV/AIDS prevention
- HIV/AIDS program increase
- Joint warfighter medical research
- Orthotics and prosthetics outcome research
- Chronic pain management
- Trauma clinical research program

Title VII: Related Agencies

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President's Request	FY19 Conference Level	FY19 vs 18 Enacted	FY19 vs President
1,052	1,053	1,036	-15	-17

The related agencies funded by the bill would be appropriated \$1.036 billion, a level that is \$17 million below President Trump’s budget request and \$15 million below the FY 2018 enacted level.

Classified Programs: This title would provide for classified programs, including the Director of National Intelligence, the Intelligence Community Management staff, the Central Intelligence Agency (CIA), the Defense Intelligence Agency, the National Reconnaissance Office, the National Security Agency, the National Geospatial-Intelligence Agency, the intelligence services of the Departments of the Army, Navy, Air Force, and the CIA Retirement and Disability fund. The majority of this information is published in the classified annex.

Title IX: Global War on Terrorism (GWOT)/Overseas Contingency Operations (OCO)

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President's Request	FY19 Conference Level	FY19 vs 18 Enacted	FY19 vs President
66,166	68,079	67,914	+1,748	~0

OCO/GWOT would be appropriated \$67.914 billion, a level that is nearly the same as the President Trump’s budget request and \$1.748 billion above the FY 2018 enacted level.

Personnel: The bill would provide a total of \$4.660 billion in OCO Military Personnel funding.

Operations and Maintenance (O&M): The bill would provide a total of \$49.478 billion in OCO military O&M funding.

Within this amount, the bill would provide \$1.352 billion for the Counter-ISIL Train and Equip Fund and \$4.920 billion for the Afghanistan Security Forces Fund.

Procurement: The bill would provide a total of \$12.627 billion in OCO military Procurement funding.

Research, Development, Test and Evaluation (RDT&E): The bill would provide a total of \$1.193 billion in OCO RDT&E funding.

NOTABLE POLICY PROVISIONS:

Guantanamo Detainees: Section 8099 of the bill would prohibit funds to transfer or release any detainee that is not a U.S. citizen or service member into the United States detained at Guantanamo Bay. Section 8100

of the bill would also prohibit the use of funds to construct, acquire, or modify any facility in the U.S. to house any such individuals, and in Section 8125 prohibit the use of funds to close or transfer the jurisdiction of the Naval Station Guantanamo Bay.

Section 8101 of the bill would also prohibit transferring a detainee to its country of origin, or another foreign country, except in accordance with the restrictions and requirements contained in [Section 1034 of the FY 2016 NDAA](#) (regarding prior notification) and [section 1034 of the FY 2017 NDAA](#) (excluding Libya, Somalia, Syria, and Yemen from places detainees may be transferred).

War Powers Resolution: Section 8102 of the bill would prohibit the use of funds in contravention of the War Powers Resolution. The bill would also specifically prohibit the use of funds in contravention of the War Powers Resolution in Iraq (Sec. 8116) and Syria (Sec. 9018).

Support for Israel: Section 8070 of the bill would direct that of appropriated funds, \$500 million be allocated to direct support for Israel, including \$70 million for Iron Dome, \$187 million for Short Range Ballistic Missile Defense, \$80 million for upper-tier missile defense, and \$163 million for the Arrow System Improvement Program.

Second Amendment Provisions: Section 8112 of the bill would prohibit funding to implement the U.N. Arms Trade Treaty unless it is ratified by the Senate.

Section 8018 would also prohibit the DOD from demilitarizing or disposing of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols or to destroy small arms ammunition that is not otherwise prohibited for commercial sale by federal law. Section 8063 generally prohibits transferring any armor piercing ammunition to a nongovernmental entity.

National Instant Criminal Background Check System: Section 8105 of the bill would require the Secretary to submit reports regarding the National Instant Criminal Background Check System (NICS).

Indian Contracts: Section 8020 of the bill would make \$25 million of appropriated funding available for paying a 5% compensation markup to contractors that are Indian organizations, Indian-owned economic enterprises, native Hawaiians, or subcontract to entities owned and controlled by Indian-owned economic enterprises, or native Hawaiians.

Indian Housing: Section 8030 of the bill would direct the Air Force to convey -- for free -- excess Air Force base housing units to Indian located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington.

JSTARS: The House version included a provision that would prohibit the divestment of more than one legacy E-8C [Joint Surveillance Target Attack Radar System \(JSTARS\)](#) aircraft unless the Secretary of the Air Force certifies to the congressional defense committees that funds have been obligated pursuant to a contract award for continuation of the JSTARS recapitalization program. The President's budget request proposes to terminate the JSTARS recapitalization program. The Conference Report does not include this provision.

The [Statement of Administration Policy](#) disapproved of this provision when included in the House version.

The Joint Explanatory Statement would require the Air Force to submit a report "on a revised [Advanced Battle Management System (ABMS)] plan and execution strategy, updated costs and schedules of each activity within the ABMS plan, and a gap and threat assessment of both the ground moving target indicator and battle management command and control mission areas."

Cloud Computing Services: The bill would prohibit the DOD from using funds to migrate data to the Joint Enterprise Defense Infrastructure (JEDI) or Defense Enterprise Office Solutions cloud computing services until it submits to Congress a planned budget and strategy.

The [Statement of Administration Policy](#) took issue with this provision when included in the House version.

Contract Employees: Section 8040 of the bill would prohibit the use of funds, with certain exceptions, to transition a DOD function performed by civilian employees to contractor performance unless certain requirements such as cost savings and health insurance benefits are met by the contractor.

Sexual Assault: Section 8055 of the bill would allocate \$35 million of funds appropriated by the bill for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program.

Ex Gratia Payments: Section 8106 of the bill would authorize the Secretary to make appropriated amounts available to local military commanders appointed by the Secretary to provide at their discretion ex gratia payments to foreign civilians that are friendly to the United States, as determined by the local military commander, for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

Azov Battalion: Section 8130 of the bill would prohibit the use of funds to provide arms, training, or other assistance to the [Azov Battalion](#).

Iran Heavy Water: Section 8131 would prohibit the use of funds to be used to purchase heavy water from Iran.

Rosoboronexport: The bill would prohibit funding for contracts, agreements, grants, loans, or other agreements with the Rosoboronexport company unless certain conditions are met, such as a prohibition on Rosoboronexport contracts with Syria and a requirement that the Russian Federation withdraws armed forces from Ukraine. Rosoboronexport is the Russian state sole-source export company for defense and dual-use products.

Intelligence: Section 8111 of the bill would prohibit the use of funds for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities and that information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

FISA: The bill would prohibit the use of funds for the National Security Agency (NSA) to “conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or acquire, monitor, or store the contents of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.”

Section 8072 of the bill provides that funds appropriated would be authorized for purposes of section 504 of the National Security Act for 1947 until enactment of the Intelligence Authorization Act for FY 2019.

BRAC: Section 8122 of the bill would prohibit the use of funds to propose, plan, or execute a round of Base Realignment and Closure (BRAC). The Trump Administration's [Statement of Administration Policy](#) for the House-passed FY 2018 NDAA expressed opposition to language in that bill designed to prohibit a new round of BRAC.

F-35's to Turkey: Section 8123 of the bill would prohibit the delivery F-35 aircraft to the Republic of Turkey, except in accordance with section 1282 of the John S. McCain National Defense Authorization Act for Fiscal

Year 2019 (Public Law 115-232) which requires DOD to report on the status of the United States relationship with the Republic of Turkey and Turkey's attempts to purchase an air and missile defense system from Russia.

Prohibition on Assistance to North Korea and Iran: Section 8043 of the bill would prohibit funding from being obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose. Section 8139 would do the same with Iran.

Sale of Tobacco Products: Section 8034 of the bill would prohibit the sale of tobacco products in military resale outlets below the most competitive price in the local community.

Grants to the Red Cross and the USO: Section 8048 of the bill would provide \$20 million for the United Service Organizations (USO) and \$24 million to the Red Cross.

Stennis Center: Conservatives may be concerned that Section 8059 of the bill directs that up to \$1 million from Operation and Maintenance, Navy shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund. This provision comes from the Senate version. The House bill contained no similar provision.

The Conference Report to H.R. 5895: Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 already provides \$430,000 for the Stennis Center, a level equal to the president's budget request and equal to the FY 2018 enacted level.

The [Stennis Center](#) is a *legislative branch* program meant to "attract young people to careers in public service." Senator Stennis (D-MS) served from 1947 until 1989. The Conference Report to H.R. 5895 and H.R. 6157 would provide funding for the Center, despite the fact that it has access to other sources of funding. The center was created by Congress in 1988 with an initial funding of \$7.5 million in Special Issue Treasury securities and the center has the ability to draw funding from the interest on these securities.

Fisher House: Sec. 8067 of the bill would provide \$10 million for Fisher Houses that provide free housing to the families of wounded warriors while they are receiving hospital treatment. Section 8091 of the bill also allows the transfer of \$11 million from each of three Operation and Maintenance accounts for the Navy, Army, and the Air Force to their central funds established for Fisher Houses and Suites.

Some conservatives may be concerned that this is an appropriation of a specific amount of funding directed to an entity without using a statutory or administrative formula or competitive award process. Some conservatives may believe that this violates the Republican Conference's moratorium on earmarks, if not technically, at least in spirit.

Nuclear Armed Interceptors: Section 8075 would prohibit the use of funds for research, development, testing, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

Protectionism: Some conservatives may be concerned that the bill included protectionist "buy American" provisions for: supercomputers (Sec. 8049), ball and roller bearings (Sec. 8046), anchors and chains (Sec. 8016), flags (Sec. 8104), carbon, alloy, and armor steel plate (Sec. 8025), and certain ship components for the [TAO Fleet Oiler program](#) (Sec. 8117).

Section 8038 of the bill requires that all funds made available by the bill to comply with the Buy American Act, and requires the Secretary of Defense to determine whether it should bar any individual from contracting with the Department who has been convicted of fraudulently using a "made in America" label. Further, it states that it is the sense of Congress that the military buy American made products so long as they are merely competitive from a quality, availability, and price standpoint.

Malt Beverages and Wine: Section 8017 of the bill would prohibit the funds for the support of procuring malt beverages and wine with nonappropriated funds for resale on a military installation located in the United States unless such malt beverages and wine are procured within that State.

Expenses for Topless or Nude Entertainment: Section 8120 of the bill would prohibit use of Government Travel Charge Cards for expenses for gaming or entertainment that includes topless or nude entertainers or participants.

Army Contracting Command—New Jersey: The bill would prohibit the use of funds to eliminate, restructure, realign, or make disproportionate personnel reductions at Army Contracting Command—New Jersey sites without 30-day notification to Congress. Picatinny Arsenal is located in New Jersey's 11th Congressional District.

Captain James A. Lovell Federal Health Care Center: Some conservatives may be concerned that Section 8095 of the bill designates that up to \$113 million be made available for the operations of the Captain James A. Lovell Federal Health Care Center in North Chicago, Illinois. Some may believe this provision violates the, if not only in spirit, the GOP Conference earmark ban.

Transfer of Lethal Military Weapons: Section 8063 of the bill would prohibit the military from transferring to a non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge or armor penetrating capability, except pursuant to a contract to render the equipment ineffective or manufacture ammunition.

Bases in Iraq & Afghanistan: Section 9007 of the bill would prohibit the use of funds to establish a permanent military installation or base in Iraq or Afghanistan, or to exercise control over an Iraqi oil resource.

Funding Afghan Human Rights Violators: Section 9022 of the bill would allow funds available for the Afghanistan Security Forces Fund to be used to provide limited training, equipment, and other assistance that would otherwise be prohibited by [10 U.S.C. 362](#) (generally prohibiting funding foreign military units that have committed gross human rights violations) unless, among other things, the Secretary certifies that not doing so would pose a risk or undermine U.S. operations in Afghanistan and the Secretary has sought a commitment from the Government of Afghanistan to take corrective steps.

Division B: Departments of Labor, Health & Human Services, and Education, and Related Agencies Appropriations Act, 2019

Division B would provide a net total of \$179.973 billion in Fiscal Year 2019 discretionary budget authority. Net total base discretionary budget authority that would be provided by the bill -- that is subject to the Budget Control Act (BCA) discretionary spending caps (as increased by the Bipartisan Budget Act of 2018 (BBA18)) -- is \$178.076 billion.

Net Total Base Discretionary Budget Authority In Millions of Dollars

FY18 Enacted	FY19 President's Request	FY19 Conference	FY19 vs 18 Enacted	FY19 vs President
177,100	167,483	178,076	+ 976	+10,593

The bill would also provide \$1.897 billion in Program Integrity funding, and \$771 million in 21st Century Cures Act funding that would not count against the Budget Control Act (BCA) discretionary spending caps.

The bill would further provide appropriations of \$866.431 billion for [appropriated entitlement](#) programs funded by the bill. Including discretionary funding, the bill would provide for a total of \$1.046 trillion.

Department of the Labor (DOL): According to the House Appropriations Committee, the bill would provide \$12.1 billion in discretionary funding for the Department of Labor, approximately \$94.3 million below the enacted FY 2018 level.

Department of Health and Human Services (HHS): According to the House Appropriations Committee, the bill would provide \$90.5 billion in discretionary funding for HHS, approximately \$2.3 million above the enacted FY 2018 level.

Centers for Disease Control and Prevention (CDC): The bill would provide a total of \$7.947 billion for the CDC, \$353 billion below the FY 2018 enacted level and \$2.286 billion above the President's budget request.

National Institutes of Health (NIH): The bill would provide a total of \$39.084 billion to the NIH, a level that is \$2 billion above the enacted FY 2019 level and \$4.495 billion above the President's budget request.

Substance Abuse and Mental Health Services Administration (SAMHSA): The bill would provide \$5.742 billion for SAMHSA, a level that is \$583 million above the FY 2018 enacted level and \$2.195 billion above the President's budget request.

LIHEAP: The bill would provide \$3.690 billion for the Low Income Home Energy Assistance Program (LIHEAP), a level that is \$50 million above the FY 2018 enacted level.

[President Trump's budget](#) would eliminate this program, as would the [RSC budget for FY 2019](#).

Refugee and Entrant Assistance: The bill would provide \$1.9905 billion for Refugee and Entrant assistance, a level that is \$40.2 million above the FY 2018 enacted level and \$123 million above the President's budget request. Within this total, \$354 million is for transitional and medical services, \$207 million is for refugee support services, \$1.3 billion is for unaccompanied minors, \$26.7 million is for victims of trafficking and \$14 million is for victims of torture.

Social Services Block Grant (SSBG): The bill would provide \$1.7 billion in mandatory funding to the SSBG.

[The RSC Budget for FY 2019](#) would eliminate the SSBG.

Public Health and Social Services Emergency Fund (PHSSEF): The bill would provide \$2.02 billion for the PHSSEF, a level that is \$68 million above the FY 2018 enacted level and \$282 million below the President's budget request.

Title X Family Planning: The bill would provide \$286 million in funding for Title X Family Planning, the same level as FY 2018, which is a major source of funding for Planned Parenthood.

To read more about how Congress fund Planned Parenthood through Title X, read this [CRS Report](#). Or see the list of [FY 2018 Title X grants](#) awarded by HHS in August

The House bill would have eliminated all Title X Family Planning funding. And, [Section 533 of the House bill](#) would have specifically prohibited any funding from reaching Planned Parenthood by designating it as a "prohibited entity." Neither of these prohibitions are present in the Conference Report.

Medicaid: The bill provides the appropriation for Medicaid payments to states. [Medicaid is an appropriated entitlement](#) that requires the enactment of appropriations bills for funding. For FY 2019, this amount is \$276.236 billion.

[Section 533 of the House bill](#) would have specifically prohibited any funding, including from Medicaid, from reaching Planned Parenthood by designating it as a “prohibited entity.” The Conference Report does not include this provisions.

This [GAO report](#) details the \$414.37 million received by Planned Parenthood affiliates in FY 2015 from Medicaid, which is an [appropriated mandatory](#) program funded in annual [Labor-HHS-Education Appropriations](#) bills.

Department of Education: The bill would provide \$71.5 billion for the Department of Education, a level that is \$581 billion above the FY 2018 enacted level.

Pell Grants: The bill would provide \$22.475 billion for Pell Grants, the same as for FY 2018. It would also increase the maximum Pell Grant award by \$100 to \$6,195.

Corporation for Public Broadcasting: The bill would provide the Corporation for Public Broadcasting with a \$445 million advance appropriation for FY 2021, level funding with FY 2018. [President Trump’s budget](#) would eliminate this program, as would the [RSC Budget for FY 2019](#).

Corporation for National and Community Service (CNCS): The bill would provide \$1 billion for the CNCS, level funding with FY 2017. [President Trump’s budget](#) would eliminate this program, as would the [RSC Budget for FY 2019](#).

NOTABLE POLICY PROVISIONS:

Conservatives may be concerned that, as the table below demonstrates, nearly every conservative priority from the House’s Labor, HHS, Education Appropriations bill that was not already in current law was left out of the Conference Report, and instead the Conference Report deferred to the Senate position of excluding these items across-the-board.

Departments of Labor-HHS-Education Appropriations Comparison		
<u>House</u>	<u>Senate</u>	<u>Conference</u>
<u>Department of Labor</u>		
Sec. 408: Prohibits use of funds for NLRB’s Joint-employer rule	No	No
Cuts \$12.9 million for the NLRB	No - Level funding	No - Level funding
Cuts \$67.6 million for the International Labor Affairs Bureau as requested in the budget	No - Level funding	No - Level funding
Cuts \$80.6 million for Employment Services Grants	No - Level funding	No - Level funding
Sec. 103: Prohibits use of funds to buys goods made by forced or indentured child labor (current law)	Yes	Yes (Sec. 103)
<u>Health & Human Services</u>		
Sec. 506: Hyde Amendment - Prohibits use of funds for abortions and health coverage that includes abortions (current law)	Yes	Yes (Sec. 506)

Departments of Labor-HHS-Education Appropriations Comparison

<u>House</u>	<u>Senate</u>	<u>Conference</u>
Sec. 227: Prohibits use of funding to carry out the Title X Family Planning program	No - Level funding	No - Level funding
Sec. 507: Weldon Amendment - Prohibits federal agencies from discriminating against providers that don't perform abortions (current law)	Yes	Yes (Sec. 507)
Sec. 508: Prohibits the use of funds for certain embryo research (current law)	Yes	Yes (Sec. 508)
Sec. 532: Prohibit use of funds to support research using aborted fetal tissue	No	No
Sec. 533: Prohibits funding for Planned Parenthood	No	No
Sec. 534: Conscience Protection Act of 2018	No	No
Sec. 537: Aderholt-Kelly Amendment: prohibits discriminating against a child welfare service that refuses to provide services based on religious beliefs or moral conviction	No	No
Eliminates Teen Pregnancy Prevention Grants	No - Level funding	No - Level funding
Sec. 527: Prohibits the use of funds to implement, administer, enforce, or further any provision of Obamacare	No	No
Sec. 528: Prohibits use of funds for Obamacare Marketplace "Navigators" program	No	No
Sec. 211: Prohibits funding for Obamacare risk corridors (current law)	Yes	Yes (Sec. 221)
Page 76: Prohibits collecting fees from exchange health plans to operate insurance exchanges	No	No
Sec. 209: Defunds Medicare Advantage if the Secretary denies an entity participation because of its refusal to support abortions (current law)	Yes	Yes (Sec. 209)

Departments of Labor-HHS-Education Appropriations Comparison

<u>House</u>	<u>Senate</u>	<u>Conference</u>
Sec. 210: Dickey Amendment - Prohibits use of funds to advocate or promote gun control (current law)	Yes	Yes (Sec. 210)
Establishes the “Infectious Diseases Rapid Response Reserve Fund,” with \$325 million	No	Yes, with \$50 million.
Sec. 509: Prohibit use of funding for activity to legalize drugs or controlled substances (current law)	Yes	Yes (Sec. 509)
Sec. 520: Prohibits the use of funds for the purchase of syringes or sterile needles (current law)	Yes	Yes (Sec. 529)
Sec. 229: Prohibits use of funds for Monograph Programme of the International Agency for Research on Cancer	No	No
Eliminates CDC Climate Change program	No – Level funding	No - Level funding
Eliminates Regional Partnership Grants	No – Level funding	No - Level funding
Eliminates Kinship Navigator Grants	No – Level funding	No - Level funding
Eliminates Project AWARE State Grants	No – Level funding	No - Level funding
Eliminates funding for Screening, Brief Intervention, Referral, and Treatment	No – Level funding	No - Level funding
Eliminates Health Careers Opportunity Program	No – Level funding	No - Level funding
<u>Education</u>		
Sec. 308: Allows Department of Education to make payments to colleges for servicing Perkins loans	No	Yes (Sec. 308)
Sec. 309: Provides student loan deferment for borrowers receiving cancer treatment	No	Yes (Sec. 309)
Sec. 310: Federal Student Aid Performance targets to get a performance bonus	No	No

Family Reunification Provisions:

Some conservatives may be concerned the bill includes authorizing language related to the separation of families of illegal immigrants detained at the border without including important provisions from the House L-HHS Appropriations bill that would actually provide a legislative solution to the problem.

Some conservatives may be concerned that family separations related to the Trump Administration upholding the law through a [Zero-Tolerance policy](#) are being addressed through the appropriations process at this time while the Department of Health and Human Services is currently engaged in legal action and in activities to address the separation of families.

In July, the Trump administration announced a [Tri-Department process for Stage II of Family Reunification](#). The plan detailed steps HHS, DHS and DOJ are undertaking to reunite the children over the age of five and parents that are class members in *Ms. L v. ICE* by July 26, 2018. Stage I addressed children under the age of five, with reunification to be completed by July 12.

Sec 232. This section would permit HHS to accept donations from the private sector, nongovernmental organizations (NGOs) and groups independent of the federal government for the care of unaccompanied alien minors under the care of the Office of Refugee Resettlement.

Sec. 233. This section would require the Secretary of HHS to submit a report to Congress detailing a plan to promptly facilitate the reunification of minor children in the custody of the Office of Refugee Resettlement (ORR) with their families. The plan would be required to include those children with parents no longer located in the United States as well as the [potential class members](#) in *Ms. L v. ICE*. The plan would also be required to include what steps the administration has taken to locate parents no longer in the USA and to reunify those parents with their children. It would further include information regarding how many parents are ineligible for reunification and the reasons why, the number of children in ORR custody with deported parents that have been reunited with either their parents or a family member or sponsor, the number of children still in ORR custody. It must also include information regarding procedures following allegations of child sexual abuse, an estimation of FY 2018 expenditure and anticipated expenditures for FY 2019.

If HHS misses the deadline for submission of the plan, HHS would not be permitted to obligate funds from the [“Nonrecurring expenses fund,”](#) except for projects highlighted in the joint explanatory statement of this legislation.

Sec. 234. This section would prohibit funds made available by this legislation from being used to prevent Members of Congress from entering facilities in the US used for housing unaccompanied alien children, for the purpose of conducting oversight.

However, the bill does not include a provision that would address the Flores Settlement, a legal settlement entered into by the Clinton Administration and amended by the Obama Administration that requires the transfer of unaccompanied minor children in CBP custody to the HHS Office of Refugee Resettlement. Through the Trump Administration’s policy of zero tolerance for illegal border crossing, all adults apprehended will be prosecuted for the violation. Because children are not transferred to the care of the U.S. Marshalls as their parents make their way through the criminal justice system, a number of children are separated from their families as they can only presently remain in the care of DHS for 20 days under the terms of the Flores Settlement. The Department of Health and Human Services and the Department of Homeland Security have issued a notice of proposed rulemaking that may address issues surrounding the Flores Settlement regarding the care and custody of alien minors.

Language addressing the Flores Settlement and the requirement to release minors from DHS custody after a prescribed time period was included in the House L-HHS bill. The [Securing America’s Future Act](#) and the [Border Security and Immigration Reform Act](#) both included fixes for the Flores Settlement, neither obtained the requisite number of votes.

Some conservatives may also be concerned that the bill also fails to include other important legislative fixes related to the child separation issue, such a reforms to the asylum system that serves as a magnet for illegal immigration by families.

Division C: Continuing Appropriations Act, 2019

Discretionary Funding Extension

The CR component of the bill would extend to December 7, 2018, discretionary spending at the levels, rate for operations, and under authority and conditions provided in [H.R. 1625, the FY 2018 Omnibus](#) for those departments and agencies not funded under either Division A (Department of Defense Appropriations), Division B (Labor, HHS, and Education Appropriations), or [H.R. 5895](#) (Energy & Water, Legislative Branch, and MilCon-VA). Funding provided by the FY 2018 Omnibus is currently set to expire after September 30, 2018.

Spending Anomalies

The bill contains a number of spending anomalies – provisions that enumerate exceptions to the duration, amount, or purposes for which those funds may be used for certain appropriations accounts or activities.

Biomass Crop Assistance (BCAP): The bill would negate a provision from the FY 2018 Omnibus that prohibited carrying out the [Biomass Crop Assistance Program](#). The [RSC Budget](#) would eliminate BCAP.

Immigration Extensions: The bill would extend through December 7, 2018, the “Immigration Extensions” provided in Title II of [Division M of the FY 2018 Omnibus](#).

Additionally, the bill 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”.

PILT: The [Payments in Lieu of Taxes \(PILT\) program](#) would be extended for the remainder of FY 2019.

Child Nutrition Programs: The bill would provide that funds appropriated for demonstration projects to develop and test methods of providing access to food for children in urban and rural areas during the summer months when schools are not in regular session to be expended at a rate necessary to ensure that the program can be fully operational by May, 2019.

National Bio and AgroDefense Facility: The bill would provide an additional \$42 million (on an annualized basis) for the National Bio and Agro-Defense Facility in Manhattan, Kansas. Some conservatives may believe that this provisions violates to House GOP Conference rule prohibiting earmarks, at least in spirit. It also would provide \$15 million in transfer authority.

Violence Against Women Reauthorization Act (VAWA): The bill would extend VAWA through December 7, 2018.

On March 7, 2013, President Obama [signed](#) the [Violence Against Women Reauthorization Act](#) to continue the provision of assistance to victims of domestic and sexual violence through grant funding through the end of FY 2018. The legislation divided conservatives, including several changes to the original legislation, such as extending protections to individuals based on sexual orientation and gender identity. The reauthorization

also included a provision allowing American Indian women who endure assault on reservations perpetrated by non-American Indian individuals to pursue justice in Tribal Courts.

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

Small Business Loans: The bill would allow funding provided for Small Business Administration (SBA) loans to be expended at a rate to accommodate demand for those loans.

Disaster Relief Fund: The bill would allow funding provided for FEMA's Disaster Relief Fund -- \$7.901 billion total, and \$7.366 billion for major disasters declared pursuant to the Stafford Act on an annualized basis -- to be expended at a rate necessary to carry out disaster response and recovery activities under the Stafford Act.

According to the [Speaker's office](#), as of September 20, the federal government's Disaster Relief Fund totals \$24.8 billion.

Recreational Fees: The bill would extend the authorization through the end of FY 2019 for certain public land recreational use fees authorized under the [Federal Lands Recreation Enhancement Act](#).

Federal Insecticide, Fungicide, and Rodenticide Act: The bill would extend through December 7, 2018, certain registration and fees provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and Federal Food Drug and Cosmetic Act.

Temporary Assistance for Needy Families (TANF): The TANF program would be extended through December 7, 2018.

OUTSIDE GROUPS

Opposition

[Club for Growth](#) (Key Vote No)

[Heritage Action](#) (Key Vote No)

[FreedomWorks](#) (Key Vote No)

[March for Life](#)

[Family Research Council](#)

[Coalition to Reduce Spending](#)

COMMITTEE ACTION:

The Conference Report reconciles the House and Senate-passed versions of H.R. 6157. It was reported by the Conference Committee on September 13, 2018.

The House passed H.R. 6157, which included only the House's Department of Defense Appropriations Act, 2019 on June 28, 2018 by [359 - 49](#). The House never considered its Committee-reported Labor, Health & Human Services, Education, and Related Agencies Appropriations Act, 2019.

The Senate passed its version of H.R. 6157, which included both the Senate's Department of Defense Appropriations Act, 2019 and Labor, Health & Human Services, Education, and Related Agencies Appropriations Act, 2019 on August 23, 2018 by [85 - 7](#).

The Conference Report includes appropriations for the Department of Defense and Departments of Labor, Health & Human Services, Education for Fiscal Year 2019.

The Senate passed the Conference Report on September 18, 2018 by [93-7](#).

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available for the Conference Report.

The Statement of Administration Policy for the House-passed Department of Defense Appropriations Act, 2019 can be found [here](#).

The Statement of Administration Policy for the Senate-passed “minibus” containing the Senate’s Defense and Labor-HHS-Education bills can be found [here](#).

CONSTITUTIONAL AUTHORITY:

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

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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