



## Legislative Bulletin.....October 4, 2013

### Contents:

- 1) **H.R. 3223** - Federal Employee Retroactive Pay Fairness Act (Rep. Moran, D-VA)
- 2) **H.J. Res. 75** - Nutrition Assistance for Low-Income Women and Children Act (Rep. Aderholt, R-AL)
- 3) **H.J. Res. 76** - Nuclear Weapon Security & Non-Proliferation Act (Rep. Frelinghuysen, R-NJ)
- 4) **H.J. Res. 77** - Food and Drug Safety Act (Rep. Aderholt, R-AL)
- 5) **H.J. Res. 78** - Preserving Our Intelligence Capabilities Act (Rep. Young, R-FL)
- 6) **H.J. Res. 79** - Border Safety & Security Act (Rep. Carter, R-TX)
- 7) **H.J. Res. 80** - American Indian and Alaska Native, Health, Education, and Safety (Rep. Simpson, R-ID)
- 8) **H.J. Res. 82** - National Weather Monitoring Act (Rep. Rogers, R-KY)
- 9) **H.J. Res. 83** - Impact Aid for Local Schools Act (Rep. Rogers, R-KY)
- 10) **H.J. Res. 84** - Head Start for Low-Income Children Act (Rep. Rogers, R-KY)
- 11) **H.J. Res. 85** - National Emergency and Disaster Recovery Act (Rep. Carter, R-TX)

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**Order of Business:** H.J. Res. 85 and H.J. Res. 75 are scheduled to be considered on Friday, October 4, under a closed rule ([H. Res. 371](#)). The rule also provides for consideration of the balance of the bills contained in this bulletin, for same-day consideration authority through October 21, 2013, and suspension authority through October 20, 2013.

To see an RSC timeline of the legislation related to the government “shutdown,” go [here](#).

### Summary:

1) [H.R. 3223](#) – Federal Employee Retroactive Pay Fairness Act (Rep. Moran, D-VA): This bill allows furloughed Federal employees to be compensated at their standard rate of compensation as soon as practicable after the lapse in appropriations (a.k.a. the government slowdown) is over.

2) [H.J. Res. 75](#) – Nutrition Assistance for Low-Income Women and Children Act (Rep. Aderholt, R-AL):

- The bill provides funding for the Special Supplemental Nutrition Program for Women, Infants, and Children (commonly known as WIC). This program is designed to assist low-income pregnant women, new mothers, infants, and children up to age five.
- The Department of Agriculture shutdown contingency plan indicates that the WIC Program can continue to operate using contingency and carryover funds through late October (text of USDA memo [here](#)). This program is authorized through Fiscal Year 2015 by the Healthy, Hunger-Free Kids Act of 2010 ([P.L. 111-296](#)).

- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or the passage of a superseding appropriations act, whichever comes first. CBO estimates that the annualized cost of this bill is \$6.5 billion (in budget authority).

3) [H.J. Res. 76](#) – Nuclear Weapon Security & Non-Proliferation Act (Rep. Frelinghuysen, R-NJ)

- This bill provides funding for the National Nuclear Security Administration (NNSA). The NNSA is a semiautonomous agency within the Department of Energy that manages the United States’ nuclear weapons program research and development.
- The Department of Energy reports that 140 employees of the NNSA are currently excepted and not furloughed. The DOE reports that “the vast majority of excepted employees are connected to NNSA programs falling significantly into three program areas: maintenance and safeguarding of nuclear weapons; international non-proliferation activities; and servicing deployed naval reactors.” For text of the Department of Energy shutdown contingency plan, click [here](#).
- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or the passage of a superseding appropriations act, whichever comes first. CBO estimates that the annualized cost of this bill is \$10.6 billion in budget authority (\$7 billion for Weapons Activities, \$2.2 billion for Defense Nuclear Nonproliferation, \$994 million for Naval Reactors, and \$378 million for the Office of the Administrator).

4) [H.J. Res. 77](#) – Food and Drug Safety Act (Rep. Aderholt, R-AL)

- This bill provides funds for the Food and Drug Administration, provided only the amount necessary to keep current staffing levels is used AND the agency takes all necessary action to reduce administrative expenses.
- Currently 698 FDA staff are excepted to carry out inspections of regulated products, conduct sample analysis, and inspect imports. To read the full HHS/FDA shutdown contingency plan, click [here](#).
- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or the passage of a superseding appropriations act, whichever comes first. CBO estimates that the annualized cost of this bill is \$2.3 billion in budget authority.

5) [H.J. Res. 78](#) – Preserving Our Intelligence Capabilities Act (Rep. Young, R-FL)

- This bill provides funding for a number of national intelligence program operations. Specifically, the bill provides funding for payment of personnel compensation and benefits for civilian employees whom the Director of National Intelligence determines necessary to continue: (A) producing finished intelligence for the President or senior military or civilian officials of the Federal government; (B) collecting human, signals, or technical intelligence; (C) conducting covert actions (defined in [50 U.S.C. 3093\(e\)](#)); (D)

providing analytic support to critical ongoing intelligence operations and military combat operations; and (E) maintaining the capability to provide warnings of counterterrorism and international terrorist threats to protect the life, safety, and security of the United States interests. Contract employees carrying out a listed function are included.

- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or the passage of a superseding appropriations act, whichever comes first. A CBO cost estimate was not available at press time.

6) [H.J. Res. 79](#) – Border Safety & Security Act (Rep. Carter, R-TX):

- The bill provides funding for the border security programs at the Department of Homeland Security, provided only the amount necessary to keep current staffing levels is used AND the agency takes all necessary action to reduce administrative expenses.
- [U.S. Customs and Border Protection](#) is “one of the Department of Homeland Security’s largest and most complex components, with a priority mission of keeping terrorists and their weapons out of the U.S. It also has a responsibility for securing the border and facilitating lawful international trade and travel while enforcing hundreds of U.S. laws and regulations, including immigration and drug laws.”
- The Department of Homeland Security shutdown contingency plan indicates that several of the major services will continue because of either “other funding source” or “necessary for the safety of life and the protection of property.” See text of the memo [here](#). In addition, “U.S. Customs and Border Protection (CBP) expects to complete an orderly cessation of all other activities not identified as exempt functions within four business hours following notification of a federal funding hiatus.”
- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or upon the passage of a superseding appropriations act, whichever comes first. A CBO cost estimate was not available at press time.

7) [H.J. Res. 80](#) – American Indian and Alaska Native, Health, Education, and Safety Act (Rep. Simpson, R-ID)

- This bill provides funding for:
  - (A) The Bureau of Indian Affairs, which is currently operating with 1,585 of 4,113 employees, according to the BIA shutdown contingency plan (text [here](#));
  - (B) The Bureau of Indian Education, which has furloughed 180 employees and has retained 3,635 employees, according to the BIE shutdown contingency plan (text [here](#));
  - (C) The Indian Health Service, which is currently providing direct clinical health care services and has exempted 6,924 staff. HHS estimates that this will not reduce the number of inpatient/outpatient visits during a government slowdown. For full text of the HHS/IHS shutdown plan, click [here](#).

- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or the passage of a superseding appropriations act, whichever comes first. CBO estimates that the annualized cost of this bill is \$6.7 billion in budget authority.

8) [H.J. Res 82](#) – National Weather Monitoring Act (Rep. Rogers, R-KY):

- This bill provides funding for the [National Weather Service](#) (National Oceanic and Atmospheric Administration), provided only the amount necessary to keep current staffing levels is used AND the agency takes all necessary action to reduce administrative expenses.
- The National Weather Service’s [mission](#) is to “provide weather, water, and climate data, forecasts and warnings for the protection of life and property and enhancement of the national economy.”
- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or upon the passage of a superseding appropriations act, whichever comes first. CBO estimates that the annualized cost of this bill is \$974 million (in budget authority).

9) [H.J. Res 83](#) – Impact Aid for Local Schools Act (Rep. Rogers, R-KY):

- This bill provides funding for the Impact Aid program of the Department of Education, provided only the amount necessary to keep current staffing levels is used AND the agency takes all necessary action to reduce administrative expenses.
- The [Impact Aid](#) program provides financial assistance to school districts that have parcels of land owned by the Federal Government, including Indian lands, within their boundaries. Land owned by the Federal Government is removed from the local tax roll and therefore does not contribute to education funding. This program has been in existence since 1950 and helps these school districts by providing federal dollars to account for the lost local tax revenue.
- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or upon the passage of a superseding appropriations act, whichever comes first. CBO estimates that the annualized cost of this bill is \$1.223 billion (in budget authority).

10) [H.J. Res. 84](#) – Head Start for Low-Income Children Act (Rep. Rogers, R-KY):

- This bill provides funding for the Head Start for Low-Income Children program, commonly known as Head Start, of the Department of Health and Human Services, provided only the amount necessary to keep current staffing levels is used AND the agency takes all necessary action to reduce administrative expenses.
- [Head Start](#) is “a federal program that promotes the school readiness of children ages birth to five from low-income families by enhancing their cognitive, social, and emotional development.”

- The Department of Health and Human Services shutdown contingency plan indicates that “new discretionary grants, including Head Start . . . would not be made.” See text of the memo [here](#).
- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or upon the passage of a superseding appropriations act, whichever comes first. CBO estimates that the annualized cost of this bill is \$7.586 billion (in budget authority).

11) [H.J. Res 85](#) – National Emergency and Disaster Recovery Act (Rep. Carter, R-TX):

- This bill provides funding for the Federal Emergency Management Agency (FEMA), provided only the amount necessary to keep current staffing levels is used AND the agency takes all necessary action to reduce administrative expenses.
- [FEMA’s](#) “mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.”
- The FEMA shutdown contingency plan indicates that disaster payments would NOT cease during a “temporary funding hiatus.” See text of the memo [here](#) (see page 11). In addition, “FEMA estimates 11,468 employees as the total number exempt and estimated to be retained during a federal funding hiatus. These employees are exempt since they are Presidential appointees, funded by other than annual appropriations, or necessary for the protection of life and property.”
- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or upon the passage of a superseding appropriations act, whichever comes first. A CBO cost estimate was not available at press time.

**Do the Bills Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Delegate Any Legislative Authority to the Executive Branch?:** No.

**Administration Position:** At press time, no Statement of Administration Position was available, although veto threats have been recently issued for similar bills.

**Outside Organizations:** At press time, no statements from outside groups were available, though Conservative Movement groups have been supportive of the “mini-CR” strategy thus far.

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