



Legislative Bulletin.....December 11, 2014

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Rules Committee Print for H.R. 83 — Consolidated and Further Continuing Appropriations Act, 2015 (Rogers, R-KY)

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Topline Summary: The Consolidated and Further Continuing Appropriations Act, 2015 provides full appropriations language for Fiscal Year 2015 for 11 of the 12 regular appropriations bills. Funding for the Department of Homeland Security is limited until February 27, 2015.

The bill has been called a “CROmnibus” because it combines aspects of both an omnibus appropriations bill and a Continuing Resolution or CR.

The Explanatory Materials can be found [here](#), and the text of the legislation can be found [here](#).

In addition to appropriations provisions, the bill includes a number of other provisions, which will be addressed in a forthcoming Legislative Bulletin.

Order of Business: The bill is expected to be considered on December 11, 2014 under a [rule](#).

Several conservatives have offered an amendment at the Rules Committee to specifically prohibit funding of the President’s executive amnesty actions.

By the Numbers:

According to [CBO](#), the bill provides funding of \$521.272 billion for regular Defense discretionary and \$492.076 billion for regular Non-Defense discretionary, for a total of \$1.013 trillion in regular discretionary appropriations. These levels are consistent with the current law discretionary spending caps.

Spending Comparison (Base Budget Authority on Annualized Basis in Billions of Dollars)			
	Defense	Non-Defense	Total
Ryan Murray FY 2014 Caps	520.464	491.773	1,012.237
Ryan-Murray FY 2015 Caps	521.272	492.356	1,013.628
H. J. Res 124 (September CR)	517.689	494.547	1,012.236
H.R. 83 (CROmnibus)	521.272	492.076	1,013.348

The bill further provides \$73.706 billion for Overseas Contingency Operations (OCO) funding, which is not subject to the spending caps. Of this total, \$64 billion is in the Defense bill, \$221 million is in the Military Construction bill, \$9.258 billion is in the State Department bill, and \$227 million is in the Homeland Security continuing resolution.

The bill also provides \$5.405 billion in emergency funding for Ebola response, which is not subject to the spending caps.

In total, the bill provides \$1.09966 trillion in discretionary funding.

The Ryan-Murray [Bipartisan Budget Act](#) increased the Budget Control Act discretionary caps for both Defense and Non-Defense spending. For FY 2015, the Defense cap is \$521.272 billion while the Non-Defense cap is \$492.356 billion.

H.J Res. 124, the [Continuing Resolution](#) (CR) signed into law in September, continued appropriations at the total FY 2014 spending level at an annual rate of \$1.012 trillion. Under the CR, annualized Defense spending was \$517.689 billion and annualized Non-Defense spending was \$494.547 billion.

Division-by-Division Summary:

Agriculture:

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The Agriculture appropriations bill was considered in the House in July, but no vote was held on final passage. The RSC Legislative Bulletin can be found [here](#).

Food Safety and Inspection Service: The bill provides \$1.016 billion for the Food Safety and Inspection Service.

Farm Service Agency: The bill provides \$1.2 billion for the Farm Service Agency, and prohibits the closure of 250 county offices.

School Lunch Program: The bill includes a hardship waiver from the whole grain student lunch requirement. The bill further prohibits the implementation of a reduction in sodium standards unless “scientific research establishes the reduction is beneficial to children.” This program, championed by the First Lady Michele Obama, mandates more fruits and vegetables,

lower sodium, and healthier food options. As a result, schools have seen increased costs and waste, and the GAO has found that participation in the school lunch program has declined by 1.2 million. For additional information, see these articles from the [Wall Street Journal](#) and the [Washington Post](#).

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): The WIC Program is appropriated \$6.623 billion, equal to the proposed House level.

Food and Drug Administration (FDA): The FDA is appropriated \$2.588 billion. The bill does *not* block the FDA's recent [menu labeling guidelines](#), but instead encourages the FDA to provide guidance to industry by March 1, 2015.

Commerce, Justice, and Science (CJS):

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The CJS appropriations bill passed the House by a [321 – 87](#) vote on May 30, 2014. The RSC Legislative Bulletin can be found [here](#).

Pro-Life: The bill prohibits the use of funds to pay for an abortion, except in the case of rape or to preserve the life of the mother and a conscience protection clause that prohibits funds to require any person to perform or facilitate in any way the performance of any abortion.

Second Amendment Protection: The bill prohibits funds to conduct a Fast and Furious-type gunwalking operation, prohibits banning licenses for importing curio or relic firearms, prohibits requiring licenses to export firearms and parts to Canada, and Prohibits banning the importation of certain shotguns. The bill does *not* include a House-passed provision that prohibits funding for an unauthorized reporting and registration requirement regarding the sale of multiple rifles to the same person in border states

U.N. Arms Trade Treaty: The bill prohibits funds to implement the U.N. Arms Trade Treaty unless the Senate approves the Treaty.

Marijuana: The bill includes language from an amendment offered by Rep. Rohrabacher that prohibits the DOJ from using funds to prevent states to implement medical marijuana laws. This amendment passed the House by a [219 – 189](#) vote. Grover Norquist has [written an op-ed](#) in support of this amendment. Opponents of the language point to a report from the DEA, [The Dangers and Consequences of Marijuana Abuse](#).

Legal Services Corporation (LSC): The bill provides \$375 million for the LSC, an increase of \$10 million from the FY 2014 level.

National Science Foundation (NSF): The bill provides \$7.3 billion for the NSF, an amount that is \$172 million above the FY 2014 level.

NASA: NASA is provided \$18 billion, an increase of \$364 million above the FY 2014 level.

Defense:

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The Defense appropriations bill passed the House [340 – 73](#) vote on June 20, 2014. The RSC legislative Bulletin can be found [here](#).

Military Personnel: The bill provides \$128 billion for military personnel, consistent with the House-passed level, \$792 million below the FY 2014 level and \$953 million below the President’s request.

Operation and Maintenance (O&M): O&M is provided \$161.656 billion, about \$3 billion below the House-passed level, \$1.8 billion above the FY 2014 level and \$4 billion below the President’s request.

Procurement: Procurement is provided \$93.835 billion, about \$2.5 billion above the House-passed level, \$974 million above the FY 2014 level, and \$4.2 billion above the President’s request. Within this total, funds are provided for 38 Joint Strike Fighters and three Littoral Combat Ships.

Research, Development, Test and Evaluation (RDTE): RDTE is provided \$63.7 billion, about \$300 million above the House-passed level, \$719 million above the FY 2014 level, and \$179 million above the President’s request.

Overseas Contingency Operations (OCO): The bill provides \$64 billion in OCO funds. These funds are not subject to the Budget Control Act caps. This level is \$21 billion below the FY 2014 level and \$419 million above the President’s requested level (including a supplemental request related to ISIL).

Iron Dome: The bill includes \$351 million for the Israeli Iron Dome missile defense system.

Aircraft Carrier Refueling: The bill includes funds to refuel the USS George Washington aircraft carrier, as passed by the House.

Guantanamo Detainees: The bill prohibits funding for transfers of Guantanamo detainees to the U.S. or its territories and denies funding to modify any facility in the U.S. to house detainees.

The bill prohibits the use of funds to be used in contravention [Section 1035 of the National Defense Authorization Act for Fiscal Year 2014](#), which requires the Administration to notify Congress 30 days in advance of a detainee transfer to a foreign country. The [GAO has found that the Administration violated](#) a similar provision from the 2014 appropriations bill.

The bill does *not* include House-passed language prohibiting foreign transfers of detainees.

Chaplain: The bill supports current guidelines for appointing military chaplains, which includes endorsement by a religious organization.

Surveillance of U.S. Citizens: The bill includes a provision that would prohibit funding to “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.”

The bill does *not* include an amendment from Rep. Massie that would prohibit funds “to query a collection of foreign intelligence information acquired under section 702 of the Foreign Intelligence Surveillance Act of 1978 ([50 U.S.C. 1881a](#)) using an identifier of a United States person.” The amendment further stated that “No funds may be used by the National Security Agency or the Central Intelligence Agency to mandate or request that a person alter its product or service to permit the electronic surveillance of any user of said product or service for said agencies.” According to the amendment sponsor, the intent of this amendment was to prohibit “warrantless searches of government databases for information that pertains to U.S. citizens.” For additional information, please see the [Dear Colleague](#) from the amendment cosponsor.

Opponents of this amendment argue that this amendment would undermine H.R. 3361, the House-passed [USA FREEDOM Act](#). The [House Permanent Select Committee on Intelligence](#) (HPSCI) has released a [fact sheet](#) on intelligence collection programs under the Foreign Intelligence Surveillance Act of 1978 (FISA). Information provided by the committee on 54 terrorist attack plots in 20 countries thwarted by NSA collection under FISA Section 702 and the [PATRIOT Act Section 215](#) can be found [here](#).

[FreedomWorks](#) and GenOpp key voted support for this amendment and the [Campaign for Liberty](#) also expressed strong support for the amendment. The amendment passed the House by a [293 – 123](#) vote.

Energy and Water (E&W):

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The E&W appropriations bill passed the House by a [253 – 170](#) vote on July 10, 2014. The RSC Legislative Bulletin can be found [here](#).

Clean Water Act: The bill requires the EPA and the Army Corps of Engineers to withdraw the “Interpretive Rule Regarding the Applicability of Clean Water Act Section 404(f)(1)(A) that would [narrow the exemption for agricultural activities](#). The House-passed bill contained language that would have prevented the Army Corps of Engineers from changing the definition of “navigable waters” under the Clean Water Act.

Fill Material Regulations: The bill prohibits the Army Corps of Engineers from implementing regulations to change the definition of fill material under the Clean Water Act. [CRS](#) has additional information on this issue.

Energy Efficiency and Renewable Energy (EERE): EERE is appropriated \$1.937 billion, a level that is about \$25 million above FY 2014 levels. This program subsidizes “green energy” projects.

Nuclear Weapons Activities: The bill provides \$8.2 billion for nuclear weapons activities.

Army Corps of Engineers: The Army Corps of Engineers is provided \$5.455 billion.

Financial Services and General Government (FSGG):

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The FSGG appropriations bill passed the House by a [228 – 195](#) vote on July 16, 2014. The RSC Legislative Bulletin can be found [here](#).

Internal Revenue Service (IRS): The bill provides \$10.9 billion for the IRS, a level that is \$346 million below the FY 2014 level and about \$1.1 billion above the level approved by the House.

Targeting of Conservatives: The bill prohibits the IRS from targeting U.S. citizens for exercising their First Amendment Rights, targeting groups based on ideological beliefs, or from contravening provisions of law regarding the confidentiality of tax returns, as passed by the House.

501(c)(4) Regulations: The bill does *not* include [language requested by former RSC Chairman Scalise](#) along with Rep. Meadows, Rep. Wenstrup, and 55 other RSC Members preventing the IRS from issuing 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.

IRS Bonuses: The bill does *not* restrict bonuses to IRS employees, as passed by the House. Instead, the bill requires the IRS to submit a report on conduct issues prior to issuing bonuses. It was [recently reported](#) that the IRS is paying millions to employees who are delinquent in their tax obligations.

Pro-Life: The bill prohibits funding abortion coverage through the Federal Employee Health Benefits Program (FEHBP), except in cases where the health of the mother is at risk or for 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* include House-passed language that prohibits abortion coverage through the Multi-State Plan Program created under Obamacare.

D.C. Hyde Amendment: The bill prohibits the use of funds to provide for an elective abortion. Since 1979, Congress has prohibited the use of funds for abortion in D.C., except for FY94-95, and in FY10 through part of FY11. The Associated Press [reported](#) that during the most recent period of time that the D.C. Hyde amendment was lost, D.C. paid for 300 abortions.

Drug Legalization: The bill prohibited the use of federal or local funds to legalize or reduce the penalties against controlled substances including marijuana. In November, voters in D.C. [approved a referendum](#) to legalize marijuana.

Foreclosure Bailouts: The [Explanatory Materials](#) directs the Secretary of the Treasury to “encourage mortgage servicers and investors, including Fannie Mae and Freddie Mac, to consider and implement foreclosure mitigation authorities as provided” by the 2008 Wall Street Bailout law.

SEC Reserve Fund: The bill rescinds \$25 million from the SEC Reserve Fund. The Dodd-Frank law provided the SEC with a reserve fund of up to \$100 million that is not subject to Congressional oversight. The FY14 Consolidated Appropriations Act rescinded \$25 million of the reserve fund.

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

Obamacare: The bill does *not* include House-passed provisions to prohibit the IRS from enforcing the Individual mandate or implementing Obamacare using funds transferred from HHS.

Homeland Security:

Legislative Text can be found [here](#).

The Homeland Security appropriations bill was not considered in the House.

The bill funds the Department of Homeland Security at current levels through February 27, 2015.

According to the [USCIS](#), the President’s recently announced expanded Deferred Action for Childhood Arrivals (DACA) program will go into effect “Approximately 90 days following the President’s November 20, 2014, announcement.” That timeframe would be February 18, 2015.

The bill provides the DHS flexibility with regards to Secret Service protection for Presidential candidates and the National Bio- and Agro-defense Facility.

Interior and Environment:

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The Interior and Environment appropriations bill was not considered in the House.

Environmental Protection Agency (EPA): The bill provides a total of \$8.14 billion for the EPA, a level that is \$60 million below the FY 2014 level and \$250 million above the President's request.

Bureau of Land Management (BLM): The BLM is provided a total of \$1.066 in discretionary funding, \$14 million above the FY 2014 level and \$20 million above the President's request.

Fish and Wildlife Service: The Fish and Wildlife Service is provided \$1.44 billion, \$12 million above the FY 2014 level and \$36 million below the President's request.

National Park Service (NPS): The bill provides the NPS with \$2.6 billion.

Sage Grouse: The bill prohibits the Secretary of the Interior to issue a proposed rule to list the Sage Grouse as an endangered species.

Wildfires: The bill provides a total of \$3.53 billion for wildfire programs in the Department of Interior and the Forest Service. This level is \$223 million above the FY 2014 level. The bill does not designate these funds as emergency spending. Further, the bill provides \$525.7 million for hazardous fuels management activities.

Labor, Health and Human Services, and Education (L-HHS-Ed):

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The L-HHS-Ed appropriations bill was not considered in the House.

Risk Corridors and Insurance Bailout: The bill includes a provision to prevent appropriations to be used to bail out insurance companies using Obamacare's risk corridors.

Section 1342 of Obamacare requires the Department of Health and Human Services to set up a temporary (effective for plan years 2014-16) [risk corridor program](#). This program was included to shield insurers from uncertainties in the health care exchanges.

Simply put, insurers who have actual spending exceed their expected spending can expect the government to bear some of their losses. Conversely, in plans where the actual spending is less than expected spending, the plan will be required to pay the government a percentage of their gains.

There have been concerns the Administration put pressure on insurers to artificially lower their plan prices in the exchange for the promise of a “[bailout](#)” through the risk corridor program. Since the risk corridor program is not mandated to be budget neutral it is plausible the government will pay out more to insurers than it takes in – effectively creating a taxpayer funded bailout.

The [GAO](#) noted the only way to prevent funds from being used for this specific purpose would be to include a provision in an appropriations bill. Numerous conservative organizations have [called](#) on Congress to prevent unlimited taxpayer dollars from going to insurance plans participating in the exchanges.

Obamacare Slush Fund: Obamacare included a Prevention and Public Health Fund (PPH Fund), which has been used as a slush fund by the Administration. The PPH includes \$927 million for FY 2015. The bill includes a provision that allocates the funds in the PPH to specific accounts, eliminating the Administration’s ability to direct the funds at will.

Independent Payment Advisory Board (IPAB): The bill rescinds \$10 million from Obamacare’s IPAB.

Pro-Life: The bill includes provisions to prohibit federal funding of abortions, except in cases of rape, incest, or endangerment of the life of the mother, to require the Secretary of HHS to force Obamacare plans to inform customers if they provide abortion coverage, and a prohibition on destroying embryos using federal funds,

The bill does *not* include Abortion Non-Discrimination Act language.

National Institute of Health (NIH): The bill provides the NIH with a total of \$30.084 billion, an increase of \$150 million above the FY 2014 level. Of this total, \$238 million is for Ebola response.

National Labor Relations Board (NLRB): The bill provides \$274 million for the NLRB, equal to the FY 2014 level. The bill includes a provision that would prevent the NLRD from instituting e-card check.

Border Crossings: The bill provides \$948 million for Unaccompanied Minors programs in the Office of Refugee Resettlement, Administration for Children and Families. This level is 480 million above the FY 2014 level and the President’s request.

Legislative Branch:

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The Leg. Branch appropriations bill passed the house by a [402 – 14](#) vote on May 1, 2014. The RSC Legislative Bulletin can be found [here](#).

House: The bill provides \$1.181 billion for House operations. This is equal to FY 2014 levels.

Senate: The bill provides \$864 million for Senate operations. This is equal to FY 2014 levels.

Government Publishing Office (GPO): The bill changes the name of the GPO from the Government Printing Office to the Government Publishing office.

Military Construction and Veterans' Affairs (MiCon-VA):

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The MilCon-VA appropriations bill passed the House by a [416–1](#) vote on April 30, 2014. The RSC Legislative Bulletin can be found [here](#).

Military Construction: The bill provides \$6.558 billion for military construction, a reduction of \$3.25 billion from FY 2014 levels, and about equal to the House-passed level. The House Appropriations Committee has noted that “during hearings, the Department testified that while this budget reduction assumes some risk, the Services chose to take risk in the military construction program in order to reduce risk in readiness accounts.”

Advance Appropriations for Veterans Medical Benefits: The bill provides \$47.6 billion in FY 2016 advance appropriations for veterans’ medical services. The bill also provides an additional \$209 million for FY 2015 veterans’ medical services. Within this total, \$7.449 billion is for mental health services and \$437 million is for women’s health services.

Claims Backlog: To help address the claims backlog, the bill provides \$2.534 billion for General Operating Expenses for the Veterans Benefits Administration, an amount \$40 million above the President’s requested level and \$69 million above the FY 2014 level. The bill also includes several reporting requirements regarding the backlog.

Board of Veterans Appeals: The Board of Veterans Appeals is provided \$99 million, an amount \$5 million above the House-proposed level, to help address the claims backlog.

Electronic Health Records: The bill provides \$343.6 million for electronic health records, the same as the House-passed level.

VA Inspector General: The bill provides \$126 million for the VA Inspector General, a level that is \$5 million above FY 2014 in an effort to provide audits of the wait list scandal.

Guantanamo Bay Detainees: The bill includes language prohibiting the use of funds for the renovation, expansion, or construction of any facility in the continental United States for the purpose of housing any individual who has been detained at Guantanamo Bay.

VA Bonuses: The bill does *not* include House-passed language prohibiting bonuses for VA employees.

State and Foreign Operations:

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The State and Foreign Operations bill was not considered by the House.

Embassy Security: The bill provides \$1.241 billion for worldwide security upgrades. The bill further provides \$250 million in OCO funds for embassy security.

Bilateral Economic Assistance: The bill provides a total of \$16.696 billion for bilateral economic assistance programs, a cut of \$1.495 billion from FY 2014 levels. Within this total, \$560 million is for International Disaster Assistance, a cut of \$316 million from FY 2014 levels, \$2.633 billion is for the Economic Support Fund, a cut of \$350 million from the FY 2014 level, and \$932 million is for Migration and Refugee Assistance, a cut of \$843 million from the FY 2014 level.

Security Assistance: The bill provides \$6.7 billion in funding for security assistance programs, a cut of \$662 million from the FY 2014 level. Included in this amount is \$3.1 million for Israel and \$1.3 million for Egypt.

Overseas Contingency Operations (OCO): The bill provides \$9.258 billion in OCO funding, a level that is about \$3.3 billion above the House-proposed level. These funds are not subject to the Budget Control Act caps.

Included in this amount is \$1.335 billion for International Disaster Assistance, about \$500 million above the House-proposed level. The Economic Support Fund is provided \$2.114 billion, about \$600 million above the house-proposed level. Migration and Refugee Assistance is provided \$2.127 billion, about \$1.3 billion above the House-proposed level.

Gaming the Budget Caps: Some conservatives may be concerned that the bill uses OCO funds, which are not subject to spending caps, to “backfill” these accounts which received cuts in their base funding. Senate Democrats [used this budgetary gimmick](#) in order to increase spending.

U.N. Arms Trade Treaty: The bill prohibits funds to implement the U.N. Arms Trade Treaty unless the Senate approves the Treaty.

Palestinian Authority: The bill withholds funds for the Palestinian Authority if it obtains U.N. Membership without an agreement with Israel and unless it acts to counter incitement of violence.

Transportation, Housing, and Urban Development (THUD):

Legislative Text can be found [here](#). Explanatory Materials can be found [here](#).

The THUD appropriations bill passed the House by a [229 – 12](#) vote on June 10, 2014. The RSC Legislative Bulletin can be found [here](#).

TIGER Grants (National Infrastructure Investment program): The bill provides \$500 million for the National Infrastructure Investment program (more commonly known as TIGER Grants). This is \$400 million above the House-passed level. The TIGER Grant program was established by President Obama’s failed stimulus law. The [GAO](#) has found problems with the funding decisions made by the administration under this program. Most THUD appropriations bills since Republicans regained the majority in the House have proposed to eliminate the TIGER Grant program.

Federal Aviation Administration (FAA): The FAA is appropriated a total of \$12.367 billion.

Federal Highway Administration (FHWA): The bill provides \$40.995 billion for federal highway funding. The FHWA is funded via the Highway Trust Fund; annual appropriations bills establish limitations on obligations, which are the funding levels for programs and activities in the FHWA.

Hours of Service: The bill suspends the [Hours of Service](#) trucking regulations and requires a study on the regulations.

Amtrak (National Railroad Passenger Corporation): Amtrak is provided a total of \$1.39 billion, equal to FY 2014 levels. Amtrak is required to submit a plan to eliminate food and beverage losses by 2018. The House-passed bill would have prohibited funds to subsidize food and beverage service.

High Speed Rail: The bill does not provide funding for high speed rail projects.

Washington Metropolitan Area Transit Authority ([WMATA](#)): The bill provides the Washington, D.C. Metro \$150 million.

Housing and Urban Development (HUD): HUD is provided a total of \$35.6 billion.

Black Boxes: The bill prohibits funding to mandate GPS tracking in passenger vehicles without “providing full and appropriate consideration of privacy concerns.”

National Roadside Survey: The bill prohibits funding to carry out the National Roadside Survey.

Emergency Spending:

The bill provides a total of \$5.4 billion for responding to the outbreak of Ebola that is spread throughout several agencies in the bill. Included in the bill is

- \$2.742 billion for Health and Human Services programs, including \$1.2 billion for Centers for Disease Control International Response and Preparedness.
- \$2.525 billion for international assistance programs, \$370 million below the President’s supplemental request. Of this amount, \$1.4 billion is for International Disaster Assistance and \$711 million is for the Economic Support Fund.
- \$112 million is for the Department of Defense.
- \$25 million for Food and Drug Administration.

These funds are designated as Emergency spending. This designation allows new discretionary spending above and beyond the bipartisan negotiated caps set forth in law by the Budget Control Act (BCA) and the Ryan-Murray Bipartisan Budget Act. The [BCA spells out](#) the requirements for what spending can be designated as an emergency. An emergency situation must meet two tests:

1. The spending must be “for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security”; and
2. Unanticipated, defined as “sudden,” “urgent,” “unforeseen,” and “temporary.”

Many conservatives will be concerned at this emergency designation. The point of the discretionary caps is to force Congress to prioritize funding and be judicious with the taxpayers’ dollars. By spending above the caps, Congress is ignoring this important responsibility.

Committee Action: The bill posted publically online at docs.house.gov at 8:17 pm on December 9, 2014.

Once again, the Senate failed to complete its basic task of funding the government. The Senate did not pass a budget resolution, as required by law – for the fourth time in the last five years. The Senate did not pass a single regular appropriations bill – for the third year in a row.

FY 2015 Appropriations Bills Passed	
House	Senate
7	0

In contrast, the House passed a responsible budget that balances. The House passed seven of the twelve regular appropriations bills under an open process that allowed for almost 400 amendments to be offered.

Outside Groups:

Club for Growth: [Key Vote No:](#) “The Club for Growth urges all members of Congress to vote “NO” on the so-called FY15 Cromnibus (HR 83).”

Heritage Action: [Key Vote No](#): “The bill does nothing to block President Obama’s unilateral, unlawful actions which include granting quasi-legal status, work permits and Social Security numbers to those who are in the country illegally.” Heritage Action [announced](#) on December 4, 2014, that it would “key vote against the bill unless it contains legislative language that stops the implementation of the President’s unlawful amnesty program.”

Coalition to Reduce Spending: “[Budget Deal: Both Good and Bad News](#).”

Possible Conservative Concerns:

Amnesty: Some conservatives will be concerned that this legislation fails to explicitly block funding for the President’s [executive amnesty](#).

Some conservatives believe that that by not prohibiting funding for executive amnesty, that this legislation would allow the administration’s actions to continue. Some conservatives believe that the administration’s actions were unconstitutional, and by using any funds to carry out executive amnesty, the administration is breaking the law. The Appropriations Committee has [stated](#) that because the U.S. Citizenship and Immigration Services (USCIS, the agency that will process deferred action) receives mandatory funding from fees, “the Appropriations process cannot be used to 'de-fund' the agency.” However, [CRS](#) has confirmed that Congress has the ability to restrict the use of fees like it can for other appropriated funds.

On August 1, 2014, the House passed legislation ([H.R.5272](#)) to prohibit the use of Federal funds or resources to authorize deferred action for any class of alien not lawfully present in the United states or to authorize any alien to work in the United States that not in lawful legal status by a [216 – 192](#) vote. However, the Senate has failed to take action on this issue.

Timing: Some conservatives will be concerned that the text of the legislation was only posted at 8:17 pm on December 9, 2014, giving Members and the public a limited amount of time to review the 1603 pages of legislative text and 1,185 pages of explanatory materials, in [violation of the spirit](#) of the House Republicans’ 3-day rule.

CHIMPS: Some conservatives may be concerned that the bill relies on \$19 billion worth of “changes in mandatory programs” (CHIMPS) to meet the spending caps. Because of the CBO scoring conventions, an appropriations bill can offset increases in discretionary spending if it reduces mandatory spending in the first year of the budget window. These CHIMPS are often just gimmicks that shift the timing of mandatory spending, and allow increases in discretionary spending year after year using the same “offset” over and over.

The use of CHIMPS for the purpose of increasing discretionary spending contradicts the Appropriations Committee’s [recent comments](#) about not being able to restrict mandatory spending in an appropriations bill.

For more information regarding CHIMPS, see this [CRS memo](#).

Gaming the Budget Caps: Some conservatives may be concerned that the bill uses OCO funds, which are not subject to spending caps, to “backfill” accounts which received cuts in their base funding. Senate Democrats [used this budgetary gimmick](#) in order to increase spending.

Administration Position: A Statement of Administration Policy is not available at this time.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No, according to the [Explanatory Materials](#).

Constitutional Authority: A Constitutional authority statement for the Rules Committee print is not available.

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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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