

# FY 2017 Continuing Resolution (CR) Appropriations Issues (anomalies required for a CR through March)

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*Notes: This package assumes that all of the anomalies included in the first CR through December 9<sup>th</sup> (Public Law 114-223) will be retained, unless a stand-alone authorization was enacted subsequently that replaced the need for such an anomaly.*

*Drafted anomalies are assumed to be added as an amendment to Public Law 114-223. The language cites section 101 and 106 and assumes that section 101 refers to the "authority and conditions" section and that section 106 refers to the amended expiration date of the CR.*

## **Agriculture, Rural Development, Food and Drug Administration, and Related Agencies**

### ***Rural Telecommunications Loans***

Sec. \_\_\_\_ . Amounts made available by section 101 for "Rural Development Programs—Rural Utilities Service" may be transferred between appropriations under such heading as necessary for the cost of direct telecommunications loans authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935).

Language is needed to provide the Department of Agriculture (USDA) the authority to transfer funds from appropriations from within or available to the Rural Utilities Service (RUS) to cover increased subsidy costs associated with the Treasury telecommunications direct loans to be obligated in FY 2017. The Treasury telecommunications direct loan program subsidy rate of 0.03 percent in FY 2016 increases to 0.89 percent in FY 2017. The average loan size for this program is \$12 million, and RUS currently has 10 loans on hand for a total budget authority requirement of \$279 million. The FY 2016 budget authority level is \$104 thousand and would support about \$11.7 million in loan level, or no more than one loan. This anomaly would allow budget authority to be shifted from programs with lower subsidy costs to support the program level needed. It is assumed that USDA would transfer \$1.076 million within RUS to enable a loan level of \$120 million or roughly 10 loans.

### ***Child Nutrition Information Clearinghouse***

Sec. \_\_\_\_ . Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "2010 through 2016" and inserting "2010 through 2017".

Language is needed to continue funding for the Child Nutrition Information Clearinghouse, which provides information to nongovernmental groups that assist low-income individuals or communities. Annual appropriations ceased on September 30, 2016, and the program has been operating on carryover balances. Without the anomaly, the Clearinghouse would halt operations beginning in February 2017.

### ***Summer Electronic Benefit Transfer Demonstration Projects***

Sec. \_\_\_\_ . Amounts made available by section 101 for "Department of Agriculture—Food and Nutrition Service—Child Nutrition Programs" to carry out section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80) may be apportioned up to the rate for operations necessary to ensure that the program can be fully operational by May 2017.

Language is needed to authorize the Department of Agriculture, Food and Nutrition Service to obligate the amount provided under the CR formula at a rate for operations necessary to ensure that Summer Electronic Benefit Transfer for Children (Summer EBT) Demonstration Projects are operational as soon as the school year has ended. In order for States to begin Summer EBT operations at the beginning of the school recess, funding is needed by the beginning of March. Without the anomaly, some States may not be able to fully implement the program as intended. Summer EBT, which operates through competitive State grants,

provides monthly benefits during the summer to low-income families with school-aged children.

***Commodity Futures Trading Commission (in Financial Services Subcommittee in the Senate)***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Commodity Futures Trading Commission" at a rate for operations of \$268,000,000.

Language is needed to provide a rate for operations of \$268 million for the Commodity Futures Trading Commission (CFTC). This anomaly would allow the Commission to operate during the period of the CR at a rate necessary to maintain current services. The CFTC has been steadily reducing operating expenses, such as overhead expenses other than salaries, benefits, and rent, and is currently under a hiring freeze. Without this funding, the CFTC could not maintain current services and would likely need to furlough staff, negatively impacting the markets it oversees and harming its ability to protect market participants.

**Commerce, Justice, Science, and Related Agencies**

***Exploration Systems Development***

Sec. \_\_\_\_ . Amounts made available by section 101 for "National Aeronautics and Space Administration—Exploration" may be apportioned up to the rate for operations necessary to maintain the planned schedule for the Space Launch System launch vehicle, exploration ground systems, and Orion Multi-Purpose Crew Vehicle.

Language is needed to authorize the National Aeronautics and Space Administration's (NASA) Exploration account to obligate funding under the CR formula at a rate for operations necessary to maintain the planned schedule for the Space Launch System launch vehicle, exploration ground systems, and Orion Multi-Purpose Crew Vehicle. Without the anomaly, NASA would have insufficient funding to maintain development activities at current rates, which could impact meeting the November 2018 planned launch schedule and follow-on missions.

***Weather Satellite Acquisition***

Sec. \_\_\_\_ . Amounts made available by section 101 for "Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction" may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System.

Language is needed to authorize the National Oceanic and Atmospheric Administration (NOAA) Procurement, Acquisition and Construction account to obligate funding under the CR formula at a rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System (JPSS-1 and JPSS-2) weather satellites and to operate the Suomi National Polar-orbiting Partnership (Suomi-NPP) satellite. The higher rate of spending is needed earlier in the year based on the increased activity and payments to complete mission readiness activities on time, allowing the program to accomplish the JPSS-1 launch, sustain Suomi-NPP, and maintain the JPSS-2 launch schedule. The JPSS-1 launch

commitment date is set for the fourth quarter of FY 2017. Preserving the JPSS-1 and JPSS-2 schedule is integral to maintaining continuity for NOAA's weather prediction and forecasting mission should an on-orbit failure of the Suomi-NPP satellite and/or a catastrophic launch failure of JPSS-1 occur.

### ***Periodic Censuses and Programs***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Department of Commerce—Bureau of the Census—Periodic Censuses and Programs" at a rate for operations of \$1,191,916,000.

Language is needed to provide a rate for operations of \$1,192 million for the Periodic Censuses and Programs account. This anomaly would allow the Census Bureau to operate at a rate that would enable the 2020 Census to complete critical systems development, integration, and other time-sensitive preparations necessary to begin the 2018 End-to-End Census Test in the final quarter of FY 2017. The Bureau must support contracted expertise to ensure systems are fully operational by mid-2017 and are able to undergo the rigorous testing necessary before being deployed in the field for the 2018 Census Test. Without this anomaly, the Bureau would not be able to continue implementing and testing the new research methods, design changes, and integration of technology for conducting the 2020 Decennial, which could lead to cost overruns and loss of data quality and accuracy.

## **Defense**

### ***Multiyear Procurement Authority for AH-64E Attack Helicopter***

Sec. \_\_\_\_ . (a) Notwithstanding section 102 of this Act, the Secretary of the Army may enter into contracts for multiyear procurements, including advance procurement, for the AH-64E Attack Helicopter.

(b) The Secretary of the Army may exercise the authority conferred in subsection (a) notwithstanding subsection 2306b(i)(1) of title 10, United States Code, until enactment into law of a National Defense Authorization Act for Fiscal Year 2017, subject to satisfaction of all other requirements of section 2306b.

Language is needed to authorize the Department of Defense to enter into contracts for multiyear procurements for AH-64E Apache Helicopters. Without this anomaly, contracts would be delayed during the period of the CR, impacting the production line and delivery schedule. Additionally, the Army would be forced to revert to annual contracts, driving up costs by as much as \$425 million over five years.

### ***Advanced Procurement for Shipbuilding and Conversion, Navy***

Sec. \_\_\_\_ . Notwithstanding any other provision of this Act, the Secretary of the Navy may use funds provided by section 101 of this Act for "Department of Defense-Shipbuilding and Conversion, Navy" for the "Ohio Replacement Submarine (AP)" at a rate for operations of \$773,138,000.

Language is needed to authorize funding for advance procurement for the Department of Defense to begin detailed design work for the Ohio Replacement program in January 2017. This program, to design and produce a new class of 12 ballistic missile submarines (SSBNs) to replace the current force of 14 Ohio-class SSBNs, is the highest priority program in the Navy and one of the highest priority programs in the Department of Defense. FY 2017 is the first year of procurement funding for the Ohio Replacement Program, and FY 2016 appropriations did not include an advanced procurement line for SSBN replacement. Without this anomaly, design work could not begin in January 2017 as scheduled, and the production line, delivery schedules, and potentially the cost of the program would be affected.

### ***Defense Production Increases***

Sec. \_\_\_\_ . Notwithstanding section 102, amounts provided by section 101 for the following accounts are available for the following specified projects, programs, and activities at production rates that are provided within amounts in the lower of the President's budget estimate for fiscal year 2017 or the Department of Defense Appropriations Act, 2017, H.R. 5293, as passed by the House on June 16, 2016—

- (a) "Aircraft Procurement, Air Force", KC046A/KC-46A Tanker;
- (b) "Missile Procurement, Army", Hellfire Missile;
- (c) "Procurement of Ammunition, Air Force", Joint Direct Attack Munitions (JDAM);
- (d) "Missile Procurement, Air Force", Small Diameter Bomb (SDB).

Language is needed to authorize DOD to increase production of specific projects, programs, and activities to rates that are provided within amounts contained in the FY 2017 Budget request or by H.R. 5293 (114th Congress), whichever is lower.

Specifically, this anomaly would provide DOD the authority to: increase production to execute the KC-46A Tanker contract, in order to avoid penalties of \$331 million; increase production of Hellfire missiles to meet in-theater operations demand; increase production of Joint Direct Attack Munitions to maintain production schedule and lower unit costs; and increase production rates for Small Diameter Bombs to replenish inventory levels and meet current requirements.

### ***Destruction of Chemical Munitions on San Jose Island, Panama***

Sec. \_\_\_\_ . In addition to amounts provided by section 101, amounts are provided for "Department of Defense—Other Department of Defense Programs—Chemical Agents and Munitions Destruction, Defense" at a rate for operations of \$13,700,000 for the destruction of eight United States-origin chemical munitions in the Republic of Panama: Provided, That the amount provided by this section may be apportioned up to the rate for operations necessary to carry out fully the destruction of such munitions: Provided further, That the Secretary of Defense is authorized to use such funds to destroy chemical munitions under conditions set forth in section 1248 of H.R. 4909 as passed by the House of Representatives in the 114th Congress: Provided further, That the authority provided by this section to destroy chemical munitions shall continue until enactment into law of a National Defense Authorization Act for Fiscal Year 2017.

Language is needed to provide the Department of Defense with authority to destroy eight chemical munitions located on San Jose Island, Panama, as well as to provide \$13.7 million and authority to obligate this funding at a rate for operations necessary to carry out fully the destruction of these munitions. This initiative is scheduled to begin in early calendar year 2017. Due to both the terms of the U.S.-Panama agreement to destroy the munitions and weather constraints, any delays to this timeline could put the U.S. Government at risk of not being able to meet its political commitments to Panama. The House- and Senate-passed National Defense Authorization Acts both include language providing the necessary authority for this initiative, and the House-passed and Senate Committee-approved Defense Appropriations Bills both include the necessary funding.

## **Energy and Water Development, and Related Agencies**

### ***Weapons Activities Section 301(d) Waiver***

Sec. \_\_\_\_ . Notwithstanding section 101, section 301(d) of division D of Public Law 114-113 shall not apply to amounts made available by this or any prior Act for "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities": Provided, That the Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 15 days after funds made available by this Act are allotted to a Department of Energy program, project, or activity at a rate for operations that differs from that provided in division D of Public Law 114-113 by more than \$5,000,000 or 10 percent.

Language is needed to waive the restrictions included in division D, section 301(d) of Public Law 114-113, so that the Department of Energy may reallocate funding needed during the period of the CR for Weapons Activities (WA). Attaining relief from section 301(d) would provide the Department the versatility to manage their WA programs, projects and the required resources in an efficient and effective manner. Without this anomaly, critical national security programs accelerating as a consequence of the 2015 Nuclear Enterprise Review, including the W80 Life Extension Program (LEP), the B61-12 LEP, and several programs supporting infrastructure recapitalizations could risk up to a six-month delay.

## **Financial Services and General Government**

### ***Former Presidents***

Sec. \_\_\_\_ . In addition to amounts provided by section 101, amounts are provided for "General Services Administration—Allowances and Office Staff for Former Presidents" for the pension of the outgoing President, at a rate for operations of \$157,000.

The FY 2017 Budget request for the Allowances and Office Staff for Former Presidents appropriation includes \$157,000 for the commencement of pension benefits for President Obama, beginning January 21, 2017. The General Services Administration cannot absorb these additional costs in the Allowances and Office Staff for Former Presidents account.

## ***Delayed Sequestration Report and Order***

Sec. \_\_\_\_ . Delayed Sequestration Report and Order. Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the timetable in section 254(a) of such Act, the final sequestration report for fiscal year 2017 pursuant to section 254(f)(1) of such Act and any order for fiscal year 2017 pursuant to section 254(f)(5) of such Act shall be issued 15 days after the date specified in section 106(3).

Language is needed to delay the release of the FY 2017 Final Sequestration Report until the enactment of final full-year appropriations. Without this language, section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 requires OMB to release the report 15 calendar days after the Congress adjourns to end a session (typically in January). If 2017 appropriations are not finalized by this date, this would result in the report being based on the annualized short-term continuing resolution funding levels rather than the final full-year appropriations. A similar delay of the Final Sequestration Report was enacted in FY 2013, which is the most recent instance of a continuing resolution extending into March.

## **Homeland Security**

### ***Immigration Enforcement/Surge Operations***

Sec. \_\_\_\_ . Subsection (a) of section 131 of division C of Public Law 114-223 is amended to read as follows:

"(a) Amounts made available by section 101 for "Department of Homeland Security—U.S. Customs and Border Protection—Operations and Support" and "Department of Homeland Security—U.S. Immigration and Customs Enforcement—Operations and Support" may be apportioned up to the rate for operations necessary to sustain staffing levels and operations for ensuring border security and fulfilling immigration enforcement priorities."

Language is needed to authorize the Department of Homeland Security, U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) to obligate funding under the CR formula at a rate for operations necessary to respond to ongoing unpredictable surges in migration. This flexibility is needed to cover personnel and non-personnel funding requirements to apprehend, process, hold, detain, and transport unlawful migrants. It would further support necessary immigration court prosecutions, homeland security investigations, and alternatives to detention programs. Without this anomaly, CBP and ICE would not have sufficient funds to address the ongoing surge in migration, resulting in backups and overcrowding at the border, insufficient detention and alternatives to detention capacity, and strains on both immigration prosecution and removal programs.

### ***Authority to Address Irregular Migration***

Sec. \_\_\_\_ . Notwithstanding any other provision of law, amounts made available by section 101 for the Department of Homeland Security shall also be available for direct and financial support of foreign country operations to address irregular migration flows that may affect the United States, if the Secretary of Homeland Security and the Secretary of State determine that supporting such operations is in the national interests of the

United States: Provided, That such foreign country operations include procedures to screen for, and provide protection to, individuals who would face persecution or torture if returned: Provided further, That such funds made available by section 101 for the Department of Homeland Security may be transferred to and merged with funds made available by section 101 from titles III and IV of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 to support the purposes provided herein, notwithstanding any other provision of law.

Language is needed to authorize the Department of Homeland Security to provide direct financial support to foreign country operations to address irregular migration flows that may affect the United States. This authority would be used to bolster foreign countries' capacities to intercept migrants and remove them to their countries of origin prior to their arrival in the United States at a port of entry or between the ports, relieving pressures on the United States' border security and immigration enforcement agencies. Such authority would only be used where foreign country operations include protections to ensure that individuals returned to their countries of origin would not face persecution or torture. In order to make funds available to a foreign country, the Departments of State and Homeland Security must jointly determine that such an arrangement is in the national interests of the United States. Without this authority, the United States would not be able to assist foreign countries in operations that would address irregular migration flows, which otherwise create pressures on U.S. Government agencies' border security and immigration enforcement capacities.

## **Interior, Environment, and Related Agencies**

### ***Forest Service Facility Realignment and Enhancement Act***

Sec. \_\_\_\_ . The authority provided by section 503(f) of the Forest Service Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note) shall continue in effect through the date specified in section 106(3).

Language is needed to extend the authority, which expires September 30, 2016, to convey unneeded administrative sites and retain proceeds for building maintenance, rehabilitation, and construction. Excluding this authority during the CR period would preclude actions to reduce the backlog of deferred maintenance of Forest Service facilities.

### ***Smithsonian Institution***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Smithsonian Institution—Salaries and Expenses" at a rate for operations of \$701,545,000.

Language is needed to provide the Smithsonian Institution an additional \$5.5 million for increased security and facilities support at the National Museum of African American History and Culture (NMAAHC). The Smithsonian has been utilizing carryover funding to maintain normal operations, but without the requested additional funding, by early March 2017 the Smithsonian would need to reduce the hours of operation or number of days that the NMAAHC and other Smithsonian museums are open.

## *National Gallery of Art*

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "National Gallery of Art—Salaries and Expenses" at a rate for operations of \$129,376,000.

Language is needed to provide the National Gallery of Art an additional \$4.4 million to provide for the costs of operating 55,000 square feet of public galleries in its East Building, which was opened September 30, 2016. For the majority of 2016, the galleries were not open and as such, the FY 2016 appropriated level did not include funding for these operating costs.

## **Labor, Health and Human Services, Education, and Related Agencies**

### *Health Centers*

Sec. \_\_\_\_ . The third and fourth provisos under the heading "Department of Health and Human Services—Health Resources and Services Administration—Primary Health Care" in title II of division H of Public Law 114-113 shall not apply during the period covered by this Act.

Language is needed to ensure that the Health Resources and Services Administration (HRSA) has the ability to continue to support all Health Center continuation grants. This anomaly would remove prior-year funding set-asides, that if continued in FY 2017, would exceed by \$100-\$200 million the level of resources that HRSA would have available for continuation activities in the Health Centers program.

### *Student Aid Administration*

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Department of Education—Student Aid Administration" at a rate for operations of \$1,601,854,000.

Language is needed to provide a rate for operations of \$1,602 million for the Student Aid Administration account to support higher loan servicing costs. Due to an increase in the number of borrowers, additional funding is needed to service a higher loan volume than in the previous year. Without this anomaly, borrowers would experience lower quality customer service and less support to stay current on their loan payments.

### *Account Maintenance Fees*

Sec. \_\_\_\_ . Section 458(a) of the Higher Education Act (20 U.S.C. 1087h(a)) is amended in paragraph (4) by striking "2016" and inserting "2017".

Language is needed to continue payments for account maintenance fees in the Federal Family Education Loan program to guarantee agencies. Annual appropriations ceased on September 30, 2016 and the next payment to guarantee agencies is needed by the end of January 2017. Without the anomaly, funding would not be available for these payments.

## *Office of Refugee Resettlement*

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance" at a rate for operations of \$3,874,000,000, and the second proviso under such heading shall be applied by adding before the colon the following: ", notwithstanding any transfer made to such appropriation before the date of enactment of the continuing appropriations Act that amends Public Law 114-223".

Language is needed to provide a rate for operations of \$3,874 million for the Department of Health and Human Services (HHS), Refugee and Entrant Assistance account and to authorize additional transfers of funding from other HHS accounts to the Refugee and Entrant Assistance account, in the event caseloads are higher than anticipated. To support the Administration's refugee admissions target as well as high projected flows of other humanitarian entrants, an annualized rate of \$1,051 million is needed to cover cash and medical expenses and social services for these populations. In addition, HHS is experiencing the highest number of unaccompanied children in care and the largest footprint of funded capacity in the program's history, and flows of unaccompanied children have continued to grow over the last months; an annualized rate of \$2,823 million is needed for HHS to meet its legal obligations to shelter and care for unaccompanied children referred to HHS. Given current shelter needs and flows of unaccompanied children, without this anomaly, HHS anticipates that it would run out of funding under the CR for these activities in February 2017. At a minimum, HHS anticipates needing an additional \$500 million above the current CR rate during the period of the CR through March 31, 2017, \$430 million for the unaccompanied children program and \$70 million for refugee and humanitarian entrant programs, as well as additional transfer authority to protect against higher than expected costs.

### ***Temporary Assistance for Needy Families (TANF) and Child Care Entitlement Authorization Extension and TANF Contingency Fund Advance Appropriation***

Sec. \_\_\_\_ . Notwithstanding section 101—

(a) In general.—Subject to the succeeding provisions of this section, activities authorized under part A of title IV and section 1108(b) of the Social Security Act shall continue through September 30, 2017, in the manner authorized for fiscal year 2016, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose to remain available until September 30, 2017. Grants and payments may be made pursuant to this authority through September 30, 2017 at the level provided for such activities for fiscal year 2016, except as provided in subsection (b).

(b) Contingency fund.—There is appropriated for fiscal year 2018 for the Contingency Fund for State Welfare Programs established under section 403(b) of the Social Security Act, \$608,000,000, to remain available until expended.

(c) Census research and welfare research.—Of the amount made available under section 230(b)(1) of division H of Public Law 114-113 for section 403(b) of the Social Security Act for fiscal year 2017—

(1) \$15,000,000 is hereby transferred to the Children's Research and Technical Assistance account in the Administration for Children and Families at the Department of Health and Human Services and made available to carry out section 413(h) of the Social Security Act; and

(2) \$10,000,000 is hereby transferred and made available to the Bureau of the Census to conduct activities using the Survey of Income and Program Participation to obtain information to enable interested parties to evaluate the impact of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Language is needed to extend authorization for TANF and Child Care Entitlement (CCE) for FY 2017 in order to provide certainty to State administrators and recipients. Currently, TANF and CCE are authorized only through the period of the CR. Language is also needed to provide an advance appropriation for FY 2018 for the TANF Contingency Fund, consistent with the treatment provided in the FY 2016 enacted appropriation. Likewise, consistent with the treatment provided in the FY 2016 enacted appropriation, language is needed to authorize the transfer of funding from the FY 2017 TANF Contingency Fund to the Administration for Children and Families and the Census Bureau for research and surveys.

#### ***Federal Employees' Compensation Act Compound Prescription Drug Action Plan***

Sec. \_\_\_\_ . Notwithstanding section 111, the fourth proviso under the heading "Department of Labor—Office of Workers' Compensation Programs—Special Benefits" shall be applied by substituting "\$66,675,000" for "\$62,170,000", "\$22,740,000" for "\$21,140,000", "\$16,866,000" for "\$16,668,000", and "\$4,101,000" for "\$1,394,000".

Language is needed to increase the amount of the Special Benefits appropriation from funds already collected from the fair share entities to pay a portion of the cost of administration of the Federal Employees' Compensation Act (FECA). This funding increase is necessary to allow the Department of Labor to implement its plan to combat costly fraud and abuse related to compound prescriptions in the FECA program, which has experienced a significant increase in the use and cost of such prescriptions. Implementation of the Department's plan would ensure beneficiaries still get the medications they need, while preventing medically unnecessary and fraudulent claims.

#### ***Expanded Use of H-1B Fees for Foreign Labor Certifications***

Sec. \_\_\_\_ . Notwithstanding section 101, section 104 of title I of division H of Public Law 114-113 shall be applied by replacing the first proviso with the proviso in section 104 of title I of S. 3040 (114th Congress), except that such section of S. 3040 shall be applied by replacing "on behalf of" with "submitted by employers to employ".

Language is needed to provide the Department of Labor's (DOL) Office of Foreign Labor Certification (OFLC) authority to use up to \$20 million of mandatory H-1B training funds to eliminate backlogs and delays in the processing of foreign labor certifications, including prevailing wage determinations. Recent workload spikes related to employment-based immigration programs have led to significant seasonal backlogs, particularly in the H-2B program. Without this anomaly, DOL would be unable to conduct timely application pro-

cessing and prevent growth in the backlog in foreign labor certifications. A similar provision was included in section 104 of the FY 2017 Senate Committee-approved Labor, Health and Human Services, Education and Related Agencies Appropriations Bill.

### ***Limitation on Administrative Expenses***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided in the first paragraph of "Social Security Administration—Limitation on Administrative Expenses" at a rate for operations of \$10,755,945,000.

Language is needed to provide an additional \$157 million for the Office of Disability Adjudication and Review (ODAR) within the Social Security Administration (SSA), Limitation on Administrative Expenses account. The current backlog of appeals hearings within ODAR has grown to 1.2 million claimants, an all-time high, and almost 20,000 people died last year while waiting for their hearing. Consistent with the FY 2017 Budget request, funding is needed to hire an additional 250 Administrative Law Judges (ALJs) and associated support staff to address this backlog. Without the anomaly, ODAR would be unable to hire additional ALJs, as SSA has instituted an agency-wide hiring freeze under the current CR funding levels.

## **State, Foreign Operations, and Related Programs**

### ***Iraq Sovereign Loan Guarantee***

Sec. \_\_\_\_ . Notwithstanding section 101, section 7034(o) of division K of the Consolidated Appropriations Act, 2016 (Public Law 114-113) shall be applied to amounts provided in this and prior Acts as if "Iraq," were inserted after "Jordan,": Provided, That amounts made available pursuant to this section from prior Acts that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

Language is needed to authorize an up to \$1 billion sovereign loan guarantee (SLG) to Iraq from amounts provided within the Economic Support Fund. The Iraqi budget is severely strained and faces a multi-billion dollar shortfall due to the combined costs of fighting the Islamic State of Iraq and the Levant (ISIL) and addressing related humanitarian crises, which is compounded by continued low oil revenues. The Administration has committed to extend an up to \$1 billion SLG to Iraq in the first quarter of FY 2017 as part of a larger international effort spearheaded by the International Monetary Fund (IMF), which will also require Iraq to undertake significant reforms to reduce its economic vulnerabilities going forward. Delaying the SLG beyond this time frame could endanger the IMF's \$5.4 billion program, as well as additional \$2.6 billion of support pledged by G7 partners. This support is critical for our ongoing efforts to partner with Iraq in the fight against ISIL, the economic stability of Iraq, and facilitating necessary reforms.

### ***International Expositions***

Sec. \_\_\_\_ . Notwithstanding section 204 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (appendix G of Public Law 106-113), amounts made available under the heading "Diplomatic and Consular Programs" in this Act and prior Acts making appropriations for the Department of State, Foreign Operations, and Related Programs or otherwise available to the Department of State may be made available for United States participation in international fairs and expositions abroad, including international fairs and expositions occurring prior to the date of enactment of this Act.

Language is needed to provide authority for the Department of State to provide funding for U.S. participation in international fairs and expositions abroad occurring prior to September 30, 2017. Consistent with the FY 2017 Senate Appropriations Committee-reported bill, the anomaly would address a very specific need—to make funding available to meet the remaining expenses of U.S. participation at the Milan Expo in 2015. The USA Pavilion was the most visited pavilion at Expo Milano, hosting more than 6.1 million visitors in six months. It showcased American leadership in the fields of food security, nutrition, and sustainability.

### ***Afghan Special Immigrant Visas***

Sec. \_\_\_\_ . AFGHAN ALLIES PROTECTION ACT.—Notwithstanding section 106, in addition to the number available under section 602(b)(3)(F) of the Afghan Allies Protection Act, 2009 (division F of Public Law 111-8), as amended, up to an additional 4,000 principal aliens may be provided special immigrant status visas subject to the terms and conditions of that section, as amended through Public Law 114-92 and notwithstanding any other provision of law, except that "December 31, 2017" shall be substituted for "December 31, 2016" in clauses (i) and (ii).

Language is needed to extend the authority to accept applications for, and increase the number of, Special Immigrant Visas (SIVs) that the Department of State may issue to Afghanistan nationals who have provided faithful and valuable service to the U.S. Government in the war effort and whose lives as a result are under threat. Current authority to issue SIVs under the Afghan Allies Protection Act of 2009, as amended, is capped at 7,000 since December 19, 2014, which the Department of State estimates would be exhausted by early calendar year 2017. Under current law, the authority to accept applications for SIVs terminates on December 31, 2016, and the authority to issue visas terminates when available visas are exhausted. Without the allocation of additional SIVs for this program and extended application window, the Department of State anticipates that existing visas would be exhausted well before current demand is met. Afghanistan nationals that meet the criteria for an SIV would see work on their cases suspended, potentially jeopardizing their and their family members' lives.

### ***USAID Capital Investment Fund***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "United States Agency for International Development—Capital Investment Fund" at a rate for operations of \$193,000,000.

Language is needed to provide the U.S. Agency for International Development (USAID) with an additional \$24.7 million to address critical information technology (IT) infrastructure and investments necessary to maintain its security posture and respond to changing business needs and Federal mandates. Without this anomaly, USAID would not be able to make these IT investments, as other funding sources, which were previously used, would be exhausted during the CR period.

### ***Export-Import Bank Board Quorum***

Sec. \_\_\_\_ . Public Law 106-46, as amended, is further amended by striking "July 21, 1999, and ends on December 2, 1999" and inserting "October 1, 2016, and ends on September 30, 2019".

Language is needed to amend the Export-Import Bank's statutory requirement that its Board of Directors have a quorum to be able to take any official action, the most notable of which is approving new transactions over \$10 million. Under current law, a quorum of three Board members is needed to approve transactions over \$10 million; the Board has been comprised of only two members since the December 2015 reauthorization of the Export-Import Bank, and the Administration's nominee to the Board has yet to be confirmed. Without the anomaly, the Export-Import Bank would remain unable to approve new transactions valued at over \$10 million, which has significantly hampered the Export-Import Bank's operations and has caused a number of U.S. companies to relocate some of their business overseas in order to obtain financing from foreign Export Credit Agencies. Consistent with the House and Senate Appropriations Committee-reported bills, the anomaly would authorize the entire membership of the Board of Directors to approve such transactions, in the event that the Board consists of less than three members.

## **Transportation, Housing and Urban Development, and Related Agencies**

### ***Tribal HUD-Veterans Affairs Supportive Housing***

Sec. \_\_\_\_ . In addition to amounts provided by section 101, funds are appropriated to "Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance" at a rate for operations of \$555,827, which shall be for activities specified in provisos 3 through 10 under paragraph (5) under such heading in title II of division K of Public Law 113-235: Provided, That this amount may be apportioned up to the rate for operations necessary to continue rental assistance for contracts entered into prior to the date specified in section 106(3).

Language is needed to authorize a higher rate for operations and faster spend rate for the Department of Housing and Urban Development (HUD), Public and Indian Housing, Tenant-Based Rental Assistance account to provide administrative funding and continue one voucher under the Tribal HUD-Veterans Affairs Supportive Housing (VASH) program. The Tribal HUD-VASH program provides rental assistance to Native American veterans who are homeless or at-risk of homelessness living on or near a reservation. Without the anomaly, HUD would be unable to provide administrative fees for the grantees and renew the rental assistance voucher during the period of the CR.

***Maritime Administration Federal-Only Sea Year Funding***

Sec. . Notwithstanding section 101, amounts are provided for "Department of Transportation—Maritime Administration—Operations and Training" at a rate for operations of \$178,155,000.

Language is needed to provide the U.S. Merchant Marine Academy (USMMA) with an additional \$7 million for unanticipated training costs. In order to graduate, USMMA cadets must meet a 360 sea day training requirement; shipboard training is also needed to obtain a U.S. Coast Guard deck or engineer license. The Secretary of Transportation has recently determined that cadets should meet these requirements by assignment to Federal vessels instead of by assignment to commercial vessels. Without the anomaly, USMMA cadets would be at risk of not meeting mandatory requirements for graduation.