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# Congressional Action on FY2016 Appropriations Measures

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## Summary

This report provides information on the congressional consideration of the FY2016 regular appropriations bills and the FY2016 continuing resolution (CR). It also discusses the statutory and procedural budget enforcement framework for FY2016 appropriations. It will address the congressional consideration of FY2016 supplemental appropriations if any such consideration occurs.

For all types of appropriations measures, discretionary spending budget enforcement under the congressional budget process has two primary sources. The first is the discretionary spending limits that are derived from the Budget Control Act of 2011 (P.L. 112-25). Under current law, the limits for FY2016 are \$523.091 billion for defense spending, and \$493.491 billion for nondefense spending. The second source of budget enforcement is associated with the budget resolution. It imposes limits on both the total spending under the jurisdiction of the Appropriations Committees (referred to as a “302(a) allocation”) as well as spending under the jurisdiction of each of the Appropriations subcommittees (referred to as “302(b) suballocations”). Certain spending is effectively not subject to these statutory and procedural limits, such as spending which is designated as “Overseas Contingency Operations/Global War on Terrorism” (OCO/GWOT) and “disaster relief.”

Disagreement over the appropriate level of discretionary spending—as well as its distribution between defense and nondefense activities—has significantly affected the focus of the FY2016 appropriations process. The FY2016 budget resolution (S.Con.Res. 11) that was adopted by Congress provided a 302(a) allocation for the Appropriations Committees that was consistent with the statutory discretionary spending limits set in the Budget Control Act. However, the budget resolution also allowed for those funds to be supplemented by additional OCO/GWOT spending at a higher level than the amount requested by the President.

As of the date of this report, both the House and Senate Appropriations Committees have reported all 12 regular appropriations bills for FY2016. The House has considered and passed six of these—Energy-Water (H.R. 2028); Military Construction-VA (H.R. 2029); Legislative Branch (H.R. 2250); Commerce-Justice-Science (H.R. 2578); Transportation-HUD (H.R. 2577); and Defense (H.R. 2685). Some Senate floor action has occurred with regard to three FY2016 regular appropriations measures—Defense, Military Construction-VA, and Energy-Water. In each of these instances, the Senate voted not to invoke cloture on a motion to proceed. No further consideration of regular appropriations measures has occurred on the Senate floor.

Because none of the regular appropriations bills was expected to become law by the start of the fiscal year, a CR was enacted to provide temporary appropriations until December 11 (H.R. 719; P.L. 114-53). On September 28, the Senate invoked cloture, 77-19, on a motion to concur with an amendment (S.Amdt. 2689, which contained the CR) to a House amendment to a Senate amendment to an unrelated measure that was pending before the Senate (TSA Office of Inspection Accountability Act of 2015). On September 30, the Senate adopted that motion to concur by a vote of 78-20. The House concurred in the Senate action, 277-151, later that same day, and H.R. 719 was signed into law that evening. (Earlier CR-related action occurred in the Senate on a different legislative vehicle: H.J.Res. 61. On September 24, the Senate rejected a motion to invoke cloture on a CR amendment [S. Amdt. 2669] to H.J.Res. 61, 47-52.)

This report will be updated periodically during the FY2016 appropriations process.

For information on the current status of FY2016 appropriations measures, see the CRS Appropriations Status Table: FY2016, at <http://www.crs.gov/Pages/AppropriationsStatusTable.aspx>.

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## Introduction

Congress uses an annual appropriations<sup>1</sup> process to provide discretionary spending for federal government agencies.<sup>2</sup> The responsibility for drafting legislation to provide for such spending is currently divided among 12 appropriations subcommittees in each chamber, each of which is tasked with reporting a *regular appropriations* bill to cover all programs under its jurisdiction. (The titles of these 12 bills, which correspond to their respective subcommittees, are listed in **Table 1** at the end of this section.) The timetable associated with the annual appropriations process requires the enactment of all regular appropriations bills prior to the beginning of the fiscal year (October 1).<sup>3</sup> If regular appropriations are not enacted by that deadline, one or more *continuing resolutions* (CRs) may be enacted to provide interim funding authority until all regular appropriations bills are completed or the fiscal year ends.<sup>4</sup> During the fiscal year, *supplemental appropriations* may also be enacted to provide funds in addition to those in regular appropriations acts or CRs.<sup>5</sup>

Amounts provided in appropriations acts are subject to limits, both procedural and statutory, which are enforced through mechanisms such as points of order and sequestration. Disagreement over the appropriate level of discretionary spending—as well as its distribution between defense and nondefense activities—has significantly affected the focus of the FY2016 appropriations process. While the Bipartisan Budget Act of 2013 (P.L. 113-67) revised the statutory discretionary spending limits to allow higher spending in FY2014 and FY2015, that agreement did not alter the calculation for the FY2016 limits. As a consequence, the current law levels for the FY2016 limits are generally less than 1% higher than both the FY2014 and FY2015 limits.<sup>6</sup> In the FY2016 budget submission, the President proposed raising both the defense and nondefense limits. The congressional budget resolution (S.Con.Res. 11) took a different approach in that it assumed FY2016 discretionary spending at current law levels. Moreover, the budget resolution allowed

<sup>1</sup> An appropriation is a type of budget authority. *Budget authority* is authority provided by federal law to enter into contracts or other financial *obligations* that will result in immediate or future expenditures (or *outlays*) involving federal government funds. For a further explanation of these terms, see Government Accountability Office, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 2005, pp. 20-21, <http://www.gao.gov/>.

<sup>2</sup> The congressional budget process distinguishes between discretionary spending, which is controlled through appropriations acts, and direct (or mandatory) spending, which is controlled through permanent law. In FY2014, discretionary spending comprised about 33% of federal government spending (Congressional Budget Office [CBO], *Updated Budget Projections: Fiscal Years 2015 to 2025*, Table 1, <https://www.cbo.gov/publication/49973>). The annual appropriations process is also used to provide appropriations necessary to finance certain direct spending programs that lack a funding source in the authorizing statute. Such “appropriated mandatory” or “appropriated entitlement” spending is discussed in CRS Report RS20129, *Entitlements and Appropriated Entitlements in the Federal Budget Process*, by Bill Heniff Jr..

<sup>3</sup> These bills may be considered and enacted separately or as part of a consolidated or “omnibus” appropriations measure, where two or more of the regular bills are combined into one legislative vehicle. For further information, see CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by Jessica Tollestrup.

<sup>4</sup> Continuing appropriations acts are often referred to as “continuing resolutions” because they usually provide continuing appropriations in the form of a joint resolution rather than a bill.

<sup>5</sup> For further information about the annual appropriations process, see CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by Jessica Tollestrup.

<sup>6</sup> The discretionary spending limit for defense spending was \$520,464,000,000 for FY2014, was \$521,272,000,000 for FY2015, and is \$523,091,000,000 for FY2016. The nondefense limit was \$491,773,000,000 for FY2014, was \$492,356,000,000 for FY2015, and is \$493,491,000,000 for FY2016. For a discussion of the FY2014 and FY2015 appropriations process, including negotiations with regard to the level of those spending limits, see CRS Report R43338, *Congressional Action on FY2014 Appropriations Measures*, by Jessica Tollestrup and CRS Report R43776, *Congressional Action on FY2015 Appropriations Measures*, by Jessica Tollestrup.

additional spending (largely in the defense category) effectively not subject to the statutory spending limits to supplement current law levels.<sup>7</sup> This additional spending would be at a higher level than the amount requested by the President. Many observers have suggested that the progress of the FY2016 appropriations process has been affected by these points of disagreement.<sup>8</sup>

Consideration of FY2016 regular appropriations bills in the House began on April 15, 2015, with subcommittee approval of the Energy-Water (H.R. 2028) and Military Construction-VA (H.R. 2029) appropriations bills. Since that time, all 12 regular appropriations bills have been reported from committee, and six of those have passed the House. About a month after committee action began in the House, the Senate began its process on the FY2016 regular appropriations bills with the subcommittee approval of the Energy-Water and Military Construction-VA appropriations bills, on May 19. The Senate Appropriations Committee subsequently reported all 12 regular appropriations bills. On June 18, the Senate rejected a motion to invoke cloture on the motion to proceed to the Department of Defense appropriations bill (H.R. 2685). Since that time, the Senate has failed to invoke cloture on motions to proceed to the Defense, Military Construction-VA, and Energy-Water appropriations bills, and no further Senate floor consideration in relation to appropriations has occurred as of the date of this report.

Because none of the FY2016 regular appropriations bills became law by the start of the fiscal year, a CR was enacted to provide continuing appropriations until December 11 (H.R. 719; P.L. 114-53). (Prior to the final consideration and enactment of H.R. 719, Senate legislative action related to FY2016 continuing appropriations occurred on a different legislative vehicle, H.J.Res. 61.)

This report provides background and analysis on congressional action related to the FY2016 appropriations process. The first section discusses the status of discretionary budget enforcement for FY2016, including the statutory spending limits and allocations associated with the congressional budget resolution. The second section provides information on the consideration of regular appropriations bills. Further information with regard to the FY2016 regular appropriations bills is provided in the various CRS reports that analyze and compare the components of the President's budget submission and the relevant congressional appropriations proposals.<sup>9</sup>

This report will be updated periodically during the FY2016 appropriations process.

For information on the current status of FY2016 appropriations measures, see the CRS Appropriations Status Table: FY2016, at <http://www.crs.gov/Pages/AppropriationsStatusTable.aspx>.

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<sup>7</sup> This additional spending is primarily for "Overseas Contingency Operations/Global War on Terrorism." This is discussed further in the report section titled "Discretionary Spending Budget Enforcement."

<sup>8</sup> See, for example, Tamar Hallerman, "Appropriators Face Long Odds for Fiscal 2016," *CQ News*, December 18, 2014; Paul M. Krawzak, "Strains on Spending Caps May Trigger Budget Negotiations," *CQ News*, March 24, 2015; David Rogers, "Hal Rogers Tries for Delicate Balance on Spending," *Politico*, April 22, 2015.

<sup>9</sup> See, for example, the CRS reports listed on the FY2016 CRS Appropriations Status Table, available at <http://www.crs.gov/Pages/AppropriationsStatusTable.aspx>.

**Table I. Regular Appropriations Bills**

Regular Appropriations Bill Title	Abbreviated Title
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies	Agriculture (AG)
Commerce, Justice, Science, and Related Agencies	Commerce-Justice-Science (CJ)
Department of Defense	Defense (DOD)
Energy and Water Development and Related Agencies	Energy-Water (E&W)
Financial Services and General Government	Financial Services (FSGG)
Department of Homeland Security	Homeland Security (DHS)
Departments of the Interior, Environment, and Related Agencies	Interior (INT)
Departments of Labor, Health and Human Services, and Education, and Related Agencies	Labor-HHS-Education (LHHS)
Legislative Branch	Legislative Branch (Leg. Branch)
Military Construction and Veterans Affairs, and Related Agencies	Military Construction-VA (MilCon-VA)
Department of State, Foreign Operations, and Related Programs	State-Foreign Operations (S-FOPs)
Transportation, Housing and Urban Development, and Related Agencies	Transportation-HUD (THUD)

## Discretionary Spending Budget Enforcement

The framework for budget enforcement of discretionary spending under the congressional budget process has both statutory and procedural elements. The statutory elements are the discretionary spending limits derived from the Budget Control Act of 2011 (BCA; P.L. 112-25). The procedural elements are primarily associated with the budget resolution. It limits both the total spending under the jurisdiction of the Appropriations Committee, as well as spending under the jurisdiction of each appropriations subcommittee.

In addition, pursuant to Section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), certain spending is effectively exempt from these statutory and procedural spending limits because the limits are adjusted upward to accommodate that spending.<sup>10</sup> Such spending includes budget authority specifically designated as emergency requirements, Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT), disaster relief, and particular amounts of budget authority for certain program integrity initiatives.<sup>11</sup> Since the enactment of the BCA in 2011, the vast majority of adjustments pursuant to Section 251(b) have been for budget authority designated as OCO/GWOT.<sup>12</sup> Such adjustments have allowed for additional budget authority (largely in the defense category) for expenses

<sup>10</sup> Procedures to adjust the statutory discretionary limits are also provided in §251(b) of the BBEDCA. Procedures to adjust the limits associated with the budget resolution are in §314 of the Congressional Budget Act (CBA).

<sup>11</sup> For further information about these adjustments to the spending limits, see CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by Jessica Tollestrup, pp. 20-22.

<sup>12</sup> Most recently, in FY2015, enacted OCO/GWOT-designated budget authority was \$73.692 billion. Enacted budget authority in all the other adjustments listed above was \$13.418 billion. CBO, *Fiscal Year 2015 Current Status of Discretionary Appropriation As of March 13, 2015*, [http://www.cbo.gov/sites/default/files/cbofiles/attachments/45384-BY2015\\_DiscretionaryCurrentStatus.pdf](http://www.cbo.gov/sites/default/files/cbofiles/attachments/45384-BY2015_DiscretionaryCurrentStatus.pdf).

associated with overseas operations, such as those in Iraq and Afghanistan, as well as other related purposes.<sup>13</sup>

## FY2016 Discretionary Spending Limits

The FY2016 appropriations process, as noted earlier, has been affected by disagreement over the appropriate level of discretionary spending, as well as its distribution between defense and nondefense activities. The BCA established statutory spending limits for FY2016. However, the President proposed revisions to those limits in his FY2016 budget request. In addition, the FY2016 budget resolution establishes certain procedurally enforceable limits on discretionary spending that relate to the levels of the BCA limits. **Table 2** displays the established and proposed limits for FY2016, compared to actual limits in place for FY2014 and FY2015.

## FY2016 Statutory Discretionary Spending Limits

The BCA imposes separate limits on defense and nondefense discretionary spending for each of the fiscal years from FY2012 through FY2021. The defense category includes all discretionary spending under budget function 050 (defense); the nondefense category includes discretionary spending in the other budget functions.<sup>14</sup> In order to require additional budgetary savings, the BCA included procedures to lower the level of the initial spending limits for each fiscal year.<sup>15</sup> The Office of Management and Budget (OMB) calculates the amount by which each initial limit for the upcoming fiscal year is to be lowered, and announces the amount of the lowered limits in a “preview report” at the same time that the President’s budget is submitted.<sup>16</sup>

If discretionary spending is enacted in excess of a statutory limit, the BCA requires the level of spending to be brought into conformance through “sequestration,” which involves largely across-the-board cuts to non-exempt spending in the category of the limit that was breached (i.e., defense or nondefense).<sup>17</sup> Once discretionary spending is enacted, OMB evaluates that spending relative to the spending limits and determines whether sequestration is necessary. For FY2016 discretionary spending, the first such evaluation (and any necessary enforcement) is to occur within 15 calendar days after the 2015 congressional session adjourns sine die.<sup>18</sup> For any FY2016

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<sup>13</sup> For background on OCO/GWOT spending, see CRS Report RL33110, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11*, by Amy Belasco and CRS In Focus IF10143, *Foreign Affairs Overseas Contingency Operations (OCO): Background and Current Status*, by Susan B. Epstein.

<sup>14</sup> For further information with regard to budget functions, see CRS Report 98-280, *Functional Categories of the Federal Budget*, by Bill Heniff Jr.

<sup>15</sup> The lowering of the limits for each fiscal year was triggered when the joint committee process provided for in the BCA did not result in the enactment of legislation to achieve a targeted level of spending reductions. See CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

<sup>16</sup> The procedures for lowering these limits are in §251A of the BBEDCA. For a description of these procedures, see Office of Management and Budget (OMB), *Sequestration Preview Report to the President and Congress for Fiscal Year 2016*, February 2, 2015 (hereafter “FY2016 OMB Preview Report”), [https://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/sequestration/2016\\_sequestration\\_preview\\_report\\_president.pdf](https://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration/2016_sequestration_preview_report_president.pdf).

<sup>17</sup> Enforcement of the statutory discretionary spending limits may occur through points of order that are raised during House or Senate floor consideration of appropriations measures. Such points of order may be raised under §314(f) of the CBA against any bill, joint resolution, amendment, motion, or conference report that would cause the discretionary spending limits to be exceeded. For further information with regard to points of order in the congressional budget process, see CRS Report 97-865, *Points of Order in the Congressional Budget Process*, by James V. Saturno.

<sup>18</sup> BBEDCA, §251(a)(1). In general, an adjournment sine die terminates an annual session of Congress. Unless otherwise specified by law, the latest this adjournment can occur is January 3 each year. For further information with regard to sine die adjournments of a congressional session, see CRS Report R42977, *Sessions, Adjournments, and* (continued...)

discretionary spending that becomes law after the session ends, the OMB evaluation and any enforcement of the limits would occur 15 days after enactment.<sup>19</sup>

The BBEDCA also provides specific preconditions for adjusting the statutory limits to accommodate OCO/GWOT-designated spending. Such spending must be designated by Congress on an account-by-account basis, and also be subsequently designated by the President, in order for the relevant statutory limit to be adjusted.<sup>20</sup> If the President were not to designate such funds as OCO/GWOT, the limit would not be adjusted to accommodate that additional spending. This could cause enacted spending to be higher than the limit and trigger a sequestration to enforce it. In recent years, appropriations acts that carried OCO/GWOT spending have generally included a provision stipulating that each amount in that act designated by Congress for OCO/GWOT “shall be available only if the President subsequently so designates all such amounts....”<sup>21</sup>

**Table 2** displays the FY2014 and FY2015 limits and OCO/GWOT enacted spending, the FY2016 initial and current law levels for the limits, and the FY2016 proposed levels for the limits and OCO/GWOT spending. The total of the limits is also listed. Pursuant to Section 251A of the BBEDCA, the initial BCA limit on defense spending for FY2016 was reduced by \$53.909 billion to the current law level of \$523.091 billion. The initial limit on FY2016 nondefense spending was reduced by \$36.509 billion to \$493.491 billion. Recall that the reduced level of these limits is an increase of less than 1% above both the FY2014 and FY2015 limits.

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*Recesses of Congress*, by Richard S. Beth and Jessica Tollestrup.

<sup>19</sup> BBEDCA, §251(a)(6). This requirement is in effect for spending enacted after the end of the congressional session but before July 1. For spending enacted between July 1 and the end of the fiscal year, §251(a)(5) provides for “look-back” budget enforcement, through which the relevant spending limit for the following fiscal year would be reduced by the amount of the breach of the current year limit.

<sup>20</sup> BBEDCA, §251(b)(2)(A)(ii).

<sup>21</sup> See, for example, P.L. 113-235, §6(b).



**Table 2. FY2016 Statutory Discretionary Spending Limits: Current Law and Proposed Levels**

Budget authority in millions of dollars

	Defense Discretionary Spending	Nondefense Discretionary Spending	Combined Amount of Discretionary Spending Subject to the Limits	OCO/ GWOT
FY2014 BCA Limits (BBA) <sup>a</sup> and Enacted OCO/GWOT	\$520,464	\$491,773	\$1,012,237	\$91,938
FY2015 BCA Limits (BBA) <sup>a</sup> and Enacted OCO/GWOT	\$521,272	\$492,356	\$1,013,628	\$73,692
<i>FY2016 Initial BCA Discretionary Spending Limits<sup>b</sup></i>	<i>\$577,000</i>	<i>\$530,000</i>	<i>\$1,107,000</i>	—
<i>Reduction to the Spending Limits<sup>c</sup></i>	<i>\$53,909</i>	<i>\$36,509</i>	—	—
FY2016 “Current Law” BCA Spending Limits (OMB Preview Report)	\$523,091	\$493,491	\$1,016,582	—
President’s Proposed Revisions to the FY2016 Limits and Requested OCO/GWOT <sup>d</sup>	<i>increase by \$37,909 to \$561,000</i>	<i>increase by \$36,509 to \$530,000</i>	\$1,091,000	\$57,996
FY2016 Budget Resolution (S.Con.Res. 11) <sup>e</sup>	\$523,091	\$493,491	\$1,016,582	\$96,287

**Source:** Compiled by CRS using the sources listed in the table notes.

**Notes:**

- a. The FY2014 and FY2015 statutory discretionary limits, as revised by the Bipartisan Budget Act of 2013 (BBA), are in Section 251(c)(1) and (2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA). The FY2014 and FY2015 enacted OCO/GWOT-designated budget authority for FY2014 and FY2015 is in CBO, *Fiscal Year 2014 Current Status of Discretionary Appropriations-House As of August 4, 2014*, <https://www.cbo.gov/publication/44333> and CBO, *Fiscal Year 2015 Current Status of Discretionary Appropriations As of March 13, 2015*, [http://www.cbo.gov/sites/default/files/cbofiles/attachments/45384-BY2015\\_DiscretionaryCurrentStatus.pdf](http://www.cbo.gov/sites/default/files/cbofiles/attachments/45384-BY2015_DiscretionaryCurrentStatus.pdf).
- b. The initial statutory discretionary spending limits for FY2016 are in Section 251(c)(3) of the BBEDCA.
- c. The amount by which the initial FY2016 limits in the BCA were revised by the Office of Management and Budget as required by Section 251A of the BBEDCA. For further information, see FY2016 OMB Preview Report, pp. 2-4.
- d. For further information on the President’s proposed revisions to the limits, see *ibid*.
- e. The levels for discretionary spending assumed by the FY2016 budget resolution (S.Con.Res. 11) are listed in the joint explanatory statement accompanying the measure (H.Rept. 114-96, p. 9).

**Levels of Discretionary Spending Proposed in the President’s Budget Submission**

The President’s budget submission proposes that both the defense and nondefense limits for FY2016 be raised by similar amounts (as listed in **Table 2**).<sup>22</sup> Under this proposal, the defense

<sup>22</sup> OMB, *Budget of the United States Government, Fiscal Year 2016* (Washington, DC: Government Publishing Office, (continued...))

limit would be increased by \$37.909 billion (\$16 billion less than the initial BCA defense limit). The nondefense limit would be increased by \$36.509 billion (equal to the level of the initial BCA nondefense limit). The budget submission also contains a number of other proposed changes to both spending and revenue that are intended to “offset” the proposed increases to the limits.<sup>23</sup> The requested amount of OCO/GWOT spending is \$57.996 billion—a decrease of \$15.686 billion from the FY2015 enacted levels.

## Levels of Discretionary Spending Assumed by the FY2016 Budget Resolution

The FY2016 congressional budget resolution (S.Con.Res. 11) assumes different levels of discretionary spending than those proposed by the President’s budget submission (as listed in **Table 2**). The levels of defense and nondefense discretionary spending subject to the limits that are identified in the joint explanatory statement accompanying the budget resolution are identical to the current law levels.<sup>24</sup> However, the budget resolution also includes certain procedural contingencies for the consideration of legislation that could alter the statutory discretionary spending limits. For example, Section 4302 would allow for Senate consideration of legislation “relating to enhanced funding for national security or domestic discretionary programs” provided it does not increase the deficit during the period covered by the budget resolution.<sup>25</sup> The amount of OCO/GWOT spending assumed under the budget resolution is \$96.287 billion—an increase of \$22.595 billion over FY2015 enacted levels and an increase of \$38.291 billion over the President’s request.

## FY2016 Budget Resolution

The procedural elements of budget enforcement generally stem from requirements under the Congressional Budget Act of 1974 (CBA) that are associated with the adoption of an annual budget resolution.<sup>26</sup> Through this CBA process, the Appropriations Committee in each chamber receives a procedural limit on the total amount of discretionary budget authority for the upcoming fiscal year, referred to as a “302(a) allocation.”<sup>27</sup> The House and Senate Appropriations Committees subsequently divide this allocation among their 12 subcommittees. These divisions to each subcommittee are referred to as “302(b) suballocations.”<sup>28</sup> The 302(b) suballocations restrict the amount of budget authority available to each subcommittee for the agencies, projects, and activities under their jurisdictions, and effectively act as caps on each of the 12 regular appropriations bills. The Appropriations Committee may revise the 302(b) suballocations at any

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2015), p. 132, <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2016/assets/budget.pdf>.

<sup>23</sup> OMB, *Analytical Perspectives of the United States Government, Fiscal Year 2016* (Washington, DC: Government Publishing Office, 2015), pp. 121-141, <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2016/assets/spec.pdf>.

<sup>24</sup> H.Rept. 114-96, p. 9.

<sup>25</sup> Section 4302 is a “deficit-neutral reserve fund.” The chair of the Senate Budget Committee would be responsible for determining whether legislation meets the criteria specified in this provision. For general information about how these types of procedural provisions operate, see CRS Report R43535, *Provisions in the Bipartisan Budget Act of 2013 as an Alternative to a Traditional Budget Resolution*, by Megan S. Lynch, pp. 8-9.

<sup>26</sup> P.L. 93-344; 88 Stat. 297; 2 U.S.C. 601-688. Procedural budget enforcement may also be established through other methods, such as through provisions in the budget resolution.

<sup>27</sup> CBA, §302(a).

<sup>28</sup> *Ibid.*, §302(b).

time by issuing a new suballocation report. Both the 302(a) and 302(b) limits may be enforced on the floor through points of order.<sup>29</sup>

Final action of the FY2016 budget resolution occurred on May 5, 2015 (S.Con.Res. 11). The joint explanatory statement associated with the budget resolution provides 302(a) allocations for the House and Senate Appropriations Committees that are consistent with the current law levels for the statutory discretionary spending limits (see **Table 2**).<sup>30</sup> Those 302(a) allocations also included a separate allocation for OCO/GWOT spending of \$96.287 billion.<sup>31</sup> The most recently reported 302(b) suballocations of discretionary spending for the House and Senate Appropriations subcommittees are listed in **Table 3**. This table also includes a comparison of the distribution of OCO/GWOT-designated budget authority among those subcommittees, which is in addition to amounts that are subject to the limits. The initial House 302(b) suballocations were reported on April 29, 2015, and subsequently revised on May 18 and July 10.<sup>32</sup> The initial Senate suballocations were reported about three weeks after the initial House allocations, on May 21, 2015.<sup>33</sup> The Senate Appropriations Committee later revised these suballocations on June 10, June 24, July 8, and July 16.<sup>34</sup>

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<sup>29</sup> The Appropriations Committee allocations are primarily enforced through points of order under the CBA, §§302(f) and 311. Enforcement of the statutory spending caps may occur through points of order that are raised during House or Senate floor consideration under the CBA, §§314(f) (in the House and Senate) or 312(b) (in the Senate only). For further information on points of order in the congressional budget process, see CRS Report 97-865, *Points of Order in the Congressional Budget Process*, by James V. Saturno.

<sup>30</sup> H.Rept. 114-96, pp. 102 and 105.

<sup>31</sup> Both the House and Senate Appropriations Committees are provided a separate 302(a) allocation for OCO/GWOT spending pursuant to §3102(a) of S.Con.Res. 11. Section 3102(b) allows the Appropriations Committees to provide separate 302(b) suballocations of the OCO/GWOT spending.

<sup>32</sup> H.Rept. 114-97, H.Rept. 114-118, and H.Rept. 114-198.

<sup>33</sup> S.Rept. 114-55

<sup>34</sup> S.Rept. 114-61, S.Rept. 114-72, S.Rept. 114-78, and S.Rept. 114-81.

**Table 3. 302(b) Suballocations to the Appropriations Subcommittees of FY2016 Discretionary Budget Authority**

Budget authority in millions of dollars

Subcommittee	Senate			House	Senate OCO/ GWOT	House OCO/ GWOT
	Defense	Nondefense	Total			
Agriculture	—	20,510	20,510	20,650	—	—
Commerce-Justice-Science	5,068	46,000	51,068	51,374	—	—
Defense	488,995	136	489,131	490,226	86,869	88,421
Energy-Water	19,002	16,366	35,368	35,402	—	—
Financial Services	46	20,510	20,566	20,250	—	—
Homeland Security	1,711	38,502	40,213	39,333	160	—
Interior	—	30,010	30,010	30,170	—	—
Labor-HHS-Education	—	153,188	153,188	153,052	—	—
Legislative Branch	—	4,309	4,309	4,300	—	—
Military Construction-VA	8,083	69,490	77,573	76,056	—	532
State-Foreign Operations	—	39,010	39,010	40,500	9,258	7,334
Transportation-HUD	186	55,460	55,646	55,269	—	—
<i>Total:</i>	<i>523,091</i>	<i>493,491</i>	<i>1,016,582</i>	<i>1,016,582</i>	<i>96,287</i>	<i>96,287</i>

**Source:** As of the date of this report, the most recent House Appropriations Committee 302(b) suballocations are provided in H.Rept. 114-198 (July 10, 2015); the most recent Senate Appropriations Committee 302(b) suballocations are provided in S.Rept. 114-81 (July 15, 2015).

**Notes:** The House and Senate amounts listed in the first four columns of this table are subject to the statutory discretionary spending limits. Section 302(a)(3) of the Congressional Budget Act requires that the Senate Appropriations Committee's allocation be further divided between the discretionary spending limit categories. Because this requirement does not apply to the House Appropriations Committee, this table does not present a breakdown of defense and nondefense spending for the House. Budget authority designated as for "Overseas Contingency Operations/Global War on Terrorism" (OCO/GWOT) is effectively exempt from the statutory discretionary spending limits pursuant to Section 251(b) of the BBEDCA and is listed separately in this table. Section 3102(a) of the FY2016 budget resolution (S.Con.Res. 11) provides a separate 302(a) allocation for OCO/GWOT spending to both the House and Senate Appropriations Committees. Each Appropriations Committee divided that OCO/GWOT allocation among their subcommittees through a separate 302(b) suballocation under authority granted by Section 3102(b).

## Regular Appropriations

The House and Senate provide annual appropriations in 12 regular appropriations bills. Each of these bills may be considered and enacted separately, but it is also possible for two or more of them to be combined into an omnibus vehicle for consideration and enactment.<sup>35</sup> Alternatively, if some of these bills are not enacted, annual funding for the projects and activities therein may be provided through a full-year CR.<sup>36</sup>

As of the date of this report, the House Appropriations Committee has reported all 12 regular appropriations bills for FY2016. Six of these bills have been passed by the House on initial consideration. The Senate Appropriations Committee has also reported all 12 of the FY2016 regular appropriations bills. With regard to Senate floor consideration, action has occurred in relation to three FY2016 regular appropriations measures—Defense, Military Construction-VA, and Energy-Water. In each of these instances, the Senate voted not to invoke cloture on a motion to proceed to the measure. No further Senate floor consideration of regular appropriations has occurred as of the date of this report.

## House Action

### Committee

**Table 4** lists the regular appropriations bills that have received subcommittee or full committee action, along with the associated date of subcommittee approval, date reported to the House (if applicable), and the report number.

The first regular appropriations bills to be approved in subcommittee and reported by the full committee were Energy-Water (H.R. 2028) and Military Construction-VA (H.R. 2029). Both were reported to the House on April 24, 2015. Two other measures received some form of committee consideration during the month of April—Legislative Branch (H.R. 2250) and Transportation-HUD (H.R. 2577). Both of these measures, however, were not reported until the month of May. A fifth regular appropriations bill—Commerce-Justice-Science (H.R. 2578)—was reported by the committee at the end of May.

Three appropriations measures were reported by the committee during the month of June—Department of Defense (H.R. 2685), State-Foreign Operations (H.R. 2772), and Interior (H.R. 2822). Two additional bills—Financial Services (H.R. 2995) and Labor-HHS-Education (H.R. 3020)—were ordered reported. (These two bills were reported to the House during the month of July.) Finally, the Agriculture appropriations bill was approved in subcommittee, bringing the total number of FY2016 bills that the House Appropriations Committee had acted on to 11.

During the month of July, the House Appropriations Committee concluded its consideration of regular appropriations bills for FY2016 by reporting out the Agriculture (H.R. 3049) and Homeland Security (H.R. 3128) bills.

<sup>35</sup> For further information with regard to omnibus appropriations acts, CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by Jessica Tollestrup.

<sup>36</sup> Full-year CRs provide budget authority through the end of the fiscal year. For background on full-year CRs, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

**Table 4. FY2016 Regular Appropriations Bills: House Appropriations Committee Action**

Regular Appropriations Bill Title <sup>a</sup> (Bill Number)	Date of Subcommittee Approval	Date Bill Reported to the House	Report No.
E&W (H.R. 2028)	April 15, 2015	April 24, 2015	H.Rept. 114-91
MilCon-VA (H.R. 2029)	April 15, 2015	April 24, 2015	H.Rept. 114-92
Leg. Branch (H.R. 2250)	April 23, 2015	May 12, 2015	H.Rept. 114-110
THUD (H.R. 2577)	April 29, 2015	May 27, 2015	H.Rept. 114-129
CJS (H.R. 2578)	May 14, 2015	May 27, 2015	H.Rept. 114-130
DOD (H.R. 2685)	May 20, 2015	June 5, 2015	H.Rept. 114-139
S-FOPs (H.R. 2772)	June 3, 2015	June 11, 2015	H.Rept. 114-154
INT (H.R. 2822)	June 10, 2015	June 18, 2015	H.Rept. 114-170
FSGG (H.R. 2995)	June 11, 2015	July 9, 2015	H.Rept. 114-194
LHHS (H.R. 3020)	June 17, 2015	July 10, 2015	H.Rept. 114-195
AG (H.R. 3049)	June 18, 2015	July 14, 2015	H.Rept. 114-205
DHS (H.R. 3128)	June 16, 2015	July 21, 2015	H.Rept. 114-215

**Source:** Congressional Research Service (CRS) analysis of data available through the Legislative Information System (LIS; [lis.gov](http://lis.gov)) and the CRS FY2016 Appropriations Status Table (<http://www.crs.gov/pages/AppropriationsStatusTable.aspx>).

**Notes:**

- a. See **Table I** of this report for the full titles of these bills.

## Floor

**Table 5** identifies the six regular appropriations bills that have been passed by the House on initial consideration, along with the date consideration was initiated, the date consideration was concluded, and the vote on final passage.

The first FY2016 regular appropriations bills considered on the House floor were Military Construction-VA (H.R. 2029) and Energy-Water (H.R. 2028). The consideration of both of these measures was initiated on April 29, 2015, pursuant to modified open rules (H.Res. 223), which generally limited debate of each amendment to 10 minutes.<sup>37</sup> A total of 104 amendments were offered during the consideration of these two bills, of which 58 were adopted. The House passed the measures later that same week.<sup>38</sup>

<sup>37</sup> Under current practice, such modified open rules for the consideration of regular appropriations bills usually allow the chair and ranking minority Member of the Appropriations Committee to offer up to 10 “*pro forma* amendments” each during the consideration of the bill. Such amendments may be offered for the purpose of claiming five additional minutes of debate time. For general information on the initial consideration of appropriations bills on the House floor, see CRS Report R42933, *Regular Appropriations Bills: Terms of Initial Consideration and Amendment in the House, FY1996-FY2015*, by Jessica Tollestrup.

<sup>38</sup> For further information on the context for the House floor consideration early in the FY2016 appropriations process, see Rebecca Adams, Tamar Hallerman, and Emma Dumain, “Spending Tactic Threatened, GOP Leaders Delay MilCon-VA Votes,” *CQ News*, April 29, 2015; Tamar Hallerman and Megan Scully, “Military Construction-VA Bill Squeaks Through House,” *CQ News*, April 30, 2015; and Tamar Hallerman, “Initial Success on Spending Bills, But a Steep Trail Ahead,” *CQ News*, May 4, 2015.

**Table 5. FY2016 Regular Appropriations Bills: House Initial Consideration**

Regular Appropriations Bill Title <sup>a</sup> (Bill Number)	Date Consideration Initiated	Date Consideration Concluded	Total Amendments Adopted/Total Amendments Offered	Vote on Final Passage
MilCon-VA (H.R. 2029)	April 29, 2015	April 30, 2015	24/43	255-163
E&W (H.R. 2028)	April 29, 2015	May 1, 2015	34/61	240-177
Leg. Branch (H.R. 2250)	May 19, 2015	May 19, 2015	2/3	357-67
CJS (H.R. 2578)	June 2, 2015	June 3, 2015	51/87	242-183
THUD (H.R. 2577)	June 3, 2015	June 9, 2015	37/79	216-210
DOD (H.R. 2685)	June 10, 2015	June 11, 2015	36/67	278-149

**Source:** CRS analysis of data available through LIS and the CRS FY2016 Appropriations Status Table (<http://www.crs.gov/pages/AppropriationsStatusTable.aspx>).

**Notes:**

- a. See **Table I** of this report for the full titles of these bills.

The Legislative Branch appropriations bill (H.R. 2250) was considered on the House floor on May 19. A structured rule, as is traditional for Legislative Branch bills, limited consideration to three specified amendments. Two of these amendments were subsequently adopted. The House passed the measure on the same day that consideration began.

During the first two weeks in June, the House considered and passed three appropriations measures. All three of these were considered under the terms of modified open rules. Floor consideration of the Commerce-Justice-Science bill (H.R. 2578) began on June 2, and the House passed the measure on June 3. Later that same day, the House began to consider the Transportation-HUD bill (H.R. 2577) but did not pass it until the following week, on June 9. The House initiated consideration of the DOD bill on June 10 and passed it the next day. A total of 233 amendments were offered to those three measures during that two-week period, of which 124 were adopted.

The House began considering the Interior bill (H.R. 2822) on June 25 but did not finish amending the bill prior to the Fourth of July district work period. The House resumed consideration of the measure on July 7 but halted consideration the following day.<sup>39</sup> Prior to when consideration was halted, the House had adopted 57 amendments of the 116 that had been offered.<sup>40</sup>

No further floor consideration of regular appropriations bills has occurred as of the date of this report.

<sup>39</sup> For the reported reasons why consideration of the FY2016 Interior bill was halted, see Matt Fuller, "House Pulls Spending Bill Amid Confederate Flag Debate," *CQ News*, July 9, 2015; Lauren Gardner and Tamar Hallerman, "Uproar Over Confederate Flag Kills Interior-Environment Bill," *CQ News*, July 9, 2015.

<sup>40</sup> Final disposition of 35 amendments has not yet occurred.

## Senate Action

### Committee

**Table 6** lists the regular appropriations bills that have received subcommittee or full committee action along with the date of subcommittee approval, date reported to the Senate (if applicable), and the report number.

**Table 6. FY2016 Regular Appropriations Bills: Senate Appropriations Committee Action**

Regular Appropriations Bill Title <sup>a</sup> (Bill Number)	Date of Subcommittee Approval	Date Bill Reported to the Senate	Report No.
E&W (H.R. 2028)	May 19, 2015	May 21, 2015	S.Rept. 114-54
MilCon-VA (H.R. 2029)	May 19, 2015	May 21, 2015	S.Rept. 114-57
DOD (H.R. 2685)	June 9, 2015	June 11, 2015	S.Rept. 114-63
Leg. Branch (H.R. 2250)	— <sup>b</sup>	June 11, 2015	S.Rept. 114-64
CJS (H.R. 2578)	June 10, 2015	June 16, 2015	S.Rept. 114-66
DHS (S. 1619)	June 16, 2015	June 18, 2015	S.Rept. 114-68
INT (S. 1645)	June 16, 2015	June 23, 2015	S.Rept. 114-70
LHHS (S. 1695)	June 23, 2015	June 25, 2015	S.Rept. 114-74
THUD (H.R. 2577)	June 23, 2015	June 25, 2015	S.Rept. 114-75
S-FOps (S. 1725)	July 7, 2015	July 9, 2015	S.Rept. 114-79
AG (S. 1800)	July 14, 2015	July 16, 2015	S.Rept. 114-82
FSGG (S. 1910)	July 22, 2015	July 30, 2015	S.Rept. 114-97

**Source:** Congressional Research Service (CRS) analysis of data available through the Legislative Information System (LIS; [lis.gov](http://lis.gov)) and the CRS FY2016 Appropriations Status Table (<http://www.crs.gov/pages/AppropriationsStatusTable.aspx>).

**Notes:**

- a. See **Table I** of this report for the full titles of these bills.
- b. In recent years, the markup of the Legislative Branch appropriations bill has typically occurred at the full committee level. For further information, CRS Report R44029, *Legislative Branch: FY2016 Appropriations*, by Ida A. Brudnick.

The Senate Appropriations Committee began consideration of the FY2016 regular appropriations bills in the same order as the House, acting first on the Energy-Water (H.R. 2028) and Military Construction-VA (H.R. 2029) bills. Both were reported to the Senate on May 21, 2015.

Seven additional bills were reported by the committee during the month of June—Department of Defense (H.R. 2685), Legislative Branch (H.R. 2250), Commerce-Justice-Science (H.R. 2578), Homeland Security (S. 1619), Interior (S. 1645), Labor-HHS-Education (S. 1695), and Transportation-HUD (H.R. 2577).

During the month of July, the committee completed its consideration of FY2016 regular appropriations by reporting the State-Foreign Operations (S. 1725), Agriculture (S. 1800), and Financial Services (S. 1910) appropriations bills.



## Floor

The Senate has attempted to proceed to consider three FY2016 regular appropriations bills:

1. Department of Defense (H.R. 2685). On June 16, a motion to proceed to the measure was made in the Senate, and cloture was filed on that motion. Two days later, on June 18, the Senate failed to invoke cloture on the motion to proceed by a vote of 50-45. On September 22, the Senate reconsidered the vote by which cloture on the motion to proceed was not invoked and again failed to invoke cloture by a vote of 54-42.
2. Military Construction-VA (H.R. 2029). On September 30, a motion to proceed to the measure was made in the Senate, and cloture was filed on that motion. The following day, the Senate failed to invoke cloture on the motion to proceed by a vote of 50-44.
3. Energy-Water (H.R. 2028). On October 6, a motion to proceed to the measure was made in the Senate, and cloture was filed on that motion. On October 8, the Senate failed to invoke cloture on the motion to proceed by a vote of 49-47.

No further Senate floor action has occurred with regard to these or any other regular appropriations measures as of the date of this report.

## Continuing Resolutions

Because none of the FY2016 regular appropriations bills was expected to be enacted by the beginning of the fiscal year, a CR (H.R. 719; P.L. 114-53) was enacted on September 30, 2015. This CR generally extended funding at last year's levels, with a small across-the-board reduction and certain enumerated exceptions, through December 11, 2015.

For further information with regard to the funding and other authorities provided by the continuing appropriations in H.R. 719, see CRS Report R44214, *Overview of the FY2016 Continuing Resolution (H.R. 719)*, by Jessica Tollestrup.

Prior to the consideration and enactment of H.R. 719, Senate legislative action related to FY2016 continuing appropriations occurred on a different legislative vehicle, H.J.Res. 61. Congressional action on both of these vehicles is summarized chronologically in this section of the report.

## H.J.Res. 61

On September 22, Senate Majority Leader Mitch McConnell offered an amendment in the nature of a substitute<sup>41</sup> (S.Amdt. 2669) to H.J.Res. 61 that would provide temporary FY2016 continuing appropriations through December 11, 2015, and also contained provisions that would limit the ability of Planned Parenthood to receive federal funds unless certain conditions were met.<sup>42</sup> This amendment was offered to an unrelated measure that was pending before the Senate (Hire More Heroes Act of 2015; H.J.Res. 61).<sup>43</sup> On September 24, the Senate failed to invoke cloture on that

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<sup>41</sup> For further information with regard to types of amendments, see CRS Report 98-853, *The Amending Process in the Senate*, by Christopher M. Davis.

<sup>42</sup> H.J.Res. 61, §153. For further information with regard to this provision, see CBO's estimate of the budgetary effects of identical provisions in H.R. 3134, the Defund Planned Parenthood Act of 2015, available at <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/hr3134.pdf>.

<sup>43</sup> Immediately prior to these CR-related actions on H.J.Res. 61, the Senate considered amendments that would have (continued...)

amendment to H.J.Res. 61 by a vote of 47-52. No further Senate action occurred with regard to that amendment.<sup>44</sup>

### **H.R. 719 (P.L. 114-53)**

After the Senate rejected cloture on the Senate amendment to H.J.Res. 61 on September 24, Majority Leader McConnell made a motion that proposed a Senate amendment (S.Amdt. 2689) to a different, unrelated measure pending before the Senate (TSA Office of Inspection Accountability Act of 2015, H.R. 719) and filed cloture on that motion. More formally, the majority leader offered a motion to concur with an amendment (S.Amdt. 2689) to a House amendment to a Senate amendment to H.R. 719.<sup>45</sup> As was the case for the initial CR amendment he offered to H.J.Res. 61, this new Senate amendment contained temporary FY2016 continuing appropriations through December 11. However, this amendment did not include the Planned Parenthood–related provisions that were carried in the initial CR amendment offered to H.J.Res. 61. On September 28, the Senate invoked cloture on a motion to concur with S.Amdt. 2689 by a vote of 77-19. On September 30, the Senate adopted that motion to concur by a vote of 78-20. By a vote of 277-151, the House concurred in that Senate action later in the day,<sup>46</sup> and H.R. 719 was signed into law that evening (P.L. 114-53).

The Congressional Budget Office (CBO) estimates the budgetary effects of interim CRs on an “annualized” basis, meaning that those effects are measured as if the CR were providing budget authority for an entire fiscal year. According to CBO, the total amount of annualized budget authority for regular appropriations in the CR that is subject to the BCA limits (including projects and activities funded at the rate for operations and anomalies) is \$1,016.582 billion.<sup>47</sup>

Although the total spending in the CR that is subject to the FY2016 statutory limits is equal to the total of those limits, the CR is estimated to comply with the defense limit, but it exceeds the nondefense limit. CBO estimates defense spending in the CR to total \$520.385 billion, which is about \$2.7 billion below the defense limit. Nondefense spending, however, is estimated to total \$496.197 billion, which is about \$2.7 billion above the nondefense limit.<sup>48</sup> As was previously

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(...continued)

made H.J.Res. 61 a vehicle for congressional disapproval of the nuclear agreement with Iran.

<sup>44</sup> The Senate majority leader also offered another CR-related amendment (S.Amdt. 2680) to H.J.Res. 61, but the Senate took no action in relation thereto.

<sup>45</sup> For further information with regard to motions associated with amendment exchanges, see CRS Report R41003, *Amendments Between the Houses: Procedural Options and Effects*, by Elizabeth Rybicki.

<sup>46</sup> On September 30, the House also agreed, 241-185, to H.Con.Res. 79, an enrollment correction resolution. The resolution directed that, when preparing the enrolled version of H.R. 719, the House Clerk add language to limit the ability of Planned Parenthood to receive federal funds. Such resolutions must be agreed to by both chambers for enrollment changes to occur. Since the Senate did not agree to H.Con.Res. 79 prior to H.R. 719 being presented to the President, the changes proposed in H.Con.Res. 79 were not made. For further information on enrollment correction resolutions, see CRS Report RL34480, *Enrollment of Legislation: Relevant Congressional Procedures*, by Valerie Heitshusen.

<sup>47</sup> CBO, “H.R. 719, the TSA Office of Inspection Accountability Act of 2015, as Passed by the House on September 24, 2015, with a Further Amendment (SA 2689, the Continuing Appropriations Act, 2016),” September 25, 2015, <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/sa2689tohr719.pdf>.

<sup>48</sup> CBO, “H.R. 719, the TSA Office of Inspection Accountability Act of 2015, As Passed by the House on September 24, 2015, With a Further Amendment (SA 2689, the Continuing Appropriations Act, 2016) Regular Appropriations Only—Excludes Amounts Designated as Overseas Contingency Operations, Disaster, Program Integrity, and Emergency Funding,” September 25, 2015, <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/sa2689tohr719.pdf>.

mentioned, however, the earliest that the statutory discretionary spending limits could be enforced is 15 days after the end of the congressional session. This date is likely to occur after the expiration of the CR on December 11, 2015.

When CBO estimated the budgetary effects of the CR and included spending that is effectively not subject to the statutory discretionary spending limits—because it was designated or otherwise provided as OCO/GWOT, continuing disability reviews and redeterminations, health care fraud and abuse control, disaster relief, and emergency requirements—the total amount of annualized budget authority in the CR is \$1,099.962 billion.<sup>49</sup>

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<sup>49</sup> See footnote 47.