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GENERAL MEMORANDUM 19-016

House and Senate Approve FY 2020 Continuing Resolution through December 20; President Expected to Sign the Bill

The House and Senate have approved a second FY 2020 Continuing Resolution (CR) to fund the federal government through December 20, 2019, at largely FY 2019 terms and spending levels. As a procedural matter, Congress used HR 3055, a bill previously passed by the House, and then substituted the text of the CR into it. HR 3055, as amended, is now entitled the "Further Continuing Appropriations Act 2020, and Further Health Extenders Act of 2019". The White House has indicated that the President "remains on track" to sign the bill. The first FY 2020 CR (HR 4378, PL 116-59) expires at midnight tonight. (See our General Memorandum 19-012 of September 26, 2019.)

As of this writing, none of the twelve FY 2020 appropriations bills have been enacted; however, some progress on negotiating these 12 bills has been possible because of the enactment of the Bipartisan Budget Act of 2019 (HR 3877, PL 116-37) which raised the overall spending caps for FYs 2020 and 2021. (See our General Memorandum 19-010 of July 26, 2019.) Still at issue is the division of this funding *among* the twelve spending bills (called "302(b) allocations") and the question of funding for the wall on our nation's southern border.

It has unfortunately become the norm that federal agencies are funded for periods of time for under CRs, limiting their ability to plan and wasting time on the constant reallocation of funds. Tribes and tribal organizations are directly affected in the same manner and as a result, are asking Congress to pass legislation authorizing advance appropriations for certain core tribal programs.

In addition to the CR, the following "anomalies" are included in HR 3055:

- Extension of funding for the Special Diabetes Program for Indians, Community Health Centers Fund, National Health Service Corps, and the Teaching Health Center Graduate Medical Education Program through December 20, 2019;
- Extension of funding for the Temporary Assistance for Needy Families Program (TANF) and the Health Profession Opportunity Grant demonstration program through December 20, 2109;
- Extension through December 20, 2019, of the Alaska moratorium provision that, with some exceptions, prohibits IHS from contracting directly under the Indian Self-Determination and Education Assistance Act (ISDEAA) with any tribe that is a member of a regional tribal health organization;

- The bill also addresses in the Indian Health Service budget the staffing and operation needs for facilities that were opened, renovated or expanded in FYs 2019 and 2020, providing \$26,574,167 in the Services account and \$1,209,111 in the Facilities account. In the Administration's request for anomalies for the CR they listed the Cherokee Nation Regional Health Center and the Northern California Youth Regional Treatment Center as the facilities to receive these funds; and
- The Census Bureau will be able to increase its rate of spending in preparation for the 2020 Census.

As is common in CRs, the funds will not be distributed for programs that may have high initial rates of operation or for funds which are fully distributed at the beginning of the fiscal year. This is because of the possibility that Congress might eliminate or reduce funding for those particular programs in a final appropriations bill. The CR directs agencies to use the most limited funding action permitted in the Act in order to provide for continuation of projects and activities. Agencies will be allowed to apportion funds in a manner that would avoid furloughing employees.

Attached is a section- by-section summary of the CR as prepared by the House Appropriations Committee.

We will continue to follow developments on FY 2020 appropriations.

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**Further Continuing Appropriations Act, 2020, and Further Health
Extenders Act of 2019**
Section-by-Section Summary

DIVISION A – FURTHER CONTINUING APPROPRIATIONS ACT, 2020

Section 101. Extension of FY 2019 Funding.

- Section 101 extends funding at last year’s levels until December 20, 2019; and
- ensures the Census Bureau has full funding for a fair and accurate 2020 Census, including funding for Mobile Questionnaire Assistance Centers;
 - increases the amounts available to the Indian Health Service to account for changes in the number of facilities for which it is responsible;
 - increases funds available to respond to the Ebola outbreak in Africa;
 - and adds new provisions (sections 146 – 150 below) to the existing continuing resolution.

Section 146. Ensuring Current Caseload in the Commodity Supplemental Food Program is Maintained.

Section 146 ensures that the current caseload in the Commodity Supplemental Food Program, which serves low-income seniors, is maintained.

Section 147. Allowing for a 3.1% Pay Raise for Uniformed Services.

Section 147 allows for all members of the uniformed services to receive a 3.1% pay raise next year.

Section 148. Spending of Funds at Department of Interior on Administration of Payment in Lieu of Taxes Program.

Section 148 allows the Department of the Interior to spend funds on administration of the Payment in Lieu of Taxes program.

Section 149. Death Gratuity for Widow of Late Congressman Elijah E. Cummings.

Section 149 appropriates for fiscal year 2020 a death gratuity of \$174,000 to Maya M. Rockey Moore, the widow of the late Congressman Elijah E. Cummings.

Section 150. Technical Provision Related to Discretionary Sequestration.

Section 150 is a technical provision to delay any discretionary sequestration, if needed, until all full-year funding bills are in place.

DIVISION B – HEALTH AND HUMAN SERVICES EXTENDERS AND OTHER MATTERS

TITLE I- PUBLIC HEALTH EXTENDERS

Section 1101. Extension for Community Health Centers, the National Health Service Corps, and Teaching Health Centers that Operate GME Programs.

Section 1101 extends the Community Health Centers Fund through December 20, 2019. Additionally, Section 1101 extends funding through December 20, 2019 at current levels for the National Health Service Corps and the Teaching Health Center Graduate Medical Education program, two health care workforce programs that provide resources to support the training of health providers in underserved areas.

Section 1102. Diabetes Programs.

Section 1102 extends funding through December 20, 2019 for the Special Diabetes Program, which supports research on the prevention and cure for Type 1 diabetes, and the Special Diabetes Program for Indians, which provides funds for diabetes treatment and prevention to the Indian Health Service, Tribal, and Urban Indian Health programs.

TITLE II- OTHER HEALTH EXTENDERS

Section 1201. Extension of Sexual Risk Avoidance Program.

Section 1201 extends funding through December 20, 2019 for the Sexual Risk Avoidance Education grant program, which provides grants to implement programs that educate adolescents on relationships, resisting sexual coercion, and abstaining from sexual activity.

Section 1202. Extension of Personal Responsibility Education Program.

Section 1202 extends funding through December 20, 2019 for the State Personal Responsibility Education Program, which provides grants to fund evidence-based education programs that inform adolescents about the prevention of teen pregnancy and sexually-transmitted infections, among other topics.

TITLE III- MEDICAID EXTENDERS

Section 1301. Extension of Community Mental Health Services Demonstration Program.

Section 1301 extends the authorization of the Certified Community Behavioral Health Clinic demonstration program to run through December 20, 2019. The demonstration allows eight states to deliver comprehensive mental and substance use disorder treatment to Medicaid beneficiaries at an enhanced provider rate.

Section 1302. Temporary Increase in Federal Medical Assistance Percentage for Territories Under Medicaid Program.

Section 1302 extends the current 100 percent Federal Medical Assistance Percentage (FMAP) for the territories through December 20, 2019.

Section 1303. Delay of Reductions in Medicaid DSH Allotments.

Section 1303 delays the reduction in the allotments for Medicaid disproportionate share hospitals (DSH) through December 20, 2019.

TITLE IV- MEDICARE EXTENDERS

Section 1401. Extension of Funding for Quality Measure Endorsement, Input, and Selection.

Section 1401 extends funding through December 20, 2019 for a contract with a consensus-based entity, such as the National Quality Forum (NQF), to support activities related to quality measurement and performance improvement in the Medicare and Medicaid programs.

Section 1402. Extension of Funding Outreach and Assistance for Low-Income Programs.

Section 1402 extends funding through December 20, 2019 for State Health Insurance Assistance Programs, Area Agencies on Aging, Aging and Disability Resource Centers, and the contract with the National Center for Benefits and Outreach and Enrollment. These programs support outreach, enrollment, and education activities for low-income Medicare beneficiaries.

Section 1403. Extension of Appropriations and Transfers to the Patient-Centered Outcomes Research Trust Fund; Extension of Certain Health Insurance Fees.

Section 1403 extends the ability for the Patient-Centered Outcomes Research Institute (PCORI) to receive funding from the Patient-Centered Outcomes Research Trust Fund through December 20, 2019. PCORI is a publicly funded non-profit organization which invests in comparative clinical effectiveness research, which compares at least two alternative health care options.

TITLE V- HUMAN SERVICES EXTENDERS

Section 1501. Extension of Demonstration Projects to Address Health Professions Workforce Needs.

Section 1501 extends funding for the Health Profession Opportunity Grant (HPOG) demonstration through December 20, 2019. In fiscal year 2020, local HPOG grantees will enter the fifth year of demonstration grants which require them to use a career pathways approach to

help disadvantaged workers enter health professions in need of workers. In addition to the grants, HPOG funding supports rigorous evaluation and technical assistance to grantees.

Section 1502. Extension of the Temporary Assistance for Needy Families Program and Related Programs.

Section 1502 extends funding for the Temporary Assistance for Needy Families program (TANF), the Child Care Entitlement to States (CCES) and related programs, including the TANF Contingency Fund through December 20, 2019 without any policy changes. Full first quarter TANF payments have already been made, but the extension will allow the Department of Health and Human Services to match state child care expenditures and make scheduled contingency fund payments.

TITLE VI- MISCELLANEOUS POLICIES

Section 1601. Alaska Native Regional Health Entities.

Section 1601 clarifies that Alaska Native regional health entities may receive disbursements from the Indian Health Service for purposes of providing health care services to Alaska Native Villages or Alaska Native Village corporations within their service areas.

Section 1602. Medicaid Improvement Fund.

Section 1602 reduces the Medicaid Improvement Fund from \$2.387 billion, to \$1.96 billion.

TITLE VII – OTHER MATTERS

Section 1701. United States Victims of State Sponsored Terrorism Fund Clarification Act.

Section 1701 would make a number of improvements to ensure fairness and equity for widows and children of 9/11 victims and other victims of state sponsored terrorism.

Section 1702. Highway Trust Fund Rescission Repeal.

Section 1702 repeals a section of the FAST Act that would rescind \$7.6 billion in highway funding from States in FY 2020.

Section 1703. Extending Provisions of the Foreign Intelligence Surveillance Act.

Section 1703 extends three provisions of the Foreign Intelligence Surveillance Act that are currently scheduled to sunset on December 15, 2019 through March 15, 2020.

TITLE VIII- BUDGETARY EFFECTS

Section 1801. Budgetary Effects.

Section 1801 is a technical provision to exempt the budgetary totals from being entered on the Senate or statutory Pay-As-You-Go scorecards. Rolls forward any debit on those

scorecards remaining at the end of the 1st session of the 116th Congress to the 2nd Session's scorecard.