

Senate Amendment 1381 to H.R. 2872, the Further Additional Continuing Appropriations and Other Extensions Act, 2024

As posted on the Senate Amendment Tracking System on January 16, 2024, <https://ats.senate.gov/Display.aspx?ID=1381>
Identical language posted on the website of the Senate Committee on Appropriations, <http://tinyurl.com/msc326he>

Table 1 compiles CBO's estimates of discretionary spending for 2024 under division A. That division would provide for the continuation of the appropriations and authorities contained in the 12 regular appropriation acts for fiscal year 2023, which were contained in divisions A through L of the Consolidated Appropriations Act, 2023 (Public Law 117-328). The legislation also would continue certain appropriations and authorities contained in divisions M and N of P.L. 117-328. Section 106 would extend the appropriations and authorities under the jurisdiction of four Appropriations Subcommittees through March 1, 2024. Appropriations and authorities under the jurisdiction of the other eight Subcommittees would be extended through March 8, 2024.^a Division A would specify changes to funding amounts and authorities for certain accounts. Estimates are annualized—that is, estimated as if appropriations were provided for the entire fiscal year. Consistent with section 114 of the legislation, this table delineates CBO's estimate of discretionary appropriations that would be subject to statutory caps specified by the Fiscal Responsibility Act of 2023 (FRA, P.L. 118-5) and certain categories of funding for which cap adjustments are authorized.^b

Table 1.
Estimated Discretionary Spending Under Division A, the Further Additional Continuing Appropriations Act, 2024, by Appropriations Subcommittee

| Millions of Dollars | | Spending Counted for Statutory Caps ^b | | | | | | | | | | Emergency Spending Not Counted for Caps ^c | |
|---|-----|--|-------------|-----------|--------------------|-----------|-------------|-------------------|----------------------|-------|---------------------------|--|-----------|
| | | Constrained by Caps | | | Adjustment to Caps | | | | | | Total Spending Under Caps | | |
| | | | | | Security | | Nonsecurity | | | | | | |
| | | Security | Nonsecurity | Total | Emergency | Emergency | Disaster | Program Integrity | Wildfire Suppression | Total | Total | | |
| Agriculture ^{d, e} | BA: | 0 | 25,904 | 25,904 | 0 | 353 | 0 | 0 | 0 | 0 | 26,257 | 0 | 26,257 |
| | O: | 0 | 27,684 | 27,684 | 0 | 159 | 0 | 0 | 0 | 0 | 27,843 | 0 | 27,843 |
| Commerce, Justice, Science ^f | BA: | 6,586 | 76,593 | 83,179 | 0 | 1,400 | 0 | 0 | 0 | 0 | 84,579 | 1,400 | 85,979 |
| | O: | 6,545 | 80,738 | 87,283 | 0 | 237 | 0 | 0 | 0 | 0 | 87,520 | 246 | 87,766 |
| Defense | BA: | 798,907 | 187 | 799,094 | 0 | 0 | 0 | 0 | 0 | 0 | 799,094 | 0 | 799,094 |
| | O: | 770,262 | 176 | 770,438 | 0 | 0 | 0 | 0 | 0 | 0 | 770,438 | 0 | 770,438 |
| Energy and Water ^g | BA: | 31,399 | 24,606 | 56,005 | 0 | 650 | 0 | 0 | 0 | 0 | 56,655 | 13,688 | 70,343 |
| | O: | 30,694 | 32,199 | 62,893 | 0 | 216 | 0 | 0 | 0 | 0 | 63,109 | 252 | 63,361 |
| Financial Services ^o | BA: | 43 | 27,226 | 27,269 | 0 | 0 | 143 | 0 | 0 | 0 | 27,412 | 1 | 27,413 |
| | O: | 42 | 32,891 | 32,933 | 0 | 0 | 110 | 0 | 0 | 0 | 33,043 | 1 | 33,044 |
| Homeland Security ^h | BA: | 3,491 | 57,268 | 60,759 | 0 | 16,309 | 19,945 | 0 | 0 | 0 | 97,013 | 1,320 | 98,333 |
| | O: | 3,431 | 77,821 | 81,252 | 0 | 1,209 | 1,197 | 0 | 0 | 0 | 83,658 | 28 | 83,686 |
| Interior and Environment | BA: | 0 | 44,162 | 44,162 | 0 | 1,600 | 0 | 0 | 2,550 | 0 | 48,312 | 16,268 | 64,580 |
| | O: | 0 | 49,838 | 49,838 | 0 | 1,226 | 0 | 0 | 876 | 0 | 51,940 | 1,341 | 53,281 |
| Labor, HHS, Education ^d | BA: | 0 | 207,583 | 207,583 | 0 | 2,500 | 0 | 2,345 | 0 | 0 | 212,428 | 495 | 212,923 |
| | O: | 0 | 254,714 | 254,714 | 0 | 1,675 | 0 | 1,892 | 0 | 0 | 258,281 | 82 | 258,363 |
| Legislative Branch | BA: | 0 | 6,906 | 6,906 | 0 | 0 | 0 | 0 | 0 | 0 | 6,906 | 0 | 6,906 |
| | O: | 0 | 6,545 | 6,545 | 0 | 0 | 0 | 0 | 0 | 0 | 6,545 | 0 | 6,545 |
| Military Construction, VA | BA: | 18,998 | 151,990 | 170,988 | 0 | 0 | 0 | 0 | 0 | 0 | 170,988 | 0 | 170,988 |
| | O: | 15,404 | 148,337 | 163,741 | 0 | 0 | 0 | 0 | 0 | 0 | 163,741 | 0 | 163,741 |
| State, Foreign Operations | BA: | 0 | 59,675 | 59,675 | 0 | 2,065 | 0 | 0 | 0 | 0 | 61,740 | 1,000 | 62,740 |
| | O: | 0 | 64,491 | 64,491 | 0 | 1,443 | 0 | 0 | 0 | 0 | 65,934 | 200 | 66,134 |
| Transportation, HUD | BA: | 356 | 94,631 | 94,987 | 0 | 3,623 | 0 | 0 | 0 | 0 | 98,610 | 36,811 | 135,421 |
| | O: | 394 | 175,552 | 175,946 | 0 | 2,877 | 0 | 0 | 0 | 0 | 178,823 | 648 | 179,471 |
| Total | BA: | 859,780 | 776,731 | 1,636,511 | 0 | 28,500 | 20,088 | 2,345 | 2,550 | 0 | 1,689,994 | 70,983 | 1,760,977 |
| | O: | 826,772 | 950,986 | 1,777,758 | 0 | 9,042 | 1,307 | 1,892 | 876 | 0 | 1,790,875 | 2,798 | 1,793,673 |

Memorandum:

Limits on Budget Authority in the FRA^b

Under section 102

| | | | | | | | | |
|----------------------|---------|---------|-----------|------|------|--------|-------|-------|
| 2 U.S.C. § 901(d)(1) | 849,775 | 736,428 | 1,586,203 | n.a. | n.a. | 20,404 | 2,447 | 2,650 |
|----------------------|---------|---------|-----------|------|------|--------|-------|-------|

Under section 101(a)

| | | | | | | | | |
|----------------------|---------|---------|-----------|------|------|--------|-------|-------|
| 2 U.S.C. § 901(c)(9) | 886,349 | 703,651 | 1,590,000 | n.a. | n.a. | 20,404 | 2,447 | 2,650 |
|----------------------|---------|---------|-----------|------|------|--------|-------|-------|

Source: Congressional Budget Office.

BA = budget authority; FRA = Fiscal Responsibility Act; HHS = Health and Human Services; HUD = Housing and Urban Development; O = outlays; VA = Veterans Affairs; n.a. = not applicable.

Table 1.
Estimated Discretionary Spending Under Division A, the Further Additional Continuing Appropriations Act, 2024,
by Appropriations Subcommittee

Continued

CBO's estimates of budget authority and outlays constrained by caps reflected in this table are \$210 million and \$23 million less, respectively, than the estimates of such budget authority reflected in CBO's estimate for division A of H.R. 6363, the Further Continuing Appropriations Act, 2024, and Other Extensions Act (P.L. 118-22). Those differences reflect technical revisions to account for updated information from the Administration concerning budget execution.

- a. The appropriations and authorities under the jurisdiction of these four Subcommittees would be continued through March 1, 2024: Agriculture, Rural Development, Food and Drug Administration and Related Agencies; Energy and Water Development; Military Construction, Veterans Affairs, and Related Agencies; and Transportation, Housing and Urban Development, and Related Agencies.

The appropriations and authorities under the jurisdiction of these eight Subcommittees would be continued through March 8, 2024: Commerce, Justice, Science, and Related Agencies; Defense; Financial Services and General Government; Homeland Security; Interior, Environment, and Related Agencies; Labor, HHS, Education, and Related Agencies; Legislative Branch; and State, Foreign Operations, and Related Programs.

- b. In 2024, most discretionary budget authority is subject to limits (or caps) established by the FRA and enforced through sequestration. Separate caps exist for defense funding (in the law, *revised security*—budget function 050) and for nondefense funding (*revised nonsecurity*—all other budget functions). The FRA also provides for adjustments to those caps to account for funding for certain activities designated, in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177, as modified by the FRA), as an emergency requirement or for disaster relief, certain activities related to program integrity, and wildfire suppression. Under this legislation, which would provide continuing appropriations beyond December 31, 2023, the caps established by section 102 of the FRA would be used for sequestration unless all of the appropriation acts for the full fiscal year (or other legislation to intervene) were enacted before April 30, 2024. If full-year appropriation acts were enacted before April 30, 2024, the caps established by section 101(a) of the FRA would be used for sequestration.
- c. Reflects previously enacted amounts that are designated as an emergency requirement for fiscal year 2024 for allocation enforcement under the Congressional Budget Act of 1974. That funding was provided before the enactment of the FRA, which provides for the consideration of fiscal year 2024 appropriation legislation. The emergency-designated budget authority and new outlays attributed to legislation enacted before fiscal year 2024 stem from division J of the Infrastructure Investment and Jobs Act (P.L. 117-58), division B of the Bipartisan Safer Communities Act (P.L. 117-159), section 443 of division G of P.L. 117-328, and section 122 of division A of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 (P.L. 117-180).
- d. In keeping with the 21st Century Cures Act (P.L. 114-255), certain funding for the Department of Health and Human Services is excluded from estimates for the purposes of both the Congressional Budget Act and the Deficit Control Act. As a result, the amounts in this table exclude \$50 million in budget authority and \$59 million in outlays under the jurisdiction of the Subcommittee on Agriculture and \$407 million in budget authority and \$711 million in outlays under the jurisdiction of the Subcommittee on Labor, HHS, and Education.
- e. For this estimate, in keeping with 2023 legislation, spending for the Commodity Futures Trading Commission is included under the jurisdiction of the Subcommittee on Financial Services and General Government. (Historically, in even-numbered years, funding for that commission is provided under the jurisdiction of the Subcommittee on Agriculture.)
- f. Spending under the jurisdiction of the Subcommittee on Commerce, Justice, and Science includes \$17 million in outlays stemming from section 122 of P.L. 118-15, which extended the period in which the National Aeronautics and Space Administration can liquidate certain obligations.

Section 138 would extend, through March 8, 2024, the Undetectable Firearms Act, which prohibits the manufacture, import, sale, or possession of any firearm that cannot be detected by a walk-through metal detector. CBO estimates that, on an annualized basis, that extension would increase revenues from criminal fines by less than \$500,000.

- g. In keeping with section 14003 of the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136), as modified by section 101 of division AA of the Consolidated Appropriations Act, 2021 (P.L. 116-260), certain spending by the Army Corps of Engineers is excluded from estimates for the purposes of both the Congressional Budget Act and the Deficit Control Act. As a result, the amounts in this table exclude \$2,374 million in budget authority and \$2,374 million in outlays under the jurisdiction of the Subcommittee on Energy and Water.

For purposes of estimating appropriation legislation for 2024, the House and Senate Committees on the Budget have directed that appropriations provided to three power marketing administrations for purchase power and wheeling (PPW) be considered fully offset by receipts collected to recover expenses related to PPW. Without that direction, CBO's estimate of those collections would be \$96 million less than the annualized amount of funding for PPW expenses under division A. Therefore, CBO's estimate of spending under the jurisdiction of the Subcommittee on Energy and Water includes an additional offset of that amount.

- h. Spending within the jurisdiction of the Subcommittee on Homeland Security includes \$16 billion in budget authority and \$962 million in outlays stemming from a full-year appropriation provided by division A of P.L. 118-15 that is available through the end of fiscal year 2024. That funding is designated as an emergency requirement in keeping with section 251(b)(2)(A) of the Deficit Control Act.

Section 101(6) of division A would extend several immigration programs through March 8, 2024, that otherwise will expire after February 2, 2024. (The budgetary effects of those provisions are within the jurisdiction of the Subcommittee on Homeland Security.) CBO estimates that extending some of those programs would affect revenues because the proposed extension would result in changes to estimates of the U.S. population and the number of people enrolled in certain benefit programs. Some of those programs are subsidized with tax credits. In particular, on an annualized basis, CBO estimates that extending provisions related to the Conrad 30 waiver program for nonimmigrant medical workers and employment-based immigrant visas for certain religious workers for the duration of fiscal year 2024 would reduce revenues by an insignificant amount in each of fiscal years 2024 through 2033, for an overall reduction of \$1 million over both the 2024-2028 and 2024-2033 periods.

Table 2.
Estimated Direct Spending Effects of Division B of Senate Amendment 1381 to H.R. 2872, the Further Additional Continuing Appropriations and Other Extensions Act, 2024

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| | | By Fiscal Year, Millions of Dollars | | | | | | | | | | 2024- | 2024- |
|--|---|-------------------------------------|------------|-----------|----------|-------------|-------------|-------------|-----------|----------|----------|------------|----------|
| | | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2028 | 2033 |
| Title I. Health and Human Services | | | | | | | | | | | | | |
| Subtitle A. Public Health Extenders | | | | | | | | | | | | | |
| Sec. 101 | Extension for Community Health Centers, National Health Service Corps, and Teaching Health Centers That Operate Graduate Medical Education Programs | | | | | | | | | | | | |
| | Budget Authority | 596 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 596 | 596 |
| | Outlays | 231 | 238 | 117 | 9 | 1 | 0 | 0 | 0 | 0 | 0 | 596 | 596 |
| Sec. 102 | Extension of Special Diabetes Programs | | | | | | | | | | | | |
| | Budget Authority | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 40 |
| | Outlays | 11 | 25 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 40 |
| Subtitle B. Medicaid | | | | | | | | | | | | | |
| Sec. 122 | Medicaid Improvement Fund Reduction | | | | | | | | | | | | |
| | Budget Authority | 0 | 0 | 0 | 0 | -656 | 0 | 0 | 0 | 0 | 0 | -656 | -656 |
| | Outlays | 0 | 0 | 0 | 0 | -207 | -217 | -228 | -4 | 0 | 0 | -207 | -656 |
| Subtitle C. Medicare | | | | | | | | | | | | | |
| Sec. 131 | Extension of the Work Geographic Index Floor Under the Medicare Program | | | | | | | | | | | | |
| | Budget Authority | 53 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 53 | 53 |
| | Outlays | 53 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 53 | 53 |
| Sec. 132 | Medicare Improvement Fund | | | | | | | | | | | | |
| | Budget Authority | -53 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -53 | -53 |
| | Outlays | 0 | -5 | -35 | -7 | -6 | 0 | 0 | 0 | 0 | 0 | -53 | -53 |
| Subtitle D. Human Services | | | | | | | | | | | | | |
| Sec. 142 | Sexual Risk Avoidance Education Extension | | | | | | | | | | | | |
| | Budget Authority | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 |
| | Outlays | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 |
| Sec. 143 | Personal Responsibility Education Extension | | | | | | | | | | | | |
| | Budget Authority | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 |
| | Outlays | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 |
| Total Changes in Direct Spending | | | | | | | | | | | | | |
| | Budget Authority | 656 | 0 | 0 | 0 | -656 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Outlays | 315 | 258 | 85 | 3 | -212 | -217 | -228 | -4 | 0 | 0 | 449 | 0 |

Source: Congressional Budget Office.

Components may not sum to totals because of rounding. Estimates are relative to CBO's May 2023 baseline. CBO estimates that sections 103, 121, 141, 201, 301, and 401 would not affect direct spending or revenues.

In keeping with title IV of division B, and at the direction of the Senate Committee on the Budget, this division is considered authorizing legislation rather than appropriation legislation. As a result, the estimated budgetary effects would be subject to pay-as-you-go procedures. Division B also requires the exclusion of the estimated budgetary effects from the pay-as-you-go scorecards maintained by the Senate and the Office of Management and Budget.

Title I would extend, through March 8, 2024, a variety of programs and activities of the Department of Health and Human Services, including funding for community health centers, the National Health Service Corps, teacher health centers, and special diabetes programs. In addition, the title would decrease amounts available for the Medicaid Improvement Fund and the Medicare Improvement Fund. Title I also would extend a provision that increases Medicare's payments to rural physicians and would delay cuts to Medicaid's payments to disproportionate share hospitals.

Title II would extend, through March 8, 2024, certain provisions of the compacts of free association with the Federated States of Micronesia and the Republic of the Marshall Islands and federal program and services agreements with the Federated States of Micronesia and the Republic of the Marshall Islands.

Title III would extend, through March 9, 2024, the authority of the Departments of Justice and Homeland Security to detect and counter unmanned aircraft systems.