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Postponing the Inevitable Showdown—Congress Turns and Runs with CR Passage

Just before the Friday midnight deadline, the Senate passed and sent to the President for his signature a continuing resolution (CR) to keep the federal government operating until April 28th. This is just the latest example of a dysfunctional appropriations process that will have the government plodding along like a riderless horse through the first seven months of the year.

The newly-passed FY 2017 CR reduces total discretionary spending, including base funding for international affairs programs, slightly below current funding levels due to a 0.19 percent across-the-board cut applied to match funding levels with previously enacted spending caps. For international family planning and reproductive health (FP/RH) activities, the cut is likely to result in a \$1.15 million reduction from the total \$607.5 million appropriated in FY 2016.

The previous short-term CR was adopted on September 28th, only two days before the start of the new 2017 fiscal year. Congress adjourned for the election and did not reconvene for a “lame-duck” session until the last days of November. In the interim, House and Senate appropriators worked diligently to negotiate an omnibus package that would have included important adjustments to the funding and policies of a myriad of federal programs across appropriations bills and were reportedly very close to a bipartisan deal.

Although it is unclear what agreements on FP/RH may have been forged in the “room where it happens,” it seems plausible that the status quo might have been preserved for the seventh year in a row—more or less level bilateral FP/RH funding, a U.S. contribution to the UN Population Fund (UNFPA), and no new hostile policy riders like the Global Gag Rule.

Unfortunately, hopes for congressional passage of an FY 2017 omnibus package were quickly dashed when House Republican leaders (yielding to the wishes of an incoming Trump-Pence administration and demands from the House Freedom Caucus) decided to move toward passing another short-term CR, punting a final funding decision until the end of April. It seems unlikely that international FP/RH programs will fare nearly as well in negotiations conducted in the new Congress as the programs might have in an omnibus spending package enacted now.

The November 8th congressional election results will have important implications for FP/RH funding and policy in both chambers for final FY 2017 action and beyond. Despite higher hopes before Election Day, only very modest gains in levels of support for pro-FP/RH positions were achieved—a net gain of one vote in the Senate and about four in the House.

FP/RH support remains far short of a majority in the House, requiring at least a 25-vote switch for pro-FP/RH positions to prevail. Despite the one vote pick-up, the absence of a majority on pro-FP/RH positions continues in the Senate. It is important to note that prior to the 2014 mid-term election, FP/RH positions had always enjoyed majority support—in some Congresses by wide margins—regardless of party control. Nevertheless, a realistic scenario remains in which the Senate can still block hostile House actions on appropriations.

The partisan divide on international FP/RH issues, however, has gone from bad to worse. Only two supportive Republican Senators remain and there is only one reasonably consistent Republican vote left in the House. This stark division between the parties will play out soon in the effort to finalize the FY 2017 appropriations process.

Set against the backdrop of the arrival of a new sheriff in the White House, the postponement sets up another showdown with an uncertain outcome resulting from the inevitable duel that will ensue within the House Republican caucus. One centrist Republican appropriator went so far as to predict a “circular firing squad” in the GOP caucus this spring over demands from conservatives for deep spending cuts and sweeping policy changes for non-defense discretionary programs. As a result, Republican congressional leaders will continue to need Democratic votes to pass spending bills, and Democrats will be in no mood and have little incentive to cooperate with the GOP and the President-elect.

Complicating matters further, the Republican Congress and the incoming administration have a massive “to do” list in the spring of 2017 with Senate confirmation of Cabinet secretaries and other political appointees, filling a Supreme Court vacancy, repealing the Affordable Care Act, and defunding Planned Parenthood among other campaign promises on their packed agenda. The expiration of the CR is also projected to coincide with the expected arrival of the first detailed budget request from the Trump administration for the coming fiscal year and with a vote needed to raise the debt ceiling—always an occasion for fiscal and political brinkmanship that threatens the full faith and credit of the U.S. government and roils global financial markets.

So family planning defenders will need to gather all of the weapons and ammunition at our disposal and prepare for a Mexican standoff this spring with only a long-shot chance of the FP/RH program emerging unscathed as Congress attempts to complete the FY 2017 appropriations process. Then again, Congress may very well turn and run and resort to passing another CR for the remainder of the fiscal year.