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Hurry Up and Wait—CR Defers Final Decisions on Overseas Family Planning

Just before the midnight deadline, President Obama signed into law a short-term continuing resolution (CR) to avert a federal government shutdown on the first day of FY 2016. U.S. government programs, including international family planning and reproductive health (FP/RH), will continue to operate at current FY 2015 funding levels and under existing policies through December 11. While a last-minute reprieve was granted, the stage has been set for 10 weeks of partisan bickering, procrastination, high-stakes negotiation, and fiscal brinksmanship.

The enactment of the CR comes after weeks of political maneuvering by House Speaker Boehner (R-OH) as he sought to find a way to placate conservative members of his Republican caucus committed to opposing any funding bill that did not end funding for the Planned Parenthood Federation of America (PPFA). The vendetta launched against PPFA followed the release of surreptitiously recorded and deceptively edited videos falsely accusing the organization of illegally selling fetal tissue for research purposes. In the end, Speaker Boehner resigned, in part, so he could bring a CR to the House floor that would prevent a government shutdown. In spite of relentless legislative attacks directed at PPFA funding in recent days, the CR leaves federal funds to PPFA flowing. Any CR that cut-off funding for PPFA would have been rejected by the Senate and vetoed by the President.

Wednesday's House vote on the stopgap funding measure ([H.R. 719](#)) was 277 to 151 with support from every Democrat present and 91 Republicans, including a mix of Appropriations Committee members and leadership allies. A whopping 151 House Republicans voted to shut down the U.S. government. The House action in the afternoon followed easy Senate passage in the morning by a wide margin of 78 to 20.

Negotiations should soon commence on an omnibus spending package that will fund the government for the remainder of the fiscal year. Whether or not enactment of an omnibus by December 11 can be achieved remains to be seen. The parameters of the negotiation over international FP/RH funding and policy should be set by the respective, but widely divergent, House and Senate committee-approved versions of the State Department-foreign operations appropriations bill. The [House](#) version slashes FP/RH funding by \$150 million below current levels, legislatively reimposes the Global Gag Rule, and prohibits a U.S. contribution to the United Nations Population Fund (UNFPA), while the [Senate](#) bill funds bilateral and multilateral FP/RH at the President's budget request level, permanently blocks reinstatement of the Global Gag Rule, and earmarks a UNFPA contribution under current law restrictions, save one. This sets up a negotiating scenario between House and Senate appropriators largely identical to that which has existed for the last five fiscal years and has resulted in splitting the difference between the two bills and preservation of the status quo—\$610 million in total funding and no changes in policy. The two wild cards going into this year's negotiation are a lower Senate FP/RH funding level due to a [low presidential budget request](#) and the switch to Republican control of the Senate Appropriations Committee as a result of last year's election, the potential effects of which are yet to be determined.

The alternative to an omnibus spending package is a year-long CR that all responsible policymakers in the legislative and executive branches condemn as not an effective way to govern. For FP/RH programs, a long-term CR would not necessarily be the worst political outcome as the status quo would largely remain—no disproportionate funding cuts and no new policy restrictions. However, absent a successful negotiation of a new budget and spending deal, damaging sequestration cuts will be triggered that will lower discretionary spending, including for international FP/RH programs. Some glimmer of hope for reaching a new budget deal surfaced this week with reports that Senate Majority Leader McConnell (R-KY) and Speaker Boehner have recently begun preliminary discussions with the President.

Predicting how the FY 2016 appropriations process will turn out is fraught with peril. With Speaker Boehner's departure, House leadership elections looming, a presidential campaigning ongoing, and the approaching need for Congress to raise the federal debt limit presenting a tempting bargaining chip, all bets are off. While it is unlikely that author Rita Mae Brown was thinking about Congress when she said, "If it weren't for the last minute, nothing would get done," her witticism is highly appropriate when it comes to how Capitol Hill operates these days. Stay tuned.