

## Summary: Division A, Continuing Appropriations Resolution, 2014

Division A, Continuing Appropriations would maintain Fiscal Year 2013 post-sequester discretionary spending levels until January 15, 2014 at a level of \$986.3 billion. Below is a summary of each provision in Division A.

### **Section 101: General Terms and Conditions**

This section contains standard C.R. text to provide budget authority in Fiscal Year 2014 for projects and activities that were funded in fiscal year 2013, based on the latest appropriations acts. It carries forward the rate of operations to reflect sequestration and all rescissions in the last C.R., including the Section 3004 to account for scoring differences between CBO and OMB. It excludes supplemental appropriations for Hurricane Sandy (P.L. 113-2) as well as replenishment of wildland firefighting accounts (P.L. 112-175).

This section has the effect of setting the Fiscal Year 2014 spending base at \$989.012 billion, minus base discretionary funding in the Sandy Supplemental (P.L. 113-2), minus firefighting funding (P.L. 112-175) not carried forward. The aggregate cost of anomalies included in this C.R. results in a score of **\$986.3 billion**.

This section discontinues Section 735 of the fiscal year 2013 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill. Section 735 gives farmers assurance that a legally planted, approved biotech crop can be harvested and entered into commerce. The provision grants temporary permits to allow farmers to continue to plant, harvest, and enter the biotech plant products into commerce while the Department of Agriculture conducts any additional environmental analysis that may be required. Neither the House nor the Senate continued this provision in their fiscal year 2014 appropriations bills.

### **Section 102: Defense Production**

This section specifies that the Department of Defense (DoD) may not use C.R. funds to start new production, increase production rates above Fiscal Year 2013 levels, resume activities for which funds were not provided in Fiscal Year 2013, or initiate multi-year procurements.

### **Section 103: Terms and Conditions**

This section provides that the Fiscal Year 2014 C.R. funding shall be governed by provisions in the applicable appropriations act.

### **Section 104: No New Starts**

This section prohibits new starts or re-initiation of projects/activities for which funds and authority were not available during Fiscal Year 2013.

### **Section 105: Confirmation of Authority**

This section provides that the Fiscal Year 2014 C.R. covers all obligations and expenses during the period of the C.R.

### **Section 106: Expiration Date**

This section specifies that the funds and authorities in the C.R. only run until the enactment of new applicable appropriations, or until **January 15, 2014**.

**Section 107: Attribution of Appropriations**

This section provides that expenditures made under this C.R. will count toward funding totals for Fiscal Year 2014 when final appropriations legislation is enacted. It ensures that funding is annualized at a specific total (instead of being added to one another), even after additional C.R.s are enacted.

**Section 108: Waiver of Apportionments**

This section allows the use of C.R. funds regardless of a timeline governing apportionments contained in 31 USC 1513. Among other things, it would require apportionments to be made either 30 days before the start of the fiscal year or 30 days after enactment of appropriations. Identical language was included in C.R.s during the 112th Congress.

**Section 109: Limits on High Rates of Operation**

This section prevents agencies that typically have high rates of outlays at the beginning of the fiscal year from making these outlays. This is done to preserve Congress' ability to lower spending levels later when final appropriations legislation is considered.

**Section 110: Limitation on Spending Authority**

This section requires agencies to outlay as little funding as possible to continue projects and activities.

**Section 111: Continuation of Mandatory Spending**

This section allows mandatory obligations to continue at rates provided for in the applicable appropriation Act for Fiscal Year 2013.

**Section 112: Avoidance of Furloughs**

This section provides flexibility under the current rate for agencies to allocate salary and benefit funding to avoid furloughs in certain circumstances, but only if the agency has already taken all actions to lower and delay non-personnel administrative expenses.

**Section 113: National Security Activities**

This section allows C.R. funds to be obligated and spent for certain national security and foreign assistance programs, notwithstanding several provisions of the U.S. Code that prohibit obligation and expenditure of an appropriation that is unauthorized or exceeds the authorized amount: (1) 22 USC 2412 regarding foreign assistance; (2) 22 USC 2680 regarding the State Department; (3) 22 USC 6212 regarding the Broadcasting Board of Governors; (4) 50 USC 414(a)(1) regarding intelligence.

**Section 114: Designation of Funds for Which Cap Adjustments Are Made**

This section makes budgetary designations for Global War on Terror (GWOT)/Overseas Contingency Operations (OCO) funding, disaster funding, and Social Security administrative funding (i.e. "program integrity"). It adopts a provision in P.L. 113-6 (H.R. 933) that requires the President to ratify the budgetary designation for GWOT/OCO. In particular, it would:

- Carry over from Fiscal Year 2013 appropriations Acts all cap adjustments for the purposes of spending allowed above the Budget Control Act discretionary limits, including OCO and disaster funding.
- Provide \$470.6 million in new budget authority for Social Security Administration's cap on administrative expenses.

**Section 115: Retroactive Pay for Furloughed Federal Employees**

This section clarifies that the Federal Government would reimburse States and grantees for the costs that States incurred during execution of Federal programs that would normally be paid by Federal appropriations. This authority applies to any period in Fiscal Year 2014 in which a lapse in appropriations has occurred.

**Section 116: Reimbursement of State Government and Other Grantees**

This provision clarifies that the Federal Government would reimburse States and grantees for the costs that States incurred during execution of Federal programs that would normally be paid by Federal appropriations. This authority applies to any period in Fiscal Year 2014 in which a lapse in appropriations has occurred.

**Section 117: Subsuming the "Pay Our Military Act" Appropriations Into the C.R. Levels**

This language assumes that spending from direct appropriations incurred in the Pay Our Military Act is subsumed into the C.R. levels. The Pay Our Military Act appropriates Fiscal Year 2014 funding during a government shutdown to pay salaries and allowances for members of the armed forces, including civilian federal employees and contractors who support the armed forces. If this provision were not included, funding for the Act would be added on top of any related funding in the C.R.

**Section 118: Retroactive Effective Date**

Provides that the effective date for this joint resolution is October 1, 2013.

**Section 119: Limitations on Conferences**

This continues government-wide restrictions and reporting requirements relating to agency spending on conferences. This section requires executive branch officials to submit a report to their Inspectors General that details conferences that cost taxpayers more than \$100,000. The section also requires Inspectors General notification for conferences that cost more than \$20,000. This requirement was included in the final Fiscal Year 2013 funding act, P.L. 113-6.

**Section 120: Extension of Food for Peace Program (Agriculture)**

This section extends the Food for Peace Act until December 15, 2013. Unless an extension of the contract authority provided in section 408 of the Food for Peace Act is provided, USAID's ability to provide food to ongoing and new emergencies will be diminished as of September 30, 2013. The Food for Peace program is used for emergency responses to food crises abroad like the recent famine in the Horn of Africa, ongoing crises in the Sahel, and can be used in response to unanticipated man-made and natural disasters like earthquakes, conflict, drought, and floods.

**Section 121: Satellite Apportionment Authority (Commerce)**

This section allows expenditures for work to continue on two weather satellites.

It addresses the concerns raised by the Department of Commerce, which houses the National Oceanic and Atmospheric Administration (NOAA), for anomalies related to the acquisition of critical weather satellites. It would allow NOAA to adjust FISCAL YEAR 2014 funding levels within the appropriate account to ensure that two satellite programs currently under development (JPSS and GOES-R series) stay on schedule for their planned launch dates and keep within their respective projected life cycle costs – essentially frontloading funding for the program.

**Section 122: DOD Lord's Resistance Authority and Non-Conventional Assisted Recovery Capabilities Extension (Defense)**

Extends authority that expired on September 30, 2013, through the duration of this C.R. for the Department of Defense to continue to support African forces that are in pursuit of Joseph Kony and the Lord's Resistance Army, and for combatant commanders to use resources to support foreign forces, including irregular forces, to assist in finding and recovering U.S. military or government personnel who are lost or stranded in foreign countries during military operations. The authority does not relate to the use of the U.S. Armed Forces for these missions.

**Section 123: Olmsted Lock and Dam Authority (Energy & Water Development)**

This section would raise the ceiling from \$775 million to \$2.918 billion. Olmsted Lock in Kentucky has reached its authorized limit as specified in section 902 of the Water Resources Development Act. This anomaly will allow construction on the project to continue. If the 902 limit is not adjusted for Olmsted, construction will stop. A stoppage would cost an additional \$160 million but would not ultimately prevent the lock from being built.

**Section 124: Appalachian Regional Commission Extension (Energy & Water Development)**

This section extends the authority that expired on October 1, 2013, through the duration of the CR for the Appalachian Regional Development Commission.

**Section 125: Judiciary (Financial Services)**

Provides a rate of \$4.82 billion to provide minimum funding levels for the Judiciary. With this funding, jurors can continue to be paid, further furloughs of federal defenders will be avoided, and the Judiciary will be provided with necessary court security protection and equipment.

**Section 126: Defender Services Funding (Financial Services)**

Provides a rate of \$1.012 billion for the Judiciary's Defender Services account to reimburse the costs of several weeks of suspended compensation for representation of indigent defendants accused of a federal crime and ensure adequate staffing levels in federal defender organizations.

**Section 127: Allows the District of Columbia to Spend Local Funds (Financial Services)**

This section would allow DC to expend local funds for this fiscal year only as included in the Fiscal Year 2014 Budget Request Act of 2013. The Home Rule Act of 1973 states that DC must have its local budget authorized by Congress. Similar sections are regularly included in appropriations acts.

**Section 128: Exempts the Federal Communications Commission (FCC) From the Anti-deficiency Act (Financial Services)**

Appropriations bills have regularly included language to exempt the FCC from provisions of the Anti-deficiency Act, which prevents obligations and spending in violation of Congressional appropriations. This provision would extend this exemption to January 15, 2014. The FCC assesses fees on carriers quarterly based on revenues, but payments flowing from these assessments come into the fund monthly (which could be in violation of the Anti-deficiency Act).

**Section 129: Increase for the Office of Special Counsel (Financial Services)**

The Office of Special Counsel would be funded at \$20.639 million, the same as the request in the President's budget, as well as the Senate and House Financial Services and General Government Appropriations bills for Fiscal Year 2014. The increase is intended to address additional responsibilities under the Whistleblower Protection Act.

**Section 130: Privacy and Civil Liberties Oversight Board (Financial Services)**

This would set funding for an operating level of \$3.1 million for the Privacy and Civil Liberties Board, which is above the Fiscal Year 2013 level of \$898,000. The higher level was included in both Senate and House Financial Services and General Government Appropriations bills for Fiscal Year 2014. The Board states that the Fiscal Year 2013 level was artificially low because it was not fully staffed.

**Section 131: Chemical Facilities Anti-terrorism Standards (CFATS) Extension (Homeland Security)**

This section would ensure that authority for CFATS is continuous from October 4, 2013. Appropriations law provides the authority for CFATS regulations, which means that the program was impacted by a lapse in appropriations. After October 4, however, DHS advised facilities that they should continue to comply with the regulations during the lapse in appropriations, given that facility security is a shared responsibility. A lapse in authorization has also raised potential litigation risks.

**Section 132: Secret Service Undercover Investigations Extension (Homeland Security)**

This extends authority through the duration of the CR to allow the Secret Service to use proceeds derived from criminal investigations to conduct undercover investigative operations.

**Section 133: Homeland Security R&D Extension (Homeland Security)**

This extends authority through the duration of the CR to obtain leading edge Homeland Security R&D or prototypes using "other transactions" agreements for work with non-traditional Government contractors.

**Section 134: Customs and Border Protection (Homeland Security)**

Allows Customs and Border Protection to maintain current staffing levels and border security operations, and to sustain Immigration and Customs Enforcement staffing and immigration activities.

**Section 135: Makes Funding Available for the United States Coast Guard (USCG) National Security Cutter Contract (Homeland Security)**

USCG is planning to award the contract for production of the 7th National Security Cutter in December 2013. Without an anomaly, a C.R. through January 15 would not provide enough resources to proceed, and a delay will require renegotiation with expected price increases and delivery delay.

**Section 136: Extends for One Year the Law Authorizing Lands Access Fees (Interior)**

These provisions would extend the authority for the Department of Interior to collect recreational fees. Under the Federal Lands Recreation Enhancement Act, fees for access to campgrounds/parks are authorized through December 8, 2014. However, the Department of the Interior and the Forest Service sell annual passes lasting 1 year in duration to access National Parks, Refuges and Forests pursuant to this law. Without an extension, the Departments' ability to sell annual passes would cease on December 8th of this year.

**Section 137: Interior Fire Suppression Funds (Interior)**

Provides \$36 million for the Interior Department's wildland fire management activities, which are available for fiscal year 2014 or to repay accounts from which the Department borrowed to pay for fire suppression in previous fiscal years.

**Section 138: Forest Service Suppression Funds (Interior)**

Provides \$600 million for the Forest Service's fire suppression activities, which are available for fiscal year 2014 or to repay accounts from which the Forest Service borrowed to pay for fire suppression in previous fiscal years.

**Section 139: Forest Service Stewardship (Interior)**

This extends authority that expired on September 30, 2013, for the Forest Service to contract with public or private entities to perform forest restoration and timber projects through the duration of the CR.

**Section 140: Eisenhower Memorial Commission Extension (Interior)**

This extends authorities for the Eisenhower Memorial Commission, excluding construction activities, through the duration of the CR. (A prior version allowed construction and contracts prior to full funding, but this was modified in the House.)

**Section 141: TANF Extension (Labor-HHS)**

TANF is Temporary Assistance for Needy Families. Certain entitlement programs (TANF, the Child Care Entitlement Program (CCEP), and the Welfare Research) will expire on September 30, 2013. Reauthorization language is needed to maintain operations.

**Section 142: Mine Safety and Health Administration (MSHA) Extension (Labor-HHS)**

This section repeats language from the FISCAL YEAR13 CR related to the collection of user fees for Mine Safety and Health Administration (MSHA) approval and certification of equipment and materials used in mines.

**Section 143: Low-Income Heating Assistance Program (LIHEAP) Extension (Labor-HHS)**

This section clarifies that the formula to distribute LIHEAP funds to States should remain unchanged so that HHS uses the same formula as in prior years. Specifically, \$497 million in LIHEAP formula funding will be distributed under the new LIHEAP formula with remaining formula funds distributed under the old formula.

**Section 144: Office of Refugee Resettlement (Labor-HHS)**

This section provides HHS the authority to obligate a higher percentage of Office of Refugee Resettlement funds under the CR due to continued increases in costs under the Unaccompanied Alien Children program. The high numbers of unaccompanied alien children (UAC) are expected to continue in FISCAL YEAR 2014 and funds will provide shelter for UACs and cash and medical assistance.

**Section 145: Biomedical Advanced Research and Development Authority (BARDA) (Labor-HHS)**

This section provides HHS the flexibility to obligate a higher percentage of the Public Health and Social Services Emergency Fund for the Biomedical Advanced Research and Development Authority (BARDA). It allows the transfer from the Public Health and Social Services Emergency Fund. Funding for BARDA expired on September 30, 2013. Without this anomaly for BARDA, activities cannot continue, affecting existing contracts for advanced research and development (terminating them) and the operation of the

Centers for Innovation in Advanced Development Manufacturing. The Pandemic Influenza programs supports the development of new influenza vaccines, antiviral drugs, diagnostics, and medical devices for pandemic influenza and other emerging infectious diseases such as H7N9.

**Section 146: Highly Qualified Teachers (Labor-HHS)**

This section Language codifies the Department of Education's HQT regulations through the 2014-2015 school year. The authority for qualification as a HQT expires at the end of the year.

**Section 147: Payments to Widows and Heirs of Deceased Members of Congress (Legislative Branch)**

This section provides a death benefit for the widow of Senator Frank Lautenberg.

**Section 148: Prohibition on Cost of Living Adjustment for Members of Congress (Legislative Branch)**

This section would prohibit a COLA for Members of Congress for Fiscal Year 2014.

**Section 149: VA Funding to Reduce Backlog of Disabilities Claims (Milcon/VA)**

Provides \$2.455 billion for Veterans Benefits Administration general operating expenses. This is the level requested in the FISCAL YEAR 2014 President's Budget.

**Section 150: HUD Rental Assistance Demonstration Extension (Transportation, HUD)**

Extends HUD's authority to operate this program. The Rental Assistance Demonstration, in part, enables the HUD Rent Supplement and Rental Housing Assistance Payments programs to be consolidated into project-based Section 8 contracts. This reduces the number of duplicative HUD rental assistance programs, enabling these properties to secure private market financing for capital improvements instead of relying on federal dollars.

**Section 151: FAA Operations (Transportation, HUD)**

Provides \$9.248 billion for the operations of the Federal Aviation Administration to prevent the furlough of air traffic controllers and aviation safety inspectors.

**Section 152: Wireless Coverage for Washington Metropolitan Area Transit Authority (WMATA) (Transportation, HUD)**

This section extends the deadline for WMATA to complete the installation of wireless coverage throughout Metro's subway system.

**Section 153: Funding for Maritime Security Program (Transportation, HUD)**

The Maritime Administration's Maritime Security Program is authorized at \$186 million for FISCAL YEAR 2014. This would support contracts with U.S. flag, U.S. crewed commercial ships to provide the Department of Defense with military sealift capacity for overseas operations. If funding levels do not meet the authorization level, this program would be forced to cut the number of ships.

**Section 154 – 156: Extension of FAA War Risk Insurance (Transportation, HUD)**

These sections extend the FAA's war risk insurance program, which expires at the end of calendar year 2013. Airlines require this insurance to fly their aircraft. The language would allow an extension of the program through the life of the continuing resolution.

**Section 157: Waiver for Colorado Emergency Highway Funding (Transportation, HUD)**

The Federal Highway Administration (FHWA)'s emergency relief program caps obligations for projects resulting from a single natural disaster or catastrophic event in a State at \$100 million. This section

would waive the \$100 million cap for Colorado floods, allowing FHWA to reimburse Colorado up to \$450 million. The funds would be available from unobligated amounts from previously-appropriated funds in the Fiscal Year 2013 disaster assistance supplemental targeted to Hurricane Sandy.