Overview of Continuing Appropriations for FY2020 (P.L. 116-59)

October 24, 2019

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SUMMARY

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This report provides an analysis of the continuing appropriations provisions for FY2020 included in Division A (Continuing Appropriations Act, 2020) of H.R. 4378. The legislation also included a separate Division B (Health and Human Services Extenders and Other Matters), which extended multiple federal health care programs that were otherwise set to expire September 30, 2019, and provided for some adjustments to additional health programs. This report examines only Division A, the continuing resolution (CR) portion of the legislation. On September 27, 2019, the President signed H.R. 4378 into law (P.L. 116-59).

Division A of H.R. 4378 was termed a CR because it provided temporary authority for federal agencies and programs to continue spending in FY2020 in the same manner as a resolution enacted separately for that purpose. It provides temporary funding for the programs and activities covered by all 12 of the regular appropriations bills, since none of them had been enacted prior to the start of FY2020. These provisions provide continuing budget authority for projects and activities funded in FY2019 by that fiscal year's applicable appropriations acts, with some exceptions. It includes both budget authority that is subject to the statutory discretionary spending limits on defense and nondefense spending and also budget authority that is effectively exempt from those limits, such as that designated for "Overseas Contingency Operations/Global War on Terrorism."

Funding under the terms of the CR is effective October 1, 2019, through November 21, 2019—roughly the first seven weeks of the fiscal year.

The CR generally provides budget authority for FY2020 for most projects and activities at the rate at which they were funded during FY2019. Although it is effective only through November 21, the cost estimate prepared by the Congressional Budget Office (CBO) provides an annualized projection of the discretionary budget authority provided in the measure. As provided in P.L. 116-59, the amount subject to the statutory discretionary spending limits is approximately $1.253 trillion. When spending that is effectively not subject to those limits (Overseas Contingency Operations, disaster relief, emergency requirements, and program integrity adjustments) is also included, the CBO estimate is $1.345 trillion.

CRs frequently include provisions that are specific to certain agencies, accounts, or programs. These include provisions that designate exceptions to the general funding rate formula or otherwise single out a program, activity, or purpose for which any referenced funding is extended (typically referred to as "anomalies"), as well as provisions that have the effect of creating new law or changing existing law (including the renewal of expiring provisions of law). The CR includes a number of such provisions, each of which is briefly summarized in this report. CRS appropriations experts for each of these provisions are indicated in the accompanying footnotes and **Table 1**. Congressional clients may also access CRS Report R42638, *Appropriations: CRS Experts*.

For general information on the content of CRs and historical data on CRs enacted between FY1977 and FY2019, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Practices*.

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Introduction

Congress uses an annual appropriations process to fund discretionary spending, which supports the projects and activities of most federal government agencies.[1] This process anticipates the enactment of 12 regular appropriations bills each fiscal year.[2] If regular appropriations are not enacted prior to the start of the fiscal year (October 1), continuing appropriations may be used to provide temporary funding until the consideration of annual appropriations measures is completed.

Continuing appropriations acts are often referred to as "continuing resolutions" (CRs), because historically they have been enacted in the form of a joint resolution. CRs also contain numerous provisions that may operate as limitations or restrictions to preserve Congress's prerogative to make funding decisions once final bills are agreed to.[3] Numerous exceptions (or anomalies) are also often included in CRs to provide changes to funding rates, or for other purposes, to address special circumstances that may result with only temporary funding.[4] Other rescissions or cancellations of discretionary budget authority may also be included in CRs.[5]

CRs may be enacted for a period of days, weeks, or months. If any of the 12 regular appropriations bills are still not enacted by the time that the first CR for a fiscal year expires, further extensions might be enacted until all regular appropriations bills have been completed or the fiscal year ends.

None of the FY2020 regular appropriations bills was enacted prior to the start of the new fiscal year on October 1, 2019. On September 18, 2019, H.R. 4378 was introduced in the House to provide continuing appropriations for projects and activities covered by all 12 of the regular annual appropriations bills from the beginning of the fiscal year through November 21, 2019 (Division A). The legislation also included a separate Division B to extend authorization for multiple federal health care programs. The House passed the legislation on September 19, 2019, by a vote of 301-123. The Senate subsequently passed the legislation by a vote of 81-16 on September 26, 2019. On September 27, 2019, the President signed H.R. 4378 into law (P.L. 116-59).

This report provides an analysis of the continuing appropriations provisions included in the CR (H.R. 4378, Division A). The first two sections summarize the overall funding provided ("Coverage, Duration, and Rate") and budget enforcement issues associated with the statutory discretionary spending limits ("The CR and the Statutory Discretionary Spending Limits"). The third section of this report provides short summaries of the provisions that are agency-, account-, or program-specific. These summaries are organized by appropriations act title. In some

[1] The federal budget process distinguishes between discretionary spending, which is controlled through annual appropriations acts, and direct (or mandatory) spending, which is controlled through authorizing laws. For further information on the appropriations process generally, see CRS Report R42388, *The Congressional Appropriations Process: An Introduction*.

[2] Under current practice, each House and Senate Appropriations subcommittee usually drafts one regular appropriations bill for the activities under its jurisdiction, for a total of 12 bills each fiscal year. The full Appropriations Committee subsequently considers and reports each bill to its respective parent chamber.

[3] For instance, H.R. 4378, like some past CRs, instructs that "only the most limited funding action of that permitted in the Act shall be taken in order to provide for the continuation of projects and activities" (§110). Similarly, any awarding of grants that would impinge on final funding prerogatives are expressly restricted (§109).

[4] For example, in H.R. 4378, a higher rate of funding is provided for preparations involving the 2020 cecennial census (§122).

[5] For example, see Section 115 in H.R. 4378.

instances, background information about the history of those appropriations, and how they operate under a CR, is provided.

Coverage, Duration, and Rate

Three components of a CR generally establish the purpose, duration, and amount of funds provided by the act:

1. A CR's "coverage" relates to the purposes for which funds are provided. The projects and activities funded by a CR are typically specified with reference to regular (and, occasionally, supplemental) appropriations acts from the previous fiscal year. When a CR refers to one of those appropriations acts and provides funds for the projects and activities included in such an act, the CR is often referred to as "covering" that act.
2. The "duration" of a CR refers to the period of time for which budget authority[6] is provided for covered activities.
3. CRs usually fund projects and activities using a "rate for operations" or "funding rate" to provide budget authority at a restricted level but do not prescribe a specified dollar amount. The funding rate for a project or activity is based on the total amount of budget authority that would be available annually for that project or activity under the referenced appropriations acts and is prorated based on the fraction of a year for which the CR is in effect, but it may also be affected by other factors that can have an effect on spending patterns over the course of a fiscal year.

Coverage

H.R. 4378 (§101) covers all 12 of the regular annual appropriations bills by generally providing continuing budget authority for FY2020 through November 21, 2019, for projects and activities funded in FY2019.[7]

Budget authority is provided by the CR under the same terms and conditions as the referenced FY2019 appropriations acts (§103). Effectively, this requirement extends many of the provisions in the FY2019 acts that stipulated or limited agency authorities during FY2019. In addition, in general, none of the funds are to be used to initiate or resume an activity for which budget authority was not available in FY2019 (§104). Such provisions, as well as many of the other provisions discussed in the sections below, may protect Congress's constitutional authority to

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[6] Appropriations bills provide agencies with budget authority, which is defined as authority provided by federal law to enter into contracts or other financial obligations that will result in immediate or future expenditures (or outlays) involving federal government funds. For explanations of these terms, see Government Accountability Office, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 2005, pp. 20-21.

[7] Referenced appropriations acts include Divisions A-C of the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 (P.L. 115-244), for three of the 12 regular bills; Divisions A and B of the Department of Defense and Labor, Health, and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (P.L. 115-245), for another two regular bills; and Divisions A-G of the Consolidated Appropriations Act, 2019 (P.L. 116-6), for the remaining bills, as well as some additional specified measures and provisions. For more information on these measures, see the CRS Appropriations Status Table at https://www.crs.gov/AppropriationsStatusTable; and CRS Report R45906, *Congressional Action on FY2019 Appropriations Measures: 115th and 116th Congresses*.

provide annual funding in the manner it chooses in whatever final appropriations measures may be enacted.

Statutory limits on discretionary spending are in effect for FY2020, as adjusted by the Bipartisan Budget Act of 2019 (BBA 2019; P.L. 116-37). The CR includes both budget authority that is subject to those limits and also budget authority that is effectively exempt from those limits—including that designated or otherwise provided as "Overseas Contingency Operations/Global War on Terrorism" (OCO/GWOT) or "emergency requirements," as well as limited amounts that may be designated as "disaster relief or "program integrity initiatives." Amounts previously receiving an OCO/GWOT, emergency, or disaster relief designation for FY2019 continue to receive this designation through the length of the CR (§114).

Duration

Section 101 provides that funding in the CR is effective through November 21, 2019—roughly a seven-week period of funding. The CR provides that, in general, budget authority for some or all projects and activities could be superseded by the enactment of the applicable regular appropriations act or another CR prior to November 21.[8] For projects and activities funded in the CR that a subsequent appropriations act does not fund, budget authority would immediately cease upon such enactment, even if enactment occurs prior to November 21. However, the CR provides some exceptions to this. For instance, the OCO/GWOT designations (§114) are specified to remain in effect through November 21. Similarly, an anomaly affecting the Ukraine Security Assistance Initiative is specified to remain in effect until September 30, 2020.

Rate

In general, the CR provides budget authority at levels provided in FY2019 appropriations acts for the duration of the CR (through November 21). The rate is based on the actual amounts made available in FY2019. A few exceptions, however, to this continued rate of operations are specified in Section 101. These adjustments are in addition to any additional exceptions specified in the various anomalies also included in later sections of the CR. For instance, five agencies are affected by variations to this general rate, including the U.S. Department of Agriculture's (USDA) Rural Water and Waste Disposal Direct Loan Program, the Department of Justice's Assets Forfeiture Fund, the Bureau of Reclamation's Upper Colorado River Basin Fund, immigration authorizations affecting the Department of Homeland Security, and the Department of State's funding for Ebola.[9] In addition, for entitlement and other mandatory spending provided in regular appropriations acts, funding is provided at the rate sufficient to maintain program levels under current law as provided in Section 111(a).

[8] The subsequent enactment of a regular appropriations bill would also supersede the level of funding provided in the CR. Section 107 provides that obligations and expenditures made between October 1 and the enactment of any subsequent full-year appropriations would be charged to the applicable appropriation.

[9] For further information, see CRS appropriations experts included in **Table 1**.

The CR and the Statutory Discretionary Spending Limits

Background

Appropriations for FY2020 are subject to statutory discretionary spending limits on categories of spending designated as "defense" and "nondefense" spending pursuant to the Budget Control Act of 2011 (BCA), as modified by BBA 2019. The defense category includes all discretionary spending under budget function 050 (defense), and the nondefense category includes discretionary spending in the other budget functions.[10] If discretionary spending is enacted in excess of a statutory limit in either category, the BCA requires the level of spending to be brought into conformance through "sequestration," which involves primarily across-the-board cuts to non-exempt spending in the category of the limit that was breached (i.e., defense or nondefense). Once discretionary spending is enacted, the Office of Management and Budget (OMB) evaluates that spending relative to the spending limits and determines whether sequestration is necessary.[11] For FY2020 discretionary spending, the first such evaluation (and any necessary enforcement) is to occur within 15 calendar days after the 2019 congressional session adjourns *sine die*.[12] For any FY2020 discretionary spending that becomes law after the session ends, the OMB evaluation and any enforcement of the limits would occur 15 days after enactment.

FY2020

The Congressional Budget Office (CBO) estimates the budgetary effects of interim CRs on an "annualized" basis, meaning that those effects are measured as if the CR were providing budget authority for an entire fiscal year. According to CBO, the annualized amount for discretionary budget authority for regular appropriations subject to the BCA limits (including projects and activities funded at the rate for operations and anomalies) is $648.452 billion for defense, which is about $18 billion below the defense limit of $666.5 billion, and $604.669 for nondefense, which is about $17 billion below the nondefense limit of $621.5 billion for FY2020.[13]

H.R. 4378 specified that each amount incorporated in the legislation by reference, which was previously designated as OCO/GWOT or disaster relief and not subject to the discretionary spending caps, retains that same designation (§114). Thus when spending effectively not subject to those limits—because it was designated or otherwise provided as OCO/GWOT, disaster relief, emergency requirement, or a program integrity adjustment—is included, CBO estimates total annualized budget authority in the CR of $1.345 trillion, which is below the BBA 2019 agreement of $1.370 trillion.[14]

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[10] For more information on the BCA generally, see CRS Report R44874, *The Budget Control Act: Frequently Asked Questions*.

[11] OMB, "Sequestration Reports and Orders," https://www.whitehouse.gov/omb/legislative/sequestration-reports-orders/.

[12] For further information with regard to *sine die* adjournments of a congressional session, see CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*.

[13] These defense and nondefense limits are provided in P.L. 116-37, Section 101(a). See also CBO Estimate for Division A of H.R. 4378, (Discretionary Spending Only), https://www.cbo.gov/system/files/2019-09/HR4378.pdf.

[14] For details of the BBA 2019 agreement, see Senate Majority Leader Mitch McConnell, "Bipartisan Budget Act of 2019," remarks in the Senate, *Congressional Record*, daily edition, vol. 165 (August 1, 2019), p. S5280.

Agency-, Account-, and Program-Specific Provisions

CRs lasting multiple weeks or longer usually include provisions that are specific to certain agencies, accounts, or programs. These provisions are generally of two types. First, certain provisions designate exceptions to the formula and purpose for which any referenced funding is extended. These are often referred to as "anomalies." They often address specific issues or circumstances that may result from the extension of only current rates of funding. Second, certain provisions may have the effect of creating new law or changing existing law. Most often, these provisions are used to renew expiring provisions of law or extend the scope of certain existing statutory requirements. Substantive provisions that establish major new policies have also been included on occasion. Unless otherwise indicated, such provisions are temporary in nature and expire when the CR expires.

These anomalies and provisions that change law may be included at the request of the President. Congress could accept, reject, or modify such proposals in the course of drafting and considering CRs. In addition, Congress may identify or initiate any other anomalies and provisions changing law that it seeks to include in the CR.

This section of the report summarizes provisions in H.R. 4378 that are agency-, account-, or program-specific. They are alphabetically organized by appropriations act title for 11 of the 12 regular appropriations acts covered in Section 101. (There are no anomalies concerning items funded in the Legislative Branch Appropriations Act.) The summaries generally provide brief explanations of the provisions. In some cases they include additional information, such as whether a provision was requested by the President or included in prior year CRs. For additional information on specific provisions in the CR, congressional clients may contact the CRS appropriations experts, as noted in the accompanying footnote.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies[15]

Section 101(1)—Rural Water and Waste Disposal Direct Loan Program[16]

This section authorizes USDA to spend appropriated funds in the Rural Water and Waste Disposal Program Account on the cost of *direct* loans, in addition to the costs of loan guarantees and grants that were authorized in FY2019. In FY2019, direct loans did not require budget authority because the program had a negative subsidy rate (i.e., the cost of providing loans was less than estimated repayments and fees). For FY2020, OMB estimates that the direct loan program will have a positive subsidy rate.

Section 116—Disaster Assistance for Sugar Beet Processors[17]

This section amends the list of eligible losses that may be covered under the Additional Supplemental Appropriations for Disaster Relief Act of FY2019 (P.L. 116-20, Title I) to include payments to cooperative processors for reduced sugar beet quantity and quality. The FY2019

[15] For background on the history and function of anomalies included in the agriculture appropriations bill, contact Jim Monke, Specialist in Agricultural Policy.

[16] This section was authored by Alyssa R. Casey, Analyst in Agricultural Policy.

[17] This section was authored by Megan Stubbs, Specialist in Agricultural Conservation and Natural Resources Policy.

supplemental provided $3 billion to cover agricultural production losses in 2018 and 2019 from natural disasters.[18]

Section 117—Specialty Crop Research Initiative[19]

This section allows USDA to waive the non-federal matching funds requirement for grants made under the Specialty Crop Research Initiative (7 U.S.C. §7632(g)(3)). The matching funds provision was added in the 2018 farm bill (P.L. 115-334).

Section 118—Summer Food for Children Demonstrations Projects[20]

This section allocates funding for the USDA Food and Nutrition Service summer food for children demonstration projects at a rate that ensures that the projects can fully operate by May 2020 (prior to summer meal service, which typically starts in June). Similar provisions have been part of previous CRs. These projects, which include the Summer Electronic Benefit Transfer demonstration, have operated in selected states since FY2010.[21]

Section 119—Commodity Credit Corporation (CCC)[22]

This section allows CCC to receive its appropriation to reimburse the Treasury for a line of credit about a month earlier than usual prior to a customary final report and audit.[23] Many farm bill payments to farmers are due in October 2019, including to USDA's plan to make supplemental payments under a trade assistance program.[24] Without the anomaly, CCC might have exhausted its $30 billion line of credit in October or November before the audit is completed, which could suspend payments. This provision was part of a CR in FY2019. In addition, the measure requires USDA to submit a report to Congress by October 31, 2019, with various disaggregated details about Market Facilitation Program payments, trade damages, and whether commodities were purchased from foreign-owned companies under the program.

Section 120—Hemp Production Program[25]

This section provides $16.5 million on an annualized basis to the USDA Agricultural Marketing Service to implement the Hemp Production Program (P.L. 115-334, §10113), which was created in the 2018 farm bill.[26]

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[18] For more information, see CRS In Focus IF11245, *FY2019 Supplemental Appropriations for Agriculture*.

[19] This section was authored by Genevieve K. Croft, Analyst in Agricultural Policy.

[20] This section was authored by Kara Clifford Billings, Analyst in Social Policy.

[21] For more information, see CRS Report R45486, *Child Nutrition Programs: Current Issues*.

[22] This section was authored by Jim Monke, Specialist in Agricultural Policy.

[23] For more information, see CRS Insight IN11168, *The CCC Anomaly in an FY2020 Continuing Resolution*.

[24] For more information, see CRS Report R45865, *Farm Policy: USDA's 2019 Trade Aid Package*.

[25] This section was authored by Renée Johnson, Specialist in Agricultural Policy.

[26] For more information, see CRS In Focus IF11088, *2018 Farm Bill Primer: Hemp Cultivation and Processing*.

Commerce, Justice, Science, and Related Agencies

Section 101(2)—Assets Forfeiture Fund[27]

In addition to allowing the agencies funded through the annual CJS appropriations act to continue operations at the FY2019-enacted level, Section 101 states that the $674.0 million rescission on the Assets Forfeiture Fund that was enacted as a part of the Consolidated Appropriations Act, 2019 (P.L. 116-6), will not be in effect for the duration of the CR. The Administration requested this anomaly because the rescission would limit the operations of the Department of Justice's Assets Forfeiture program, including equitable sharing payments made to state and local law enforcement for participating in operations that led to forfeited assets.

Section 121—U.S. International Trade Commission[28]

This section allows the U.S. International Trade Commission to apportion funding at a rate necessary to meet the commission's responsibilities under the American Manufacturing Competitiveness Act of 2016 (P.L. 114-159).[29]

Section 122—Bureau of the Census[30]

This section allows the Census Bureau to draw on money from the Periodic Censuses and Programs account—which includes the decennial census and other major programs such as the economic census, the census of governments, and intercensal demographic estimates, together with geographic and data-processing support—at the rate necessary to maintain the schedule and deliver the required data according to the statutory deadlines in the 2020 Decennial Census Program.

Department of Defense

Section 102—Prohibition on 'New Starts' and Increasing Production Rates[31]

Section 102 is similar to provisions typically included in CRs in previous years. The provision prohibits the Department of Defense (DOD) from funding either so-called new starts—that is, procurement or research and development of a major program for which funding was not provided in FY2019—or acceleration of rate of production for any major program for which FY2019 procurement funding was provided.

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[27] This section was authored by Nathan James, Analyst in Crime Policy.

[28] This section was authored by Nathan James, Analyst in Crime Policy, and M. Angeles Villarreal, Coordinator of Research Planning.

[29] For more information on the International Trade Commission's responsibilities under P.L. 114-159, see CRS In Focus IF10478, *Miscellaneous Tariff Bills (MTBs)*.

[30] This section was authored by Nathan James, Analyst in Crime Policy, and Jennifer D. Williams, Specialist in American National Government.

[31] This section was authored by Pat Towell, Specialist in U.S. Defense Policy and Budget, and Brendan W. McGarry, Analyst in U.S. Defense Budget.

Section 123—Advance Billing Exemption for Background Investigations[32]

Section 123 authorizes the DOD to exceed the $1 billion limit on advance billing "for background investigation services and related services" purchased from activities financed using working capital funds. A working capital fund is a type of revolving fund intended to operate as a self-supporting entity to fund business-like activities.[33] The provision is intended to enable DOD to conduct background investigations with minimal interruptions. According to information OMB sent to lawmakers, the Defense Counterintelligence and Security Agency Working Capital Fund, which was scheduled to begin operations October 1, 2019, plans to bill customers prior to completing background investigations and "is likely to exceed $1 billion in advanced billing in FY2020."[34]

Section 124—Ukraine Security Assistance Initiative[35]

Section 124 appropriates funding for the Ukraine Security Assistance Initiative. The initiative is intended to "increase Ukraine's ability to defend against further aggression by theater adversaries or their proxies by providing support for ongoing training and advisory programs and equipment to enhance Ukraine's command and control; situational awareness systems; secure communications; military mobility; night vision; military medical treatment; maritime and border security operations; and defensive weapons systems," according to DOD.[36] In August 2019, news organizations reported that the Trump Administration withheld funding for the initiative.[37] The department expected to obligate all but approximately $30 million of the $250 million in FY2019 appropriations for the initiative by the end of the fiscal year.[38] Section 124(a) rescinds unobligated FY2019 funds for the initiative. Section 124(b) appropriates an FY2020 amount equal to the unobligated FY2019 funds—in addition to the amount otherwise provided for the initiative, at a rate for operations, by the continuing resolution.

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32 This section was authored by Pat Towell, Specialist in U.S. Defense Policy and Budget, and Brendan W. McGarry, Analyst in U.S. Defense Budget.

33 For more information on Defense Working Capital Funds, see CRS In Focus IF11233, *Defense Primer: Defense Working Capital Funds*.

34 Zachary Sherwood and Brandon Lee, "What to Know in Washington: White House Sends Spending Wish List," *Bloomberg Government,* September 4, 2019, https://about.bgov.com/news/what-to-know-in-washington-white-house-sends-spending-wish-list/.

35 This section was authored by Pat Towell, Specialist in U.S. Defense Policy and Budget, and Brendan W. McGarry, Analyst in U.S. Defense Budget.

36 DOD, "European Deterrence Initiative," March 2019, p. 16, https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2020/fy2020_EDI_JBook.pdf.

37 Caitlin Emma and Connor O'Brien, "Trump Holds Up Ukraine Military Aid Meant to Confront Russia," Politico.com, August 28, 2019, https://www.politico.com/story/2019/08/28/trump-ukraine-military-aid-russia-1689531.

38 Phil Stewart, "U.S. Expects About $30 Million in Ukraine Military Aid May Be Delayed: Sources," Reuters.com, September 25, 2019, https://www.reuters.com/article/us-usa-trump-pentagon-ukraine/u-s-expects-about-30-million-in-ukraine-military-aid-may-be-delayed-sources-idUSKBN1WA2S7.

Energy and Water Development and Related Agencies

Section 125—Colorado River Basins Power Marketing Fund[39]

Section 125 provides that for the duration of the CR, no funding may be transferred from the Western Area Power Administration's (WAPA) Colorado River Basins Power Marketing Fund to the General Fund of the Treasury. Due to a scorekeeping adjustment by the Trump Administration, the historically common practice of transferring funds from WAPA's Colorado River Basins Power Marketing Fund (which receives revenues from hydropower sales in the Colorado River Basin) to the Bureau of Reclamation's Upper Colorado River Basin Fund (which funds environmental mitigation responsibilities associated with the Colorado River Storage Project, among other things) has not been executed in recent years. Instead, these WAPA funds have been transferred to the General Fund of the Treasury. Congress has opposed the change and attempted to counteract it in appropriations legislation through additional appropriations to the Upper Colorado River Basin Fund and restrictions on WAPA transfers to the General Fund.[40]

Section 126—Calfed Bay-Delta Act Extension[41]

Section 126 extends the authority for the Bureau of Reclamation to conduct activities under the Calfed Bay-Delta Authorization Act (P.L. 108-361, 118 Stat. 1681) from the end of FY2019 to the date of the CR's expiration. This authority allows the Bureau of Reclamation to undertake activities related to formulating a long-term comprehensive plan to restore the ecological health and improve the water management of California's Bay-Delta system. Activities under this authority include long-term levee protection, water quality, ecosystem restoration, water use efficiency, and water-supply-related studies and projects.

Financial Services and General Government[42]

Section 127—Committee on Foreign Investment in the United States[43]

This section provides $15 million in appropriations for the Committee on Foreign Investment in the United States (CFIUS) Fund. This fund was created in P.L. 115-232, which authorized $20 million for FY2019-FY2023. Prior to this, CFIUS was not provided a separate appropriation within the Department of the Treasury.[44]

Section 128—District of Columbia[45]

This section grants congressional approval for DC officials to expend locally raised funds for purposes made available under P.L. 116-6 (Consolidated Appropriations Act, 2019) at a rate set

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[39] This section was authored by Charles V. Stern, Specialist in Natural Resources Policy.

[40] For more background on Colorado River programs, see CRS Report R45546, *Management of the Colorado River: Water Allocations, Drought, and the Federal Role*.

[41] This section was authored by Charles V. Stern, Specialist in Natural Resources Policy.

[42] For background on the history and function of these anomalies, contact Baird Webel, Specialist in Financial Economics.

[43] This section was authored by James K. Jackson, Specialist in International Trade and Finance.

[44] For more on CFIUS, see CRS In Focus IF10177, *The Committee on Foreign Investment in the United States*.

[45] This section was authored by Eugene Boyd, Analyst in Federalism and Economic Development Policy.

forth in the Fiscal Year 2020 Local Budget Act of 2019 (D.C. Act 23-78). DC political leaders have consistently expressed concern that passage of the appropriations act for the District (in which Congress approves the city's budget) has too often been delayed until well after the start of the District's fiscal year, hindering their ability to manage the District's financial affairs and negatively affecting the delivery of public services.

Section 129—Office of Personnel Management[46]

This section provides an additional $48 million to the Office of Personnel Management's (OPM) Salaries and Expenses account for administrative expenses for 2019. Of this amount, $29,760,000 is to be transferred from trust funds. Such amounts may be apportioned up to the rate for operations necessary to maintain OPM's operations. OPM previously reported to Congress that the agency would experience a budget shortfall exacerbated by the transfer of the National Background Investigations Bureau from OPM to DOD.

Section 130—Small Business Administration (SBA)[47]

This section provides an additional $99 million for the Small Business Administration (SBA) 7(a) loan guaranty program. The 7(a) loan guarantees are one of SBA's primary programs, providing loans to small businesses that might not otherwise find financing. The funding under the CR may be apportioned at the rate necessary to meet demand.[48]

Section 131—SBA Disaster Loan Program[49]

This section provides additional funding for SBA disaster loans at a rate of $177 million, with $167 million of this for administrative expenses to carry out the direct loan program and $151 million of this directed to major disasters. This funding is to be considered designated for disaster relief under the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177).[50]

Department of Homeland Security (DHS)[51]

Section 101(6)—Immigration Authorization Extensions[52]

The funding baseline for DHS in H.R. 4378 was the rate of allowable spending and authorities in two separate parts of P.L. 116-6: Division A, which is the FY2019 DHS appropriations act, and Title I of Division H, which is a series of immigration authorization extensions. These immigration authorization extensions have been carried as anomalies in past CRs, extended by including them as general provisions in the DHS appropriations act (and thus carried forward

[46] This section was authored by Barbara L. Schwemle, Analyst in American National Government.

[47] This section was authored by Robert Jay Dilger, Senior Specialist in American National Government.

[48] For more information, see CRS Report R41146, *Small Business Administration 7(a) Loan Guaranty Program*.

[49] This section was authored by Bruce R. Lindsay, Analyst in American National Government.

[50] For more information, see CRS Report RL33243, *Small Business Administration: A Primer on Programs and Funding*; and CRS Report R41309, *The SBA Disaster Loan Program: Overview and Possible Issues for Congress*.

[51] For background on the history and function of DHS anomalies, contact William L. Painter, Specialist in Homeland Security and Appropriations.

[52] For information on the extension of employment eligibility verification pilots and increases in the H-2B visa cap, contact Andorra Bruno, Specialist in Immigration Policy; on rural medical worker and religious worker visa programs, contact Jill H. Wilson, Analyst in Immigration Policy; and on the investor visa program, contact Audrey Singer, Specialist in Immigration Policy.

automatically by the CR, which extends authorities provided in the act), or included in a separate "Immigration Extensions" title in consolidated appropriations legislation and extending that by direct reference in Section 101 of the CR. While the procedural form has varied, the immigration authorization extensions referenced in H.R. 4378 include four that have been extended since FY2016:

- Extension of authority for pilot programs for employment eligibility confirmation;
- Extension of religious worker visa program;
- Extension of rural medical worker immigration authority; and
- Extension of investor visa program.

The reference also includes a fifth extension—an increase in the annual cap on H-2B visas, which has been extended through CRs since FY2018. It is the only one of these provisions included in the House Committee-reported version of the FY2020 DHS appropriations act (H.R. 3931, §532).

Section 132—Special Apportionment, Secret Service[53]

H.R. 4378 includes faster apportionment for the Secret Service "to support hiring and operations required for protective activities associated with the 2020 presidential election campaign." The Administration requested a provision with broader authority.[54]

A similar provision in a FY2015 CR provided authority for faster apportionment for what was then the Secret Service's "Salaries and Expenses" appropriation to cover presidential candidate nominee protection.[55]

Section 133—FEMA Disaster Relief Fund[56]

The Administration requested an accelerated rate of apportionment for the Disaster Relief Fund (DRF) to ensure that Stafford Act programs can be carried out. While the Administration stated, "Without the anomaly, the amounts automatically apportioned would impede comprehensive [DRF] response and recovery activities during the period of the CR should a catastrophic event be declared," the side of the DRF that funds major disaster costs is historically flush.

Similar provisions were included in both the FY2018 CR (P.L. 115-56, Division D, §129) and the first FY2019 CR (P.L. 115-245, Division C, §124).

[53] This section was authored by Shawn Reese, Analyst in Emergency Management and Homeland Security Policy.

[54] The Administration requested a provision that would allow for a faster rate of apportionment for Customs and Border Protection, Immigration and Customs Enforcement, and the U.S. Secret Service to sustain their existing staffing levels and "support operations as the Secretary of Homeland Security determines to be appropriate." Without this provision, these components might risk losing staff due to constraints of the CR, and might lack flexibility in responding to emerging operational needs. However, the additional language allowing the Secretary authority to support operations deemed "appropriate" is significantly broader than in recent years, where authority for faster apportionment was provided for specific missions or activities. Earlier versions of this provision required the Administration to inform the appropriations committees of every application of this flexibility. In FY2018 and FY2019, the enacted anomaly solely provided flexibility for personnel costs to maintain staffing levels, not for other operational expenses.

[55] P.L. 113-235, Division L, Section 101, amends P.L. 113-164 to add a new Section 150.

[56] This section was authored by William L. Painter, Specialist in Homeland Security and Appropriations.

Section 134—National Flood Insurance Program[57]

The Administration requested an extension of the National Flood Insurance Program (NFIP) as part of the CR.[58] Authority to issue new policies for the NFIP would have expired on September 30, 2019, in the absence of an extension either as a part of this vehicle or on its own. H.R. 4378 extends the program's authorization for the length of the CR.

CRs have been a vehicle for extending NFIP authorization as far back as FY1998 (P.L. 105-46, §118), although the legislative language has taken different forms. More recently, a short-term reauthorization of the NFIP was carried in the first FY2018 CR (P.L. 115-56, Division D, §130). The second CR for FY2019 (P.L. 115-298, which added a new Section 136 to P.L. 115-245, Division C) also extended the authorization. In both cases, the extension was limited to the duration of the CR.[59]

Section 135—Restructuring of the Working Capital Fund[60]

CRs normally require funds to be apportioned and obligated in the same manner as was the case in the prior annual appropriation. In this case, DHS appropriations is to follow the terms and conditions of P.L. 116-6, Division A—the FY2019 DHS appropriations act.

The Administration, however, proposed a restructuring of some accounts in its FY2020 budget request and asked for authority to act as if those changes had been approved by Congress so that if they are approved, manual administrative adjustments to obligations and disbursements would not be required. Section 135 allows apportionment for these specified accounts to occur consistent with the FY2020 budget request.

The first FY2018 CR (P.L. 115-56, Division D, §125) and FY2019 CR (P.L. 115-245, Division C, §128) each carried an almost identical provision requested by the Administration.

Interior, Environment, and Related Agencies

Section 136—Indian Health Service[61]

This provision authorizes the apportionment of appropriations that are provided by the CR of up to $18.4 billion for the Indian Health Services (IHS) account and $631,000 for the Indian Health Facilities account to staff and operate IHS facilities that were or will be opened, renovated, or expanded during either FY2019 or FY2020. The provision allows for higher rates of funding than would otherwise be provided under the CR to operate and provide health services at these newly renovated or constructed health facilities, as new or expanded facilities may need additional resources for operations (e.g., to hire staff and obtain equipment).

[57] This section was authored by Diane P. Horn, Analyst in Flood Insurance and Emergency Management.

[58] The Administration requested a year-long extension through September 30, 2020.

[59] Recently, short-term reauthorizations of the NFIP have also been enacted separately from the appropriations process. For additional information on what expiration of the program might mean, see CRS Insight IN10835, *What Happens If the National Flood Insurance Program (NFIP) Lapses?*

[60] This section was authored by William L. Painter, Specialist in Homeland Security and Appropriations.

[61] This section was authored by Elayne J. Heisler, Specialist in Health Services.

Departments of Labor, Health and Human Services, and Education, and Related Agencies

Section 137—Strategic National Stockpile[62]

Section 137 states that amounts obligated for the Centers for Disease Control and Prevention (CDC) Public Health Preparedness and Response budget line and the Public Health and Social Services Emergency Fund (PHSSEF) budget line for the Department of Health and Human Services' (HHS) Office of the Secretary (OS) may be obligated in the account and budget structure and under authorities and conditions set forth in the House-passed Labor, Health and Human Services, and Education, Defense, State, Foreign Operations, and Energy and Water Development Appropriations Act, 2020 (H.R. 2740, Division A). This provision would account for the Trump Administration's intradepartmental transfer of the Strategic National Stockpile (SNS) from CDC to the Assistant Secretary of Preparedness and Response in HHS OS in FY2019.[63] The SNS provides select medicines and medical supplies during public health emergencies that overwhelm local availability. H.R. 2740 would provide SNS funding to the HHS OS PHSSEF budget line rather than the CDC Public Health Preparedness and Response budget line (where funds were allocated in previous fiscal years). The report accompanying H.R. 2740 (H.Rept. 116-62) provides the following explanation of congressional intent in the context of that legislative proposal with regard to the SNS and associated policy issues: "The Committee expects that CDC will continue its significant role in providing scientific expertise in decision-making related to procurement of countermeasures, and maintaining strong relationships with State and local public health departments to facilitate efficient deployment of countermeasures in public health emergencies."[64]

Section 138—Ebola Transfer Authority[65]

Section 138 authorizes the transfer to the CDC of up to $20 million for Ebola preparedness and response activities from the Infectious Disease Rapid Response Reserve Fund.[66] This fund was established by Section 231 of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (P.L. 115-245), which included $50 million to support activities "to prevent, prepare for, or respond to an infectious disease emergency." The funds were to remain available until expended and are available to be used only for an infectious disease emergency that (1) is declared by the Secretary of Health and Human Services; or (2) as determined by the Secretary, has significant potential to occur imminently and, on occurrence, potential to affect national security or the health and security of United States citizens, domestically or internationally. This anomaly makes up to $20 million in unobligated reserve funds available without requiring the Secretary to declare the

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[62] This section was authored by Kavya Sekar, Analyst in Health Policy.

[63] CDC, *Justification of Estimates for Appropriations Committees, FY2020*, 2019, p. 387, https://www.cdc.gov/budget/documents/fy2020/fy-2020-cdc-congressional-justification.pdf; and HHS, *Public Health and Social Services Emergency Fund: Justification of Estimates for Appropriations Committees, FY2020*, 2019, p. 16, https://www.hhs.gov/sites/default/files/fy-2020-cj-phssef-final-print.pdf.

[64] U.S. Congress, House Committee on Appropriations, *Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 2020*, Report of the Committee on Appropriations on H.R. 2740, 116th Cong., 1st sess., May 15, 2019, p. 83.

[65] This section was authored by Tiaji Salaam-Blyther, Specialist in Global Health.

[66] This transfer authority is in addition to any other transfer authority provided to the HHS Secretary.

ongoing Ebola outbreak in the Democratic Republic of the Congo a threat to national security or to U.S. citizens. On July 17, 2019, the World Health Organization declared that the ongoing Ebola outbreak was a Public Health Emergency of International Concern (PHEIC).[67]

Section 139—National Advisory Committee on Institutional Quality and Integrity[68]

Section 139 extends the duration of the National Advisory Committee on Institutional Quality and Integrity (NACIQI) through November 21, 2019. NACIQI is a committee tasked with assessing the process of accreditation and the institutional eligibility and certification of institutions of higher education to participate in federal student aid programs authorized under Title IV of the Higher Education Act of 1965.[69] Section 114(f) of the act provides that NACIQI shall terminate on September 30, 2019.

Section 422 of the General Education Provisions Act (GEPA)[70] generally provides an automatic one-year extension of the authorization of appropriations for, or the duration of, programs administered by the Department of Education. This automatic extension would occur only if Congress and the President—in the regular session that ends prior to the beginning of the terminal fiscal year of authorization or duration of an applicable program—do not enact legislation extending the program. GEPA Section 422 also explicitly states that the automatic one-year extension does not apply to the authorization of appropriations for, or the duration of, committees that are required by statute to terminate on a specific date. Thus, the automatic one-year extension does not apply to NACIQI, and NACIQI would have terminated on September 30, 2019, had it not been extended.

Military Construction, Veterans Affairs, and Related Agencies

Section 140—Blue Water Navy Vietnam Veterans[71]

Section 140 of the CR allows the Department of Veterans Affairs (VA) to use funds in both the Veterans Benefits Administration, General Operating Expenses account and the Departmental Administration, Information Technology Systems account at a higher apportionment rate. This higher rate is provided to allow the VA to begin implementing provisions of the Blue Water Navy Vietnam Veterans Act of 2019 (P.L. 116-23).[72]

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[67] World Health Organization, "Ebola Outbreak in the Democratic Republic of the Congo Declared a Public Health Emergency of International Concern," press release, July 17, 2019. A PHEIC is "an extraordinary event which is determined to constitute a public health risk to other States through the international spread of disease and to potentially require a coordinated international response." See World Health Organization, *What Are the International Health Regulations and Emergency Committees?* June 20, 2016, https://www.who.int/features/qa/39/en/.

[68] This section was authored by Alexandra Hegji, Analyst in Social Policy.

[69] For additional information on NACIQI, see CRS Report R43826, *An Overview of Accreditation of Higher Education in the United States*.

[70] GEPA contains a broad array of statutory provisions that are applicable to the majority of federal education programs administered by the Department of Education. 20 U.S.C. §§1221 *et seq.*

[71] This section was authored by Sidath Viranga Panangala, Specialist in Veterans Policy.

[72] P.L. 116-23, enacted into law on June 25, 2019, among other things, extended the presumption of service connection to veterans who served between January 9, 1962, and May 7, 1975, aboard vessels operating not more than 12 nautical miles seaward from the demarcation line of the waters of Vietnam and Cambodia as defined in P.L. 116-23.

State, Foreign Operations, and Related Programs

Section 101(11)—Exclusion of Provision on Unobligated Ebola Funding[73]

Section 101(11) of the CR extends the authorities of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (Division F of P.L. 116-6), to November 21, 2019, with the exception of Section 7058(d) of that law. That section authorized the repurposing of unobligated emergency funds appropriated in FY2015 to address the Ebola outbreak to instead build partner country capacity to prevent, detect, and respond to infectious disease outbreaks and to support an Emergency Reserve Fund. Removing the authorization to repurpose funds may be to ensure emergency funds remain available to respond to the ongoing Ebola outbreak in the Democratic Republic of the Congo (see Section 138).

Section 141—Export-Import Bank[74]

Section 141 extends the authority of the Export-Import Bank, which would otherwise have expired on September 30, 2019, to November 21, 2019.

Section 142—Commission on International Religious Freedom[75]

Section 142 extends the authority of the Commission on International Religious Freedom, which would otherwise have expired on September 30, 2019, to November 21, 2019.

Departments of Transportation, Housing and Urban Development, and Related Agencies

Section 143—Federal Transit Administration, Capital Investment Grants[76]

This provision is intended to ensure that applicants for the Federal Transit Administration's (FTA) FY2018 capital investment grants—which have been allocated funding but have not yet been able to satisfy the requirements for FTA to obligate the funding to them—do not have their allocated funding redistributed to other applicants if they cannot satisfy the requirements for FTA to obligate the money to them by December 31, 2019. These FTA grants typically have a three-year window of availability. The provision in P.L. 115-141 was added with the intent to ensure that the Trump Administration's FTA did not excessively delay providing the transit grants to applicants.

Section 144—Mass Transit Account, Highway Trust Fund[77]

This provision avoids a situation in which FTA capital investment grants to transit agencies would be reduced due to a reduction in the appropriated level resulting from the application of IRS

[73] This section was authored by Cory R. Gill, Analyst in Foreign Affairs; Emily M. Morgenstern, Analyst in Foreign Assistance and Foreign Policy; and Marian L. Lawson, Specialist in Foreign Assistance Policy.

[74] This section was authored by Cory R. Gill, Analyst in Foreign Affairs; Emily M. Morgenstern, Analyst in Foreign Assistance and Foreign Policy; and Marian L. Lawson, Specialist in Foreign Assistance Policy.

[75] This section was authored by Cory R. Gill, Analyst in Foreign Affairs; Emily M. Morgenstern, Analyst in Foreign Assistance and Foreign Policy; and Marian L. Lawson, Specialist in Foreign Assistance Policy.

[76] This section was authored by David Randall Peterman, Analyst in Transportation Policy.

[77] This section was authored by David Randall Peterman, Analyst in Transportation Policy.

provision: Section 9503(e)(4). Similar language is in the House-passed Commerce, Justice, Science, Agriculture, Rural Development, Food and Drug Administration, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act, 2020 (H.R. 3055, §164(1)).

Section 145—Housing for the Elderly[78]

This section allows amounts made available in the Housing for the Elderly account to be apportioned at a rate necessary to allow the Department of Housing and Urban Development to maintain rental assistance contracts that are coming up for renewal or require additional funding in order to continue to subsidize the rents of low-income elderly residents of Section 202 properties.

Other Provisions

Sections 108 and 112—Apportionment

Section 108 provides daily spending rate flexibility to agencies by waiving time limitations. Section 112 allows that the apportionment rate may avoid furloughs, which is consistent with past appropriations acts. These provisions have been included in past CRs.

Section 111(b)—Mandatory Payments

Section 111(b) authorizes obligations for mandatory payments due "on or about" the first day of any month that begins between October 1, 2019, and 30 days after the CR is set to expire (i.e., through December 21, 2019, but effectively until December 1, 2019). Programs impacted include the funds for payments through the Supplemental Nutrition Assistance Program (SNAP). These payments, while mandatory spending, are appropriated each year to USDA through the regular appropriations process.[79] This provision has been included in past CRs.

[78] This section was authored by Maggie McCarty, Specialist in Housing Policy.

[79] Congress therefore maintains control over the level of SNAP spending through the appropriations process. See USDA Domestic Food Assistance Programs: FY2019 Appropriations.

Table 1. Selected CRS Appropriations Experts

Appropriations Act	Topic	CR Section	CRS Expert(s)
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies	Rural Water and Waste Disposal Direct Loan Program	101(1)	Alyssa R. Casey
	Disaster Assistance for Sugar Beet Processors	116	Megan Stubbs
	Specialty Crop Research Initiative	117	Genevieve K. Croft
	Summer Food for Children Demonstration Projects	118	Kara Clifford Billings
	Commodity Credit Corporation	119	Jim Monke
	Hemp Production Program	120	Renée Johnson
Commerce, Justice, Science, and Related Agencies	Assets Forfeiture Fund	101(2)	Nathan James
	U.S. International Trade Commission	121	M. Angeles Villarreal
	Bureau of the Census	122	Jennifer D. Williams
Defense	Prohibition on "New Starts" and Increasing Production Rates	102	Pat Towell and Brendan W. McGarry
	Advance Billing Exemption for Background Investigations	123	Pat Towell and Brendan W. McGarry
	Ukraine Security Assistance Initiative	124	Pat Towell and Brendan W. McGarry
Energy and Water Development, and Related Agencies	Colorado River Basins Power Marketing Fund	125	Charles V. Stern
	Calfed Bay-Delta Act Extension	126	Charles V. Stern
Financial Services and General Government	Committee on Foreign Investment in the United States Fund	127	James K. Jackson
	District of Columbia	128	Eugene Boyd
	Office of Personnel Management	129	Barbara L. Schwemle
	Small Business Administration (SBA)	130	Robert Jay Dilger
	SBA Disaster Loan Program	131	Bruce R. Lindsay
Homeland Security	Immigration Authorization Extensions	101(6)	Andorra Bruno, Jill H. Wilson, and Audrey Singer
	Secret Service	132	Shawn Reese
	FEMA Disaster Relief Fund	133	William L. Painter
	National Flood Insurance Program	134	Diane P. Horn
	Working Capital Fund	135	William L. Painter
Interior, Environment, and Related Agencies	Indian Health Service	136	Elayne J. Heisler

Appropriations Act	Topic	CR Section	CRS Expert(s)
Labor, Health and Human Services, Education, and Related Agencies	Strategic National Stockpile	137	Kavya Sekar
	Ebola Transfer Authority	138	Tiaji Salaam-Blyther
	National Advisory Committee on Institutional Quality and Integrity	139	Alexandra Hegji
Military Construction, Veterans Affairs, and Related Agencies	Blue Water Navy Vietnam Veterans	140	Sidath Viranga Panangala
State, Foreign Operations, and Related Programs	Unobligated Ebola Funding	101(11)	Cory R. Gill, Emily M. Morgenstern, and Marian L. Lawson
	Export-Import Bank	141	Cory R. Gill, Emily M. Morgenstern, and Marian L. Lawson
	Commission on International Religious Freedom	142	Cory R. Gill, Emily M. Morgenstern, and Marian L. Lawson
Transportation, and Housing and Urban Development, and Related Agencies	Federal Transit Administration, Capital Investment Grants	143	David Randall Peterman
	Mass Transit Account, Highway Trust Fund	144	David Randall Peterman
	Housing for the Elderly	145	Maggie McCarty

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