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Overview of Continuing Appropriations for FY2022 (P.L. 117-43)

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SUMMARY

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Kevin P. McNellis, Coordinator
Analyst on Congress and the Legislative Process

Overview of Continuing Appropriations for FY2022 (P.L. 117-43)

This report provides an analysis of the continuing appropriations provisions included in the Continuing Appropriations Act, 2022 (Division A of P.L. 117-43). On September 30, 2021, the President signed H.R. 5305 into law as P.L. 117-43. Divisions B-D of the law provided supplemental appropriations for disaster relief and activities related to the resettlement of Afghan citizens. P.L. 117-43 also extended a temporary increase in federal funding for the U.S. territories' Medicaid programs and the authorization for several other federal programs and included provisions related the budgetary scorekeeping of those extensions. This report examines Division A, the continuing resolution (CR) portion of the act.

The CR P.L. 117-43 provides temporary authority for federal agencies and programs to continue spending in FY2022. Such authority is termed a "continuing resolution" because historically it has often been enacted in the form of a joint resolution. The measure provides temporary funding for the programs and activities covered by all 12 of the regular appropriations bills, because none of these bills had been enacted prior to the start of FY2022 (October 1). These provisions constitute budget authority for the purposes of the projects and activities that were funded in FY2021 by that fiscal year's applicable regular appropriations acts, with some exceptions. Funding under the terms of the CR is effective from October 1, 2021, through December 3, 2021—the first nine weeks of FY2022. Congress and the President will need to enact the FY2022 regular appropriations bills or another CR by this date if they are to avoid a funding gap that could disrupt the operations of the federal government.

The CR generally provides budget authority for FY2022 for most projects and activities at the rate at which they were funded during FY2021. Although it is effective through December 3, 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. 117-43 , the CBO estimates that the annualized amount of discretionary budget authority would be approximately $1.415 trillion.

CRs frequently include provisions that are specific to certain agencies, accounts, or programs. These include provisions (typically referred to as "anomalies") 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. It also includes provisions that have the effect of creating new law or changing existing law (including the renewal of expiring provisions of law). The current 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 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 FY2020, see CRS Report R46595, *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 before 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 the final appropriations acts are agreed to.[3] Numerous exceptions (or "anomalies") are often included in CRs to provide changes and exceptions to the CR's general funding rate, address special circumstances that may result with only temporary funding, or provide for other purposes.[4] 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, and Congress and the President may enact multiple CRs in a given fiscal year. 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 FY2022 regular appropriations bills were enacted prior to the start of the new fiscal year on October 1, 2021. On September 21, 2021, H.R. 5305 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 December 3, 2021 (Division A). The legislation as introduced in the House also included three separate divisions that would have provided supplemental appropriations for disaster relief and the resettlement of Afghan citizens, extended a temporary increase in federal funding for Medicaid programs in the U.S. territories and the authorization of several other federal programs, and suspended the limit on the federal public debt. The House passed this measure on September 21, 2021, by a vote of

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[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*.

Appropriations bills provide agencies with budget authority, which is defined as the authority provided by federal law to enter into contracts or other financial obligations that will result in the immediate or future expenditure (or outlay) of federal funds. For explanations of these terms, see Government Accountability Office (GAO), *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 2005, pp. 20-23.

[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, P.L. 117-43, as is typical for CRs under current practice, 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 is expressly restricted (§109).

[4] For example, Section 128 of P.L. 117-43 allows the Small Business Administration to apportion funds in its Business Loan Program to accommodate increased demand for these loans.

[5] For example, see Section 115 in P.L. 117-43, which provides for a continuing effect for certain prior rescissions when calculating the level of budget authority available.

220-211. The Senate amended the measure on September 30 by agreeing to an amendment in the nature of a substitute (S.Amdt. 3830) that was identical to the House-passed measure, except that it did not include a suspension of the limit on the federal public debt.[6] The Senate agreed to the amendment on a voice vote and then passed the amended measure by a recorded vote of 63-35. Later that day, the House passed the amended measure by a vote of 254-175, and the President signed H.R. 5305 into law (P.L. 117-43).

This report provides an analysis of the continuing appropriations provisions included in the CR (Division A, P.L. 117-43). The "Coverage, Duration, and Rate" section summarizes the overall funding provided, and the "Agency-, Account-, and Program-Specific Provisions" section of this report provides short summaries of the act's provisions that affect particular agencies, accounts, or programs. These summaries are organized by appropriations act title. In some instances, background information about the history of those appropriations, and how they operate under a CR, is also 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 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 calculated by prorating the total annual amount of budget authority that would be available under the referenced appropriations acts for the fraction of the fiscal year that CR is in effect. The total amount of available budget authority may also be affected by other factors that can have an effect on spending patterns over the course of a fiscal year.

Coverage

Section 101 of P.L. 117-43 covers all 12 of the regular annual appropriations bills by generally providing continuing budget authority for FY2022 through December 3, 2021, for projects and activities funded in FY2021.[7]

[6] An increase to the statutory limit on the public debt was enacted into law through a separate bill (S. 1301) on October 14, 2021.

[7] Referenced appropriations acts include Divisions A-L of the Consolidated Appropriations Act, 2021 (CAA, P.L. 116-260). Several activities or purposes covered by the referenced appropriations acts were exempted from the CR's general coverage provision. These include activities or purposes within the scope of the U.S. Department of Agriculture (USDA), Department of Energy, and Department of Homeland Security, as well as certain pandemic-related emergency-designated funding for the Department of Labor, Department of Health and Human Services, Department of

Budget authority is provided by the act under the same terms and conditions as the referenced FY2021 appropriations acts (§103). Effectively, this requirement extends many of the provisions in the FY2021 acts that stipulated or limited agency authorities during FY2021. In addition, none of the funds are, in general, to be used to initiate or resume an activity for which budget authority was not available in FY2021 (§104). Such provisions, as well as many of the other provisions discussed in the sections below, may protect Congress's constitutional authority to determine annual funding in the manner it chooses in whatever final appropriations measures may be enacted. Additionally, this CR continues funding provided in FY2021 for programs or activities that were previously designated by Congress as an emergency requirement or as being for disaster relief. This CR (§114) continues these funding designations for the FY2022 funding provided in this act, pursuant to the FY2022 concurrent budget resolution (S.Con.Res. 14).[8]

Duration

Section 106 provides that funding in the CR is effective through December 3, 2021—a nine-week period of funding. That section also 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 December 3.[9] 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 December 3. However, the CR provides some exceptions to this. For instance, the extension of the National Flood Insurance Program's (NFIP) authorization (§134) is specified to remain in effect through December 3, 2021, regardless of other appropriations actions. Section 111(b) also provides funds to pay obligations for mandatory payments required to be made at the beginning of January 2022.

Rate

In general, the CR provides budget authority at levels provided in FY2021 appropriations acts for the duration of the CR (through December 3). The rate is based on the actual amounts made available in FY2021. Sections 109, 110, 111, and 112 place several additional limitations on the continued rate of operations specified in Section 101. Section 109 prohibits actions by agencies that would effectively "impinge on final funding prerogatives," and Section 110 directs that "only the most limited funding actions" are allowed under the CR to continue existing projects and activities. Section 112 specifies that the amount available to agencies under the CR may be apportioned at the rate for operations necessary to avoid furloughs, although agencies must first take any action necessary to "reduce or delay non-personnel-related administrative expenses." For entitlements and other mandatory spending for which budget authority is provided in regular

Housing and Urban Development, Federal Bureau of Investigation, U.S. Marshals, and Bureau of Prisons. Several provisions from the Legislative Branch Appropriations Act, 2021; the Military Construction and Veterans Affairs Appropriations Act, 2021; the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021; and Department of Transportation, Housing and Urban Development Appropriations Act, 2021 (Divisions I, J, K, and L of P.L. 116-260, respectively) were also exempted from the CR's coverage. Some of these latter exemptions, for example, addressed events that occurred since the passage of the CAA or were related to the transfer of unobligated balances pursuant to that act. For more information, please contact the relevant policy experts listed in CRS Report R42638, *Appropriations: CRS Experts*.

[8] S.Con.Res. 14 was passed by the Senate on August 11, 2021, and passed the House on August 24, 2021.

[9] 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 a part of, and not in addition to, the final amount provided in the applicable appropriations act for FY2021.

appropriations acts, funding is provided at the rate sufficient to "maintain program levels under current law," as provided in Section 111(a).

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" and address specific issues or circumstances that may result from the extension of 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.[10] 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 that change existing law.

This section of the report summarizes provisions in Division A of P.L. 117-43 that are agency-, account-, or program-specific. They are organized by appropriations act title for the 12 regular appropriations acts covered in Section 101. 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

Section 101(1)—Livestock Mandatory Reporting Extension[11]

A proviso in Section 101(1) extends the authorization of the Livestock Mandatory Reporting Act of 1999, as amended (LMR; 7 U.S.C. §§1635 et seq.) through the duration of the CR. The LMR requires buyers of live cattle, swine, and lambs and sellers of wholesale beef, pork, and lamb to report prices, volumes, and other marketing characteristics to the U.S. Department of Agriculture (USDA) Agricultural Marketing Service. This information is made public through daily, weekly, and monthly reports to provide market transparency for the livestock industry.[12]

The LMR was enacted in 1999 and has been reauthorized five times. Congress last fully reauthorized the LMR through September 30, 2020, in the Agriculture Reauthorizations Act of 2015 (P.L. 114-54). The Consolidated Appropriations Act, 2021 (P.L. 116-260) further extended

[10] The Biden Administration published a list of requested anomalies on September 7, 2021. For more information about these requests, see Office of Management and Budget (OMB), *FY 2022 Continuing Resolution (CR) Appropriations Issues (Anomalies Required for a Short-Term CR*), September 2021, https://www.whitehouse.gov/wp-content/uploads/2021/09/CR_Package_9-7-21.pdf.

[11] This section was authored by Joel Greene, Analyst in Agricultural Policy.

[12] See CRS Report R45777, *Livestock Mandatory Reporting Act: Overview for Reauthorization in the 116th Congress*.

the LMR's authority through September 30, 2021. The LMR's authority lapsed for one year in FY2006.

Section 116—Farm Loan Programs[13]

Section 116 provides that amounts made available by Section 101 for the farm loan program in USDA's Agriculture Credit Insurance Fund may be apportioned at a rate necessary to cover approved applications for direct and guaranteed farm ownership loans.

Section 117—Rural Microentrepreneur Assistance Program (RMAP) Direct Loans[14]

Section 117 provides $25 million in loan authority for USDA's RMAP direct loans. In FY2021, the direct loan program had a positive subsidy rate, but in FY2022, the Office of Management and Budget estimates the program will have a negative subsidy rate and, therefore, will not need a loan subsidy in FY2022. The loan authority included in this anomaly will ensure continued operation of RMAP, in compliance with the Federal Credit Reform Act.[15] In FY2021, Congress appropriated a $400,000 loan subsidy to support loan authority of $12.7 million.[16]

Section 118—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)[17]

Section 118(a) requires USDA to increase WIC's cash-value voucher (CVV) amounts for the first quarter of FY2022 (October 1, 2021, through December 31, 2021).[18] For women and children (between the ages of one and five), a CVV for the purchase of fruits and vegetables is part of the monthly WIC benefit.

Section 118(b) allows amounts made available by Section 101 to USDA for the "Domestic Food Programs-Food and Nutrition Service-Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)" account to be apportioned at the rate for operations necessary to accommodate the increase described in Section 118(a).

Department of Defense (DOD)[19]

Section 102—Prohibition on "New Starts" and Increasing Production Rates

Section 102 is similar to provisions typically included in CRs in previous years. The provision prohibits DOD from funding *new starts*—that is, procurement or research and development of a

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

[14] This section was authored by Lisa Benson, Analyst in Agricultural Policy.

[15] OMB, *FY 2022 Continuing Resolution (CR) Appropriations Issues (Anomalies Required for a Short-Term CR*), pp. 6-7, https://www.whitehouse.gov/wp-content/uploads/2021/09/CR_Package_9-7-21.pdf.

[16] USDA, *2022 USDA Budget Explanatory Notes for Committee on Appropriations—Rural Business—Cooperative Service*, pp. 32-45, https://www.usda.gov/sites/default/files/documents/32RBS2022Notes.pdf.

[17] This section was authored by Randy Alison Aussenberg, Specialist in Nutrition Assistance Policy.

[18] The American Rescue Plan Act (P.L. 117-2, §1105), at a state's option, increased the value of the CVV until September 30, 2021.

[19] The summaries in this section were authored by Pat Towell, Specialist in U.S. Defense Policy and Budgets.

major program for which funding was not provided in FY2021 or prior years—or the acceleration of production rate for any major program for which FY2021 funding was provided.

Section 119—Increased Flexibility to Inaugurate the Strategic Microelectronic Supply Program

Section 119 waives the prohibition on new starts in Section 102 of the bill and provides, in addition to the amount made available by Section 101, for the "Procurement—Other Procurement, Air Force" account, $885 million for the Strategic Microelectronic Supply System. The program, which would begin in FY2022, would stockpile microelectronic components that are slated to go out of production within DOD's five-year budget planning period but are used in DOD equipment. Details of the program are classified.[20]

Section 120—Increased Flexibility to Procure Military GPS User Equipment Increment 1 Application Specific Integrated Circuits

Section 120 provides that amounts made available by Section 101 for the "Procurement—Procurement, Defense-Wide" account may be apportioned up to the rate of operations necessary for the Defense Logistics Agency to acquire a seven-year supply of specialized computer chips (called Application Specific Integrated Circuits) used in new equipment intended to make DOD's GPS navigation equipment more resistant to electronic attack. DOD justifies the stockpiling plan on grounds that the current manufacturer has announced its intention to end production of these highly classified chips.[21]

Section 121—Increased Flexibility to Acquire Real Property[22]

Section 121 provides that amounts made available for Section 101 for the "Research, Development, Test and Evaluation, Air Force" account may be apportioned up to the rate of operations necessary to acquire real property for the U.S. government.

Energy and Water Development and Related Agencies

Section 123—Water Infrastructure Improvements for the Nation (WIIN) Act Funding Allocation Approvals[23]

Section 123 provides congressional approval for individual Bureau of Reclamation (Reclamation) funding allocations of prior-year appropriations for water storage, desalination, and water reuse and recycling projects in accordance with Sections 4007 and 4009 of the WIIN Act (P.L. 115-

[20] DOD, FY2022 Budget Justification Material, *Other Procurement, Air Force*, vol. 1, p. 91, https://www.saffm.hq.af.mil/Portals/84/documents/FY22/PROCUREMENT_/FY22%20DAF%20J-Book%20-%203080%20-%20Other%20Proc.pdf?ver=HxV5mzuwk9uLTVgFFaamHA%3d%3d.

[21] DOD, FY2022 Budget Justification Material, *Procurement, Defense-Wide*, vol. 1, p. 349, https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2022/budget_justification/pdfs/02_Procurement/ROC_Vol1_DW_PROC_PB22_Justification_Book_Final.pdf. For additional information and analysis, see GAO, *GPS Modernization: DOD continuing to Develop New Jam-Resistant Capability*, GAO 21-145, January 19, 2021, available at https://www.gao.gov/assets/gao-21-145.pdf.

[22] This section was authored by Pat Towell, Specialist in U.S. Defense Policy and Budgets.

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

322).[24] Reclamation originally submitted these project allocations to Congress in a letter on July 23, 2021.

Section 124—Extension of Reclamation Authorizations[25]

Section 124 of the bill extends four Reclamation authorities through FY2022:

- Section 124(a) extends support for ecosystem restoration and water storage projects in California pursuant to the Water Supply, Reliability, and Environmental Improvement Act (P.L. 108-361);
- Section 124(b) extends authority for a condition assessment of Rio Grande Pueblo irrigation infrastructure pursuant to Section 9106(g) of P.L. 111-11; and
- Sections 124(c) and (d) extend authority for certain activities to aid eligible western states affected by drought pursuant to the Reclamation States Emergency Drought Relief Act of 1991 (P.L. 102-250).

Section 125—Uranium Enrichment Decontamination and Decommissioning Fund[26]

Section 125(a) authorizes a transfer of $841 million from the U.S. Enrichment Corporation (USEC) Fund to the Uranium Enrichment Decontamination and Decommissioning (UED&D) Fund. This provision continues a transfer from the previous fiscal year of $241 million from the USEC Fund to the UED&D Fund authorized in the Consolidated Appropriations Act, 2021 (P.L. 116-260).[27]

Congress established USEC as a government corporation under Title IX of the Energy Policy Act of 1992,[28] which was sold to the private sector pursuant to the 1996 USEC Privatization Act.[29] Assets required to be transferred to the private sector as part of the sale included uranium inventories, new enrichment technology, existing sales contracts, the right to lease existing government facilities, and the right to sell the enrichment component of Russian enriched uranium. Those assets were sold to investors through USEC's initial public offering on July 28, 1998, for a yield to the government of $1.9 billion.[30]

Congress established the UED&D Fund in Title XI of the Energy Policy Act of 1992 as an account that primarily funds the decommissioning and environmental remediation of three federal uranium enrichment facilities in Kentucky, Ohio, and Tennessee administered by the Department of Energy's (DOE's) Office of Environmental Management.[31]

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[24] For more information on these projects, see CRS Report R44986, *Water Infrastructure Improvements for the Nation (WIIN) Act: Bureau of Reclamation and California Water Provisions*.

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

[26] This section was authored by Lance Larson, Analyst in Environmental Policy.

[27] Division D, Section 506, of P.L. 116-260.

[28] P.L. 102-486.

[29] Title III, Chapter 1, Subchapter A of P.L. 104-134.

[30] GAO, *Department of Energy—Transactions Involving USEC Inc. Since 1998*, GAO-15-730, September 2015, p. 9.

[31] See CRS In Focus IF11372, *Uranium Enrichment Decontamination and Decommissioning Fund: Status and Funding Issues*.

In its FY2022 budget request, DOE reported that the UED&D Fund balance was $886 million at the end of FY2020 and estimated a shortfall of $42.2 billion between the total remaining cleanup obligations at these sites and the remaining balance of the UED&D.[32]

Section 125(b) authorizes DOE to apportion funding for the "Uranium Enrichment Decontamination and Decommissioning Fund" account through December 3, 2021, up to the rate for operations that would be necessary to avoid disruption of continuing projects or activities.

Section 125(c) requires DOE to notify the House and Senate appropriations committees within three days after each use of this authority. The provisions in subsections (b) and (c) are similar to provisions included in CRs for previous fiscal years.

Financial Services and General Government

Section 126—Additional Funding for the Executive Office of the President[33]

Section 126 provides additional funding for the "Executive Office of the President and Funds Appropriated to the President—The White House—Salaries and Expenses" account at a rate for operations equal to $60,000,000.

Section 127—Additional Funding for the General Services Administration[34]

Section 127 provides additional funding for the "General Services Administration—Allowances and Office Staff for Former Presidents" account at a rate for operations equal to $5,000,000.

Section 128—Increased Flexibility to Process Certain Small Business Administration (SBA) Loans[35]

Section 128 authorizes the SBA to apportion funding provided by this act at the rate necessary to meet demand for commitments for several of its lending programs, including general business loans authorized under paragraphs (1) through (35) of Section 7(a) of the Small Business Act,[36] guarantees of trust certificates authorized by Section 5(g) of the Small Business Act,[37] commitments to guarantee loans under Section 503 of the Small Business Investment Act of 1958,[38] and commitments to guarantee loans for debentures under Section 303(b) of the Small Business Investment Act of 1958.[39]

[32] DOE, *FY2022 Congressional Budget Request—Environmental Management*, vol. 5, May 2021, p. 447, https://www.energy.gov/sites/default/files/2021-06/doe-fy2022-budget-volume-5-v4.pdf.

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

[34] This section was authored by Garrett Hatch, Specialist in American National Government.

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

[36] 15 U.S.C. §636(a)(1)-(35). For more information, see CRS Report R41146, *Small Business Administration 7(a) Loan Guaranty Program*.

[37] 15 U.S.C. §687l; and 15 U.S.C. §697b.

[38] 15 U.S.C. §697-§697g. For more information, see CRS Report R41184, *Small Business Administration 504/CDC Loan Guaranty Program*.

[39] 15 U.S.C. Chapter 14B. For more information, see CRS Report R41456, *SBA Small Business Investment Company Program*.

Section 129—District of Columbia[40]

Section 129 provides additional funding for the "District of Columbia—Federal Funds—Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia" account, with a rate for operations equal to $249.7 million. This represents an increase of $3.8 million from the FY2021 appropriated amount (Title IV of Division E of P.L. 116-260). The provision also directs $70.5 million of the $249.7 million total to remain available for the Pretrial Services Agency for the District of Columbia.[41]

Section 130—District of Columbia Local Funds[42]

Section 130 grants congressional approval to the District of Columbia's general fund and capital budgets for FY2022. This approval is consistent with the requirement that Congress approve the District's annual budget under the District of Columbia Self-Government and Government Reorganization Act (P.L. 93-198).[43] This provision grants the District the authority to expend locally raised funds only for those programs and activities that received funding in the District's FY2021 appropriation (Title IV of Division E of P.L. 116-260). This provision also allows District officials to obligate locally raised funds at the rate set forth in the District's Fiscal Year 2022 Local Budget Act of 2021 (D.C. Act 24-173).[44]

Section 131—Federal Bankruptcy Trustee Payments[45]

Section 131 would remove the phrase *in that fiscal year* from Title 11, Section 330(e)(3), of the *U.S. Code*. This change would allow the federal judiciary to pay bankruptcy trustees who served in cases during a particular fiscal year even if those trustees were not actually appointed, or did not render services, until the following fiscal year. This change would impact only a small number of cases each year and would have no impact on appropriations or funding for the judiciary (per information received by CRS from the Administrative Office of U.S. Courts).

Department of Homeland Security (DHS)

Section 101(6)—Immigration Extensions[46]

Section 101(6) extends the authorization of four immigration authorities through the duration of the CR by referencing the FY2021 DHS appropriations act, as well as Sections 101-103 and Section 105 of Title I of Division O of P.L. 116-260. Sections 101, 102, and 103 provided year-long extensions of the authorities for

- the E-Verify Program (8 U.S.C. §1324a note; last extended in Section 101 of P.L. 116-260, Division O);

[40] This section was authored by Joseph V. Jaroscak, Analyst in Economic Development Policy.

[41] For information on the Court Services and Offender Supervision Agency and the Pretrial Services Agency, see *Court Services and Offender Supervision Agency*, https://www.psa.gov/?q=about/CSOSA.

[42] This section was authored by Joseph V. Jaroscak, Analyst in Economic Development Policy.

[43] For information on the District of Columbia budget process, see CRS Report R46763, *FY2021 District of Columbia Budget and Appropriations*.

[44] D.C. Act 24-176, *Fiscal Year 2022 Budget Support Act of 2021*, https://lims.dccouncil.us/downloads/LIMS/47312/Signed_Act/B24-0285-Signed_Act.pdf.

[45] This section was authored by Barry McMillion, Analyst on the Federal Judiciary.

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

- the Grant Special Immigrant Status to Religious Workers Other than Ministers program (8 U.S.C. §1101(a)(27)(C)(ii)(II) and (III); last extended in Section 102 of P.L. 116-260, Division O); and
- the Waiver of Foreign Residence Requirements for Physicians Working in Underserved Areas program (8 U.S.C. §1182 note; also known as the "Conrad State 30" Program," last extended in Section 103 of P.L. 116-260, Division O).

Section 105 provided authority for the Secretary of Homeland Security to increase the number of temporary nonagricultural workers allowed into the country under the H-2B program.

The first three matters have been extended through the appropriations process annually beginning with the FY2016 continuing resolution.[47] The H-2B cap increase has been carried every year since the FY2018 continuing resolution.[48]

Section 132—U.S. Citizenship and Immigration Services (USCIS) Application Processing[49]

Section 132 provides, in addition to amounts appropriated by Section 101, $250 million to the USCIS "Operations and Support" account to process applications, reduce application backlogs, and support refugee programs. This anomaly was requested by the Administration but with a higher rate for operations.[50] Division C of the CR includes $193 million in supplemental appropriations in a separate division of the bill to complement the rate for operations provided by Section 132.[51]

Section 133—Federal Emergency Management Agency Disaster Relief Fund (DRF)[52]

Section 133 provides that amounts made available by Section 101 for the DRF may be apportioned at a rate for operations necessary to carry out response and recovery activities under the Stafford Act.[53] This anomaly ensures that—in the event the DRF's existing carryover balances are spent down while the CR is in effect—funding would be available to support the federal government's response and recovery efforts associated with disasters and emergency declarations. This anomaly was requested by the Administration, and similar anomalies have been enacted via continuing appropriations measures each year since FY2018.[54]

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[47] In FY2016 these appeared in the CR (P.L. 114-53), then as general provisions in the final act (P.L. 114-113, Division F, §§572-574). In FY2017 and FY2018, those general provisions were extended by reference in the CR (P.L. 114-223, Division C; P.L. 115-56, Division D). In the FY2018 consolidated appropriation (P.L. 115-141), the immigration extensions were shifted to a different division (Division M), so in FY2019, they were included by reference in the first section of the CR (P.L. 115-245, Division C). This pattern of extension in CRs by reference to a year-end extensions division has continued since (see footnote 48 for additional information).

[48] These provisions of previous CRs that extended this increase were: FY2018: P.L. 115-56, Division D, §101; FY2019: P.L. 115-245, Division C, §101; FY2020: P.L. 116-59, Division A, §101; and FY2021: P.L. 116-159, §101.

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

[50] For more information, see OMB, *FY 2022 Continuing Resolution (CR) Appropriations Issues (Anomalies Required for a Short-Term CR*), p. 15, https://www.whitehouse.gov/wp-content/uploads/2021/09/CR_Package_9-7-21.pdf.

[51] H.R. 5305, Division C, §2501.

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

[53] 42 U.S.C. §§5121 et seq.

[54] For more information, see OMB, *FY 2022 Continuing Resolution (CR) Appropriations Issues (Anomalies Required*

Section 134—National Flood Insurance Program (NFIP) Reauthorization[55]

Section 134 extends the authorization for the NFIP to continue to operate for the duration of the act by altering the application of two provisions in the *U.S. Code*. The first provision is a temporary extension of the NFIP's borrowing authority, and the second is a termination date for NFIP's authority to issue new policies. Both provisions are necessary to extend normal NFIP operations. The NFIP had been temporarily provided with $30.4 billion of borrowing authority through the end of FY2021.[56] Section 134(a) extends this level of borrowing authority through the duration of the CR, allowing the NFIP to continue to pay claims. Additionally, the NFIP's authority to issue new policies expires at the end of FY2021.[57] Section 134(b) extends that authority through the duration of this act as well. This anomaly was requested by the Administration.[58] Similar extensions have been enacted since FY2018, and CRs have sometimes been used as vehicles for temporary extensions of NFIP authorities since 1998.[59]

Interior, Environment, and Related Agencies

Section 135—Extension of Heritage Partnership Program Funding[60]

Section 135 provides that amounts made available by Section 101 for the National Park Service's National Recreation and Preservation account for heritage partnership programs may be used to provide continued financial assistance to national heritage areas (NHAs), notwithstanding any existing statutory sunset provisions or funding limitations.[61] Since 1984, Congress has designated 55 NHAs to recognize and assist efforts to protect, commemorate, and promote natural, cultural, historic, and recreational resources that form distinctive landscapes.[62] Heritage areas consist mainly of private properties, although some include publicly owned lands. The attributes of each NHA are set out in the area's establishing law, which may include specific provisions authorizing the Secretary of the Interior to provide financial assistance for a specified period or may include funding limits for certain NHAs on an annual basis or over the lifetime of the authorized funding period.

Section 135 authorizes the Secretary to continue to provide financial assistance to all NHAs through December 3, 2021. From September 30, 2021, to October 12, 2021, various provisions authorizing the Secretary to provide financial assistance to 30 of the 55 existing NHAs are set to

for a Short-Term CR), p. 14, https://www.whitehouse.gov/wp-content/uploads/2021/09/CR_Package_9-7-21.pdf. Prior extensions were provided by P.L. 115-56, Division D, §129; P.L. 115-245, Division C, §124; P.L. 116-59, §133; and P.L. 116-159, §145.

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

[56] 42 U.S.C. §4016(a).

[57] 42 U.S.C. §4026.

[58] For more information, see OMB, *FY 2022 Continuing Resolution (CR) Appropriations Issues (Anomalies Required for a Short-Term CR*), p. 15, https://www.whitehouse.gov/wp-content/uploads/2021/09/CR_Package_9-7-21.pdf.

[59] 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 Mark K. DeSantis, Analyst in Natural Resources Policy.

[61] As used in the CR, the term *national heritage area* refers to the federal designations of national heritage area, national heritage corridor, cultural heritage corridor, national heritage partnership, national heritage route, national heritage canalway, and battlefields national historic district.

[62] For additional information related to national heritage areas, see CRS Report RL33462, *Heritage Areas: Background, Proposals, and Current Issues*.

expire. In addition, Section 135 extends, through December 3, 2021, the authorities of the Erie Canalway National Heritage Corridor Commission and the Gullah/Geechee Cultural Heritage Corridor Commission.[63]

Section 136—Land and Water Conservation Fund Allocations[64]

Section 136 sets out an allocation of mandatory appropriations, provided under the Land and Water Conservation Fund (LWCF) Act,[65] for programs and activities within the Department of the Interior and USDA. Each program and activity is allocated a specific amount of funds that is prorated for the duration of the CR. The specified amounts are

- Bureau of Land Management, Land Acquisition, $7.5 million for acquisition management;
- U.S. Fish and Wildlife Service, Land Acquisition, $17.0 million for acquisition management;
- National Park Service, Land Acquisition and State Assistance, $14.5 million for acquisition management;
- Department of the Interior, Office of the Secretary, $19.0 million for Appraisal and Valuation Service Offices—Federal Lands;
- Forest Service, State and Private Forestry, $6.4 million for administrative purposes; and
- Forest Service, Land Acquisition, $12.0 million for acquisition management.

Provisions of the LWCF Act provide for mandatory spending of the $900 million in revenues that accrue to the Land and Water Conservation Fund annually and prescribe a procedure for allocating the funds. Under the procedure, the President is required to include "detailed account, program, and project allocations" for the $900 million as part of the annual budget submission to Congress. Appropriations acts may provide an "alternate allocation." However, if alternate allocations have not been enacted before "the Act making appropriations for the Department of the Interior, Environment, and Related Agencies for the remainder of the applicable fiscal year" has been enacted, the President would have the authority to allocate the available amounts of funds from the LWCF as he determines.[66] Section 136 would supersede the authority of the President, for the duration of the CR, to make allocations of LWCF funding.

Section 137—Indian Health Service Additional Funding[67]

Section 137 provides, in addition to amounts appropriated under Section 101, $24.3 million to two Indian Health Service (IHS) accounts[68] and permits these funds to be apportioned at a higher rate than otherwise would be provided under the CR for costs related to health services and staffing at facilities that were opened, renovated, or expanded in either FY2021 or FY2022.

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[63] P.L. 113-291, Division B, Title XXX, Section 3052(a)(1)(G), authorized the Erie Canalway National Heritage Corridor Commission through September 30, 2021. P.L. 114-233, Section 1, authorized the Gullah/Geechee Cultural Heritage Corridor Commission through October 12, 2021.

[64] This section was authored by Carol Hardy Vincent, Specialist in Natural Resources Policy.

[65] The LWCF Act is codified at Title 54, Sections 200301 et seq., of the *U.S. Code*.

[66] 54 U.S.C. §200303. Similarly, if legislation containing alternate allocations of less than the available amount were enacted, the President would have the authority to allocate the remaining amount.

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

[68] The two amounts in this paragraph do not sum to the $24.3 million total shown due to rounding.

Specifically, the provision provides an additional $22.1 million to the IHS Indian Health Services account and an additional $2.3 million to the Indian Health Facilities account. Newly opened or expanded facilities may need additional resources to begin or expand their operations (e.g., to hire staff and obtain equipment).

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

Section 138—CDC Vessel Sanitation[69]

Section 138 provides, in addition to amounts appropriated by Section 101, an additional $1.5 million for FY2022 to the Centers for Disease Control and Prevention Environmental Health account for expenses to carry out the Vessel Sanitation Program, to be available until September 30, 2022. This program provides inspections and technical assistance to the cruise ship industry.[70]

Section 139—NIH Multi-Year Research Grants[71]

Section 139 provides the director of the National Institutes of Health (NIH) with the authority to extend the availability of funds, through the end of FY2022, for certain FY2016 funds that have been obligated for multi-year research grants. Pursuant to the terms of the provision, the NIH director may extend the availability of such funds if he or she determines that "the project suffered interruption of activities attributable to COVID-19." In general, NIH awards numerous types of extramural multi-year research grants to research institutions (e.g., universities) for up to a five-year period.[72] Per Title 31, Section 1552, of the *U.S. Code*, all federal agencies shall close fixed-year appropriations accounts at the end of the fifth fiscal year after the funds expire and cancel any remaining budget authority (regardless of whether unobligated or obligated). According to the NIH Grants Policy Statement, this has the effect of limiting NIH's authority to extend the final budget period when an entire project period is funded by a single award.[73] Actions taken in response to the Coronavirus Disease 2019 (COVID-19) pandemic, such as stay-at-home orders and closures of universities and other research institutions, have continued to affect researchers' ability to carry out NIH-funded research projects.[74] This provision allows researchers to continue or finish projects that have been interrupted by the pandemic and that are funded by certain five-year grants otherwise set to expire.

[69] This section was authored by Sarah A. Lister, Specialist in Public Health and Epidemiology.

[70] Centers for Disease Control and Prevention, "About the Vessel Sanitation Program," https://www.cdc.gov/nceh/vsp/desc/aboutvsp.htm.

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

[72] See CRS Report R41705, *The National Institutes of Health (NIH): Background and Congressional Issues*.

[73] NIH, "5.3 Funding," *NIH Grants Policy Statement*, https://grants.nih.gov/grants/policy/nihgps/html5/section_5/5.3_funding.htm.

[74] See CRS Report R46309, *Effects of COVID-19 on the Federal Research and Development Enterprise*; and NIH, "Reminder of COVID-19-Related Flexibilities for NIH Grants," Extramural Nexus, September 24, 2021, https://nexus.od.nih.gov/all/2021/09/24/reminder-of-covid19-related-flexibilities-for-nih-grants/.

Section 140—National Suicide Prevention Lifeline[75]

Section 140 provides, in addition to amounts appropriated by Section 101, $77.6 million to be apportioned up to the rate for operations necessary to operate and maintain the National Suicide Prevention Lifeline program.

Authorized by Section 520E-3 of the Public Health Service Act, the National Suicide Prevention Lifeline is supported by the Substance Abuse and Mental Health Services Administration within the Department of Health and Human Services (HHS). The Lifeline program provides confidential, free, 24-hour-a-day, 365-day-a-year support via a toll-free telephone hotline (1-800-273-8255) for people who are in crisis or experiencing emotional distress. In January 2020, the Federal Communications Commission issued a proposed rule to designate a nationwide three-digit phone number for a suicide prevention and mental health crisis hotline.[76] In October 2020, designation of the 9-8-8 suicide hotline number was codified by the National Suicide Hotline Designation Act of 2020 (P.L. 116-172). The FY2022 President's budget request for suicide prevention activities was $78 million more than the FY2021 enacted level, with the increase directed to the Suicide Lifeline program to help meet operational needs and implementation of 9-8-8 nationally.[77]

Section 141—Additional Funding for Unaccompanied Children[78]

Section 141 provides, in addition to amounts appropriated by Section 101, $2.5 billion for the Administration for Children and Families (ACF) Refugee and Entrant Assistance account for expenses to carry out the Unaccompanied Children (UC) Program.[79] This program provides for the custody and care of unaccompanied alien children who have been apprehended by federal agencies and referred to the ACF's Office of Refugee Resettlement (ORR).[80] The program has experienced a substantially increased caseload since February 2021 due to elevated numbers of unaccompanied children arriving at the U.S.-Mexico border.[81] According to the House Appropriations Committee summary of Section 141, this funding is, in part, to help expand the capacity of state-licensed shelters.[82] This amount is to remain available until September 30, 2024,

[75] This section was authored by Johnathan H. Duff, Analyst in Health Policy.

[76] Federal Communications Commission, "Implementation of the National Suicide Hotline Improvement Act of 2018," 85 *Federal Register* 2359, January 15, 2020, https://www.federalregister.gov/documents/2020/01/15/2019-28429/implementation-of-the-national-suicide-hotline-improvement-act-of-2018.

[77] Substance Abuse and Mental Health Services Administration, *FY2022 Justification of Estimates for Appropriations Committees*, p. 5, https://www.samhsa.gov/sites/default/files/samhsa-fy-2022-cj.pdf.

[78] This section was authored by William Kandel, Analyst in Immigration Policy.

[79] Section 462 of the Homeland Security Act of 2002 (P.L. 107-296) and Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457).

[80] For more information, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*.

[81] For more information, see CRS Insight IN11638, *Increasing Numbers of Unaccompanied Alien Children at the Southwest Border*. The Biden Administration requested $8.0 billion in additional funds for the UC program, noting that without an anomaly, the ORR would "not have sufficient resources to care for or place additional unaccompanied children in shelters during the period of the CR." The Administration's request is available at page 19 of OMB, *FY 2022 Continuing Resolution (CR) Appropriations Issues (Anomalies Required for a Short-Term CR)*, https://www.whitehouse.gov/wp-content/uploads/2021/09/CR_Package_9-7-21.pdf.

[82] House Appropriations Committee, *H.R. 5304, Extending Government Funding and Delivering Emergency Assistance Act Section-by-Section Summary*, p. 4, https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/documents/Summary_0.pdf.

and is in addition to amounts otherwise appropriated by this act for the Refugee and Entrant Assistance account. The $2.5 billion appropriation was designated as an emergency requirement.

This provision also requires that the HHS Secretary report to both the House and Senate Appropriations Committees on "steps taken" and related planning to discontinue the use of emergency intake sites for unaccompanied children not later than November 1, 2021. This report must include a spend plan for estimated FY2022 obligations by major category. In addition, the HHS Secretary must submit monthly reports during FY2022 to the appropriations committees on the obligations and expenditures to carry out the UC Program.

Section 142—Increased Flexibility to Fund Unaccompanied Children Program and Refugee Support Services[83]

Section 142 provides that amounts made available by Section 101 for ACF's Refugee and Entrant Assistance account may be apportioned up to the rate for operations necessary to carry out the UC Program and Refugee Support Services.[84] This provision effectively allows HHS to spend at a higher rate during the CR period than what would be allowed by the CR's formula, if necessary, due to higher than usual projected needs of UC and refugee programs.

Section 143—Unaccompanied Children Sponsor and Post-Placement Service Reporting[85]

Section 143 requires that the HHS Secretary report every 90 days through FY2022 to both the House and Senate Appropriations Committees on the number of children the ORR has released to sponsors in the United States (disaggregated by state) and the number of children for whom ORR has successfully conducted safety and welfare checks and provided post-release services.

Section 144—Unaccompanied Children Program Funds Transfer Reporting[86]

Section 144 requires that the HHS Secretary report both publicly and to the House and Senate Appropriations Committees all funding transfers made for carrying out the UC Program during FY2021.[87] The report must list (1) all sources of funds transferred by public law; (2) the program, project, or activity that funds were transferred from and the corresponding amount transferred; (3) the transfer date; and (4) the number and (5) age distribution of children referred to ORR by month for FY2021. The report must be updated every 30 days throughout FY2022.

Section 145—Community Services Block Grant (CSBG) Program[88]

Section 145 allows CSBG grantees to expand income eligibility for individuals and families served by the program from 125% of the poverty line, the level in statute (42 U.S.C. §9902), to

[83] This section was authored by William Kandel, Analyst in Immigration Policy.

[84] Section 462 of the Homeland Security Act of 2002 (P.L. 107-296), Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457), Section 414 of the Immigration and Nationality Act, and Section 501 of the Refugee Education Assistance Act of 1980 (P.L. 96-422).

[85] This section was authored by William Kandel, Analyst in Immigration Policy.

[86] This section was authored by William Kandel, Analyst in Immigration Policy.

[87] Section 462 of the Homeland Security Act of 2002 (P.L. 107-296) and Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457).

[88] This section was authored by Libby Perl, Specialist in Housing Policy.

200% of the poverty line. This expanded eligibility would be in effect for the duration of the CR and apply to services funded by the CR, the Consolidated Appropriations Act, 2021 (P.L. 116-260), and the CARES Act (P.L. 116-136). The CARES Act initially expanded eligibility to 200% of the poverty line for CSBG services funded during FY2020 and FY2021 (see Division B, Title VIII).

Section 146—Excess Accrued Leave for Public Health Service Commissioned Corps[89]

Section 146 extends the authorization (Section 2106 of Division C of P.L. 116-159) to carry over leave of more than 60 days (the annual cap) to leave accrued during FY2021 for officers of the U.S. Public Health Service Commissioned Corps. In response to the COVID-19 pandemic, annual leave was either not permitted or not taken by some of these officers. This provision prevents the loss of such accrued leave at the end of FY2021. Officers must use any carry-over leave by the end of FY2023.

Section 147—Extension of the Temporary Assistance for Needy Families (TANF) Block Grant[90]

Under Division CC, Section 301 of the Consolidated Appropriations Act, 2021 (P.L. 116-260), funding for the TANF block grant, the TANF contingency fund, Healthy Marriage and Responsible Fatherhood Grants, and matching grants for TANF and child welfare activities within the U.S. territories was scheduled to end on September 30, 2021. Section 147 extends these funding and program authorities for the duration of the CR.

Section 148—National Advisory Committee on Institutional Quality and Integrity (NACIQI)[91]

Section 148 extends the duration of NACIQI through December 3, 2021. NACIQI assesses 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 (HEA; P.L. 89-329, as amended).[92] If this provision had not been enacted, under Section 114(f) of the HEA, NACIQI would have terminated on September 30, 2021.

In general, Section 422 of the General Education Provisions Act (GEPA)[93] automatically adds one additional fiscal year to the authorization for most programs administered by the Department of Education. This automatic extension would occur only if Congress and the President do not enact legislation extending the program by the beginning of the terminal fiscal year of a program's authorization. However, Section 422(d) of GEPA 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

[89] This section was authored by Sarah A. Lister, Specialist in Public Health and Epidemiology.

[90] This section was authored by Gene Falk, Specialist in Social Policy.

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

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

[93] 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.

does not apply to NACIQI, and NACIQI would have terminated on September 30, 2021, had it not been extended.

Section 149—Account Maintenance Fees[94]

Section 149 extends mandatory budget authority for the Secretary of Education to pay account maintenance fees to guaranty agencies under the Federal Family Education Loan (FFEL) program through December 3, 2021. Under the program, state or national nonprofit guaranty agencies administer the federal loan insurance that protects holders of those loans against losses arising from borrower defaults or loan discharges due to a borrower's death or disability and provide a variety of administrative services to lenders. Section 458(a)(4) of the HEA provides mandatory budget authority to pay account maintenance fees to guaranty agencies as compensation for various tasks related to administering the federal loan guarantees. Account maintenance fees are equal to 0.06% of the original principal balance of outstanding FFEL program loans and are paid quarterly by the Secretary of Education to guaranty agencies. Although authority to originate new FFEL loans terminated on July 1, 2010, many FFEL program loans remain outstanding, and, thus, guaranty agencies continue to perform administrative tasks associated with those loans.

Military Construction, Veterans Affairs, and Related Agencies

Section 150—Deferred FY2017 Military Construction Projects[95]

Section 150 extends the availability of funds for military construction projects that received initial appropriations in FY2017 through December 3, 2021.[96] Among the projects this extension affects are those that were deferred by DOD in 2019 following the Trump Administration's decision to construct physical barriers along the U.S.-Mexico border.[97] By substituting "fifth fiscal year" for "fourth fiscal year" in applying Section 116 of Division J of the Consolidated Appropriations Act, 2021 (P.L. 116-260), for the period covered by the continuing resolution, Section 150 effectively extends the typical five-year period of availability for military construction appropriations. The Trump Administration identified a total of $3.6 billion in military construction appropriations for redirection to border barrier construction projects under authority provided in Title 10, Section 2808, of the *U.S. Code*.[98]

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

[95] This section was authored by Brendan W. McGarry, Analyst in U.S. Defense Budget.

[96] For more information, see OMB, *FY 2022 Continuing Resolution (CR) Appropriations Issues (Anomalies Required for a Short-Term CR)*, https://www.whitehouse.gov/wp-content/uploads/2021/09/CR_Package_9-7-21.pdf.

[97] OMB, *FY 2022 Continuing Resolution (CR) Appropriations Issues (Anomalies Required for a Short-Term CR)*, https://www.whitehouse.gov/wp-content/uploads/2021/09/CR_Package_9-7-21.pdf.

[98] White House, "President Donald J. Trump's Border Security Victory," press release, February 15, 2019, https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trumps-border-security-victory/. For more background and analysis on this issue, see CRS Report R45908, *Legal Authority to Repurpose Funds for Border Barrier Construction*; CRS Report R46421, *DOD Transfer and Reprogramming Authorities: Background, Status, and Issues for Congress*; and CRS Report R45937, *Military Funding for Southwest Border Barriers*.

Section 151— Transfer Authority for Processing Veterans' Presumptive Disability Claims[99]

Section 151 authorizes the Department of Veterans Affairs to transfer up to $193.5 million of FY2021 unobligated balances from its Medical Services account to three accounts. The provision specifies that

- up to $178 million may be transferred to the Veterans Benefits Administration's general operating expenses account;
- up to $5.8 million may be transferred to the Board of Veterans Appeals; and
- up to $9.7 million may be transferred to the Information Technology Systems account.

These transferred amounts are to be used for expenses related to the processing of disability claims for asthma, rhinitis, and sinusitis on a presumptive basis due to presumed exposure to particulate matter (such as burn-pit emissions) during servicemembers' deployment to Southwest Asia and certain other countries.[100]

State, Foreign Operations, and Related Programs (SFOPS)

Section 152—Evacuation of Afghan Journalists and Other Afghan Employees of Selected United States Government-Funded Entities[101]

Section 152 allows for amounts made available by Section 101 for the U.S. Agency for Global Media's International Broadcasting Operations account, the Asia Foundation account, the U.S. Institute of Peace account, and the National Endowment for Democracy account to be apportioned up to the rate for operations necessary to support the evacuation of Afghan journalists and other Afghan employees of such entities following consultation with the Committees on Appropriations.

Section 153—Extension of Broadened Expenditure Authorities for Passport and Immigrant Visa Surcharge Collections[102]

Section 153 extends the authorization provided in Section 21009 of the CARES Act (P.L. 116-136) through December 3, 2021. This authorization allows the Department of State to obligate and expend passport and immigrant visa surcharges collected in any fiscal year for the costs of providing consular services generally.[103] Section 21009 specifies that such funds should be prioritized for U.S. citizen services. Prior to enactment of this authorization, the State Department

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

[100] For more information see, CRS Insight IN11724, *VA Now Processing Gulf War Veterans' Disability Claims for New Respiratory Presumptive Conditions*; and Department of Veterans Affairs, "Interim Final Rule- Presumptive Service Connection for Respiratory Conditions Due to Exposure to Particulate Matter," 86 *Federal Register* 42724-42733, August 5, 2021, https://www.federalregister.gov/documents/2021/08/05/2021-16693/presumptive-service-connection-for-respiratory-conditions-due-to-exposure-to-particulate-matter.

[101] This section was authored by Cory R. Gill, Analyst in Foreign Affairs.

[102] This section was authored by Cory R. Gill, Analyst in Foreign Affairs.

[103] The Secretary of State is authorized to charge these surcharges pursuant to the Department of State and Related Agency Appropriations Act, 2005, as amended (P.L. 108-447; 8 U.S.C. §1714).

was authorized to obligate and expend these collections only for consular services in support of enhanced border security.[104]

Section 154—International Development Finance Corporation Loan and Loan Guarantee Modifications[105]

Section 154 provides that amounts made available by Section 101 to the U.S. International Development Finance Corporation (DFC) for the Corporate Capital account and paid to the Program account shall be available to cover costs of modifying loans and loan guarantees that the DFC inherited from its predecessor entities.[106] The DFC inherited such loans and loan guarantees pursuant to Section 1463 of the BUILD Act of 2018.[107]

Section 155—U.S. Advisory Commission on Public Diplomacy[108]

Section 155 extends the sunset provision for the U.S. Advisory Commission on Public Diplomacy from October 1, 2021, through December 3, 2021.[109] This body is responsible for appraising U.S. government activities intended to understand, inform, and influence foreign publics and to increase the understanding of, and support for, such activities.[110]

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

Section 156—Additional Funds for the Essential Air Service Program[111]

Section 156 provides additional funding for the Essential Air Service program, which subsidizes commercial air service to small airports, with a rate for operations equal to $247.7 million for the duration of the CR. The program is funded by a combination of appropriated funds and fees collected from commercial air carriers. The fees collected in FY2022 are expected to be $116.4 million, down from $153.0 million in FY2021. The program's FY2021 appropriation was $141.7 million, and the House-passed FY2022 THUD appropriation bill (H.R. 4502) would appropriate $247.7 million to the program.[112]

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[104] Section 6 of P.L. 109-472 (8 U.S.C. §1714 note).

[105] This section was authored by Cory R. Gill, Analyst in Foreign Affairs.

[106] Such entities include the Overseas Private Investment Corporation and the Development Credit Authority.

[107] 22 U.S.C. §9683.

[108] This section was authored by Cory R. Gill, Analyst in Foreign Affairs.

[109] 22 U.S.C. §6553.

[110] U.S. Department of State, "U.S. Advisory Commission on Public Diplomacy," https://www.state.gov/bureaus-offices/under-secretary-for-public-diplomacy-and-public-affairs/united-states-advisory-commission-on-public-diplomacy/.

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

[112] U.S. Congress, House Committee on Appropriations, report to accompany H.R. 4550, 117th Cong., 1st sess., H.Rept. 117-99 (Washington, DC: GPO, 2021), p. 22.

Section 157—Increased Flexibility to Process Title VI Tribal Housing Activities Loan Guarantees[113]

Section 157 allows amounts made available by Section 101 for the "Department of Housing and Urban Development—Native American Programs" account to be apportioned up to the rate for operations necessary to accommodate demand for guaranteed notes and other obligations as authorized by the Title VI Tribal Housing Activities Loan Guarantee program.[114]

Author Information

Kevin P. McNellis, Coordinator
Analyst on Congress and the Legislative Process

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[113] For questions about this program, contact Katie Jones, Analyst in Housing Policy.

[114] For more information, see CRS Report R43307, *The Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA): Background and Funding*.