

FY 2021 Continuing Resolution (CR) Appropriations Issues

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Drafted language cites sections 101, 102, 104, 106, and 111 and assumes that section 101 refers to the "authority and conditions" section, that section 102 refers to the Department of Defense restrictions, that section 104 refers to new start restrictions, that section 106 refers to the expiration date of the continuing resolution (CR), and that section 111 refers to the requested anomaly for appropriated entitlements and other mandatory payments. These anomalies are needed for a CR through mid-December 2020, unless otherwise noted. Section 101 is assumed to include the following:

- Divisions A through D of the Consolidated Appropriations Act, 2020 (Public Law 116-93), excluding the following specific provisions and funding:
 - The funding designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA) in title X of division A, the Department of Defense Appropriations Act, 2020.
 - The funding designated by the Congress as being for the 2020 Census pursuant to section 251(b)(2)(G) of BBEDCA under the heading “Department of Commerce—Bureau of the Census—Periodic Censuses and Programs” in division B, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020.
 - The funding designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of BBEDCA under the heading “Small Business Administration—Disaster Loans Program Account” in division C, the Financial Services and General Government Appropriations Act, 2020.
 - The funding designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of BBEDCA in section 212 of division D, the Department of Homeland Security Appropriations Act, 2020.
 - The rescission designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of BBEDCA in section 537 of division D, the Department of Homeland Security Appropriations Act, 2020.

- Divisions A through H of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), excluding the following specific provisions and funding:
 - The funding and rescissions designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of BBEDCA in section 791 of division B, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2020.
 - The funding designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of BBEDCA in section 792 of division B, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2020.
 - The rescission designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of BBEDCA in section 255 of division F, the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2020.
 - The funding designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of BBEDCA in title V of division F, the

Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2020.

- The rescissions of funds previously designated by the Congress as being an emergency requirement and necessary to meet emergency needs pursuant to the concurrent resolutions on the budget in section 237 of division H, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2020.

General

Appropriated Entitlements and Other Mandatory Payments

Sec. ____ . (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2020, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2020, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2020 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

Language is needed to ensure that funding for appropriated entitlements and other mandatory payments will continue at the rate to maintain program levels under current law and to ensure benefit payments are issued in a timely manner. Appropriated entitlements include, but are not limited to: Grants to States for Medicaid; Payments to States for Child Support Enforcement and Family Support Programs; Social Services Block Grant; Payments for Foster Care, Prevention, and Permanency; Payments to Health Care Trust Funds; Supplemental Nutrition Assistance Program; Child Nutrition Programs; and the Supplemental Security Income Program.

Continuing Rescissions of Discretionary Prior-Year Funds

Sec. ____ . (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2020, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than November 20, 2020, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2020, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.*

Language is needed to allow continuing discretionary rescissions from prior-year funds in accounts with a rate for operations in the CR to be effectuated as a reduction in that rate for operations. Without the anomaly, accounts with such rescissions would be required to preclude the prior-year funds from obligation during the period of the CR on a separate apportionment outside of the automatic apportionment provided by the OMB CR Bulletin. Allowing agencies instead to reduce their rate for operations removes the need for multiple apportionment actions while providing an affected account with the same annualized funding level as is otherwise provided by section 101. The language provides a reporting date on the comprehensive lists of rescissions that will allow final data to be reported.

Intelligence Programs, State and International Assistance Waivers

Sec. ____ . Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

Language is needed to authorize specific intelligence activities for the various Intelligence Program components before funds can be obligated or expended, as required by section 504 of the National Security Act of 1947. The Intelligence Program includes the Office of the Director of National Intelligence, the Central Intelligence Agency, and elements of the Departments of Defense, Energy, Homeland Security, Justice, State, and the Treasury. Intelligence activities will not continue in the absence of this authority. In addition, in the absence of an authorization bill, the Department of State, U.S. Agency for International Development, United States Agency for Global Media, and other agencies that operate under the authority of the State Department Basic Authorities Act and Foreign Relations Authorization Act also need waiver language that enables them to expend funds.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

Commodity Credit Corporation Appropriation for Net Realized Losses

Sec. ____ . Amounts provided by section 111 to the Department of Agriculture for "Corporations—Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses" may be used, prior to the completion of the report described in section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11), to reimburse the Commodity Credit Cor-

poration for net realized losses sustained, but not previously reimbursed, as of September 17, 2020.

Language is needed to accelerate reimbursement to the Commodity Credit Corporation (CCC) during the period of the CR for net realized losses incurred in FY 2020. The CCC has a limitation on outstanding borrowing of \$30 billion, which is replenished by an annual reimbursement for net realized losses as included in the annual appropriations Acts. The statute requires that the net realized losses be appropriated based on the calculation for the financial statements at the close of each fiscal year, expected to be completed by early November 2020. However, CCC anticipates it will not have sufficient borrowing available underneath the statutory limitation during the period of the CR, and before the close of the fiscal year audit is completed. Due to declines in crop prices over recent years, and projections for potentially large crop yields in major crops, CCC anticipates greater use of marketing assistance loans in the first quarter of FY 2021 and a near 100 percent increase in Agriculture Risk Coverage and Price Loss Coverage payments in FY 2021 as compared to FY 2020. The anomaly authorizes reimbursement to CCC for net realized losses incurred as of September 17, 2020. Without the anomaly, CCC would have to stop making payments as soon as the borrowing ceiling is reached, posing a serious risk for the farmers and ranchers supported by these programs.

Water and Wastewater Program Loan Levels

Sec. ____ . Notwithstanding section 101, amounts are available in the "Rural Utilities Service—Rural Water and Waste Disposal Program Account" of the Department of Agriculture for gross obligations for the principal amount of direct loans as authorized by section 306 of the Consolidated Farm and Rural Development Act not to exceed \$1,400,000,000, and for the principal amount of guaranteed loans as authorized by the same Act not to exceed \$50,000,000.

Language is needed to provide the Department of Agriculture with loan limitations for direct and guaranteed loans in the Direct Water and Waste loan program to ensure continued operation of the program during the period of the CR. In FY 2020 the program has a positive subsidy rate, but beginning in FY 2021 it will have a negative subsidy rate. This anomaly would provide a loan limitation of \$1.4 billion for direct loans and \$50 million for guaranteed loans, equal to FY 2020 levels, ensuring that the program can continue to operate at needed levels and in compliance with the Federal Credit Reform Act.

Commodity Supplemental Food Program

Sec. ____ . Amounts made available by section 101 for "Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program" may be apportioned up to the rate for operations necessary to maintain current program caseload for the Commodity Supplemental Food Program.

Language is needed to authorize the Department of Agriculture (USDA), Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program account to obligate funding available under the CR formula at a rate for operations necessary to maintain the current program caseload. This anomaly would allow USDA to continue serving the current caseload of approximately 736,000 low-income seniors in the program. Operating the CSFP

at the rate for operations available under the CR without this anomaly would prevent USDA from procuring sufficient quantities of food and would require potentially significant reductions in caseload. This anomaly is needed on October 1 so food purchases and deliveries can continue in a timely manner and to ensure participants receive their food packages without interruption. Higher-than-expected food prices have increased fiscal pressures and reduced balances that would normally be available for the program to operate during the period of the CR.

Commerce, Justice, Science, and Related Agencies

Federal Prisoner Detention

Sec. _____. Notwithstanding section 101, amounts are provided for “Department of Justice—United States Marshals Service—Federal Prisoner Detention” at a rate for operations of \$2,046,609,000.

Language is needed to provide the Department of Justice, United States Marshals Service, Federal Prisoner Detention account with a rate for operations of \$2 billion for necessary activities to sustain the average daily prisoner population. The amounts originally appropriated in FY 2020 remain insufficient for the account to remain solvent for the entire fiscal year and an end-of-year transfer will be needed to cover all costs. Without the anomaly, the amount automatically made available for Federal Prisoner Detention would be insufficient to adequately provide for daily operations and basic services to sustain the average daily prisoner population through the period of the CR.

Defense

Columbia Class Submarine Incremental Funding Authority

Sec. _____. Notwithstanding sections 102 and 104, amounts provided by section 101 to the Department of Defense for "Procurement—Shipbuilding and Conversion, Navy" are available for the following specified projects, programs, and activities at production rates that are provided within amounts in the President’s budget estimate for fiscal year 2021—

(a) Columbia-class Submarine Advance Procurement;

(b) Columbia-class Submarine Procurement.

Sec. _____. CONTRACT AUTHORITY FOR COLUMBIA CLASS SUBMARINE PROGRAM.

(a) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into a contract, beginning with fiscal year 2021, for the procurement of up to two Columbia class submarines.

(b) INCREMENTAL FUNDING.—With respect to a contract entered into under subsection (a), the Secretary of the Navy may use incremental funding to make payments under the contract.

(c) LIABILITY.—Any contract entered into under subsection (a) shall provide that—

(1) any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose; and

(2) that total liability of the Federal Government for termination of any contract entered into shall be limited to the total amount of funding obligated to the contract at time of termination.

Language is needed to provide the Department of Defense (DOD) new start authority and authority to incrementally fund two ships in the *Columbia*-class submarine program using funding provided by the CR in the Shipbuilding and Conversion, Navy account. Without the anomaly, DOD would be unable to begin design and construction activities for these ships and the Navy would be unable to meet U.S. Strategic Command requirements.

Space Force Account Restructuring

Sec. ____ . Notwithstanding section 101, amounts are provided for “Department of Defense—Operation and Maintenance—Operation and Maintenance, Space Force” at a rate for operations not to exceed \$2,608,409,000, to be derived by reducing the amount otherwise made available by section 101 for “Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force” from title II of the Department of Defense Appropriations Act, 2020 (division A of Public Law 116-93) by not to exceed \$2,531,294,000 and from title IX of such Act by not to exceed \$77,115,000: *Provided*, That notwithstanding sections 102 and 104 of this Act, amounts provided for “Department of Defense—Operation and Maintenance—Operation and Maintenance, Space Force” may be used to initiate, resume or continue projects and activities in the account and budget structure, and under the authorities and conditions, set forth in H.R. 7617: *Provided further*, That of the amounts provided by this section for “Department of Defense—Operations and Maintenance—Operations and Maintenance, Space Force”, \$77,115,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only if the President designates such amount for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii).

Sec. ____ . Notwithstanding section 101, amounts are provided for “Department of Defense—Research, Development, Test and Evaluation—Research, Development, Test and Evaluation, Space Force” at a rate for operations not to exceed \$10,327,595,000, to be derived by reducing the amount otherwise made available by section 101 for “Department of Defense—Research, Development, Test and Evaluation—Research, Development, Test and Evaluation, Air Force” from title IV of the Department of Defense Appropriations Act, 2020 (division A of Public Law 116-93): *Provided*, That, notwithstanding sections 102 and 104 of this Act, amounts provided for “Research, Development, Test and Evaluation, Space Force” may be used to initiate, resume or continue projects and activities in the account and budget structure, and under the authorities and conditions, set forth in H.R. 7617.

Sec. ____ . Notwithstanding section 101, amounts are provided for “Department of Defense—Procurement—Procurement, Space Force” at a rate for operations not to exceed \$2,189,083,000, to be derived by reducing the amount otherwise made available by section 101 for “Department of Defense—Procurement—Space Procurement, Air Force”: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to maintain planned construction, procurement, and modification schedules for investments at the level requested in the fiscal year 2021 President’s Budget: *Provided further*, That, notwithstanding sections 102 and 104 of this Act, amounts provided for “Department of Defense—Procurement—Procurement, Space Force” may be used to initiate, resume or continue projects and activities in the account and budget structure, and under the authorities and conditions, set forth in H.R. 7617.

Language is needed to provide a rate for operations to three Space Force accounts (with a corresponding decrease to three Air Force accounts) within the Department of Defense: a rate for operations of \$2.6 billion for the Operations and Maintenance, Space Force account (Operations and Maintenance, Air Force), \$77 million of which is designated as Overseas Contingency Operations/Global War on Terrorism funding; a rate for operations of \$10.3 billion for the newly-established Research, Development, Test, and Evaluation Space Force account (Research, Development, Test and Evaluation, Air Force); and a rate for operations of \$2.2 billion and faster spending for the newly-established Procurement, Space Force account (Space Procurement, Air Force). In addition, language is needed to authorize activities in these accounts. The FY 2020 enacted bill provided funding for most or all of these activities from within the Air Force accounts. The FY 2021 Budget request proposed that all operational funding be transitioned to the Space Force accounts. Without this anomaly, most Space Force activities during the period of the CR would be required to be funded from the Air Force accounts, requiring manual adjustments of the obligations and disbursements if the final FY 2021 appropriations bill provides funding for these activities in the Space Force accounts. This administrative burden would adversely impact Space Force’s mission execution as staff would devote more time to duplicative administrative work.

Energy and Water Development, and Related Agencies

Weapons Activities Account Restructuring

Sec. ____ . Amounts made available by section 101 for "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities" may be obligated in the account and budget structure set forth for such account in House Report 116-449.

Language is needed to authorize the National Nuclear Security Administration (NNSA) to obligate funds provided by the CR in the Weapons Activities account using the budget structure adopted in House of Representatives Report 116-449 accompanying H.R. 7613. Without the anomaly, NNSA would need to execute the activities in the Weapons Activities account under the FY 2020 Budget structure during the CR. If the proposed budget structure is adopted in the final FY 2021 appropriations, manual adjustments of the obligations and disbursements would be required. This administrative burden would adversely impact NNSA's mission execution, as staff would devote more time to duplicative administrative work.

Weapons Activities Section 301(d) Waiver

Sec. ____ . Notwithstanding section 101, section 301(d) of Division C of Public Law 116-94 shall not apply to amounts made available by this Act for “Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities.”

Language is needed to waive the restrictions included in division C, section 301(d) of Public Law 116-94, so that the Department of Energy, National Nuclear Security Administration (NNSA) may reallocate funding needed during the period of the CR for Weapons Activities. Attaining relief from section 301(d) would provide NNSA with the flexibility necessary to effectively execute the nuclear modernization program of record during the CR period. Without this anomaly, critical national security programs including the W87-1 Modernization Program, the Los Alamos Plutonium Pit Production Project, the 138kV Power Transmission System Replacement Project, and the Lawrence Livermore National Laboratory Emergency Operations Center would risk significant delays.

W93 New Start

Sec. ____ . Notwithstanding sections 101 and 104, amounts provided by section 101 for "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities" may be made available for the Phase 1 assessment activities for the W93.

Language is needed to provide the Department of Energy new start authority for the W93 warhead program using funding provided by the CR in the Weapons Activities account. Without the anomaly, the Department would be unable to begin work on the program, including coordination with U.S. and international partners, risking misalignment with the schedules of the U.S. Navy and the United Kingdom.

Financial Services and General Government

Federal Buildings Fund Rental of Space

Sec. ____ . Amounts made available by section 101 for "General Services Administration—Real Property Activities—Federal Buildings Fund—Limitations on Availability of Revenue" may be apportioned up to the rate for operations necessary to maintain rental of space payments.

Language is needed to authorize the General Services Administration to obligate funding under the CR formula in the Federal Buildings Fund at a rate for operations necessary to cover its monthly rental of space payments. In recent years, the Federal Buildings Fund has had sufficient carryover balances to make rental payments during the period of the CR. However, those balances are depleted, and first quarter obligations in FY 2021 will be higher than later in the year due to the space currently leased for the 2020 Decennial Census. Without the anomaly, GSA will not be able to make all its monthly payments to private lessors in the first quarter.

Presidential Transition, GSA

Sec. ____ . Notwithstanding section 101, amounts are provided for "General Services Administration—Expenses, Presidential Transition" for necessary expenses to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note), at a rate for operations of \$9,900,000, of which not to exceed \$1,000,000 is for activities authorized by sections 3(a)(8) and 3(a)(9) of such Act: *Provided*, That such amounts may be transferred and credited to the "Acquisition Services Fund" or "Federal Buildings Fund" to reimburse obligations incurred prior to enactment of this Act for the purposes provided herein related to the Presidential election in 2020: *Provided further*, That amounts available under this section shall be in addition to any other amounts available for such purposes.

Language is needed to provide a rate for operations of \$10 million for the Expenses, Presidential Transition account within the General Services Administration for expenses necessary to carry out the Presidential Transition Act of 1963, as amended (3 U.S.C. 102 note). Funding of \$1 million is required regardless of whether there is a change in administration for trainings and briefings in a transition year. In addition, should there be a change in administration, the remaining funds would be required the day after the Presidential election and 30 days before the expiration of the term for incoming and outgoing transition costs.

Common Services and Other Agency Operations Funding Gap

Sec. ____ . In addition to amounts provided by section 101, amounts are provided to the Office of Personnel Management for "Salaries and Expenses" at a rate for operations of \$42,000,000, for an additional amount for administrative expenses: *Provided*, That of such amounts, \$29,195,000 shall be transferred from the appropriate trust funds of the Office without regard to any other provision of law: *Provided further*, That such amounts may be apportioned up to the rate for operations necessary to maintain agency operations.

Language is needed to provide the Office of Personnel Management (OPM), Salaries and Expenses account with an additional rate for operations of \$42 million, and authority to obligate this funding at a rate for operations necessary to cover the expected shortfall for core OPM functions resulting from the transfer of the National Background Investigations Bureau function to the Department of Defense, and potential for an earlier than expected end of the DOD "buyback" agreement. Without the anomaly, there is a risk that OPM would have to take significant internal personnel actions to mitigate the funding shortfall that would risk programmatic failure or the safety of OPM's information technology infrastructure.

IT Repairs

Sec. ____ . In addition to amounts provided by section 101, amounts are provided to the Office of Personnel Management for "Salaries and Expenses" at a rate for operations of \$40,000,000, for an additional amount for information technology infrastructure modernization: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to carry out information technology infrastructure modernization projects.

Language is needed to provide the Office of Personnel Management (OPM) an additional rate for operations of \$40 million for the Salaries and Expenses account and authority to obligate this funding at a rate for operations necessary to begin a multi-year phased modernization of OPM's antiquated information technology (IT) systems, including to address IT infrastructure issues with vulnerable, end-of-life systems. Without this anomaly, the agency will continue experiencing significant IT challenges and have continued risk of catastrophic system wide failure.

Disaster Loan Program Administration

Sec. ____ . Notwithstanding section 101, the matter preceding the first proviso under the heading "Small Business Administration—Disaster Loans Program Account" in title V of division C of Public Law 116-93 shall be applied by substituting "\$168,075,000" for "\$177,136,000", and "\$158,075,000" for "\$167,136,000": *Provided*, That amounts made available under such heading by this Act may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for disaster administrative expenses authorized under section 20(a) of the Small Business Act (15 U.S.C. 631): *Provided further*, That the two provisos under this heading shall not apply during the period covered by this Act.

Language is needed to provide a rate for operations of \$168 million in base funding for the Disaster Loan Program Account within the Small Business Administration (SBA) and authority to obligate this funding at a rate for operations necessary for administrative expenses required to process and service disaster loan commitments. These funds would be available to support both SBA-declared disasters, as well as major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). The FY 2020 appropriation provided \$26 million for SBA-declared disasters, and an additional \$151 million for Stafford Act disasters. Without this anomaly, SBA would have limited flexibility to process all types of disaster loan requests at a time when the agency is experiencing an unprecedented increase in workload.

7(a) and Small Business Investment Company Loan Programs

Sec. ____ . Amounts made available by section 101 for "Small Business Administration—Business Loans Program Account" may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687).

Language is needed to provide the Small Business Administration (SBA) with authority to obligate funding provided under the CR formula at a rate for operations necessary to accommodate potential demand increases during the period of the CR for 7(a) business loan commitments and commitments to guarantee loans for debentures for the Small Business Investment Company (SBIC) program. Without this anomaly, SBA's 7(a) and SBIC programs will not have sufficient funds to meet demands in FY 2021, forcing these programs to shutdown or delay financing to thousands of small businesses during the CR period.

D.C. Local Funds

Sec. ____ . Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading "District of Columbia—District of Columbia Funds" for programs and activities in the amount set forth in the Fiscal Year 2021 Local Budget Act of 2020 (D.C. Bill 23-761), as modified as of the date of the enactment of this Act.

Language is proposed to clarify that the District of Columbia (D.C.) has the authority to spend in FY 2021 funds received from local tax revenues and other non-Federal sources in the amount and for the programs and activities provided in D.C.'s Fiscal Year 2021 Local Budget Act of 2020. This language is similar to that enacted in prior years.

Presidential Transition, NARA

Sec. ____ . In addition to amounts provided in section 101, an additional amount is provided for "National Archives and Records Administration—Operating Expenses" to carry out transition responsibilities of the Archivist of the United States under sections 2201 through 2207 of title 44, United States Code (commonly known as the "Presidential Records act of 1978") in the event of a Presidential Transition at a rate for operations of \$18,000,000: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to carry out such responsibilities.

Language is needed to provide an additional rate for operations of \$18 million for the Operating Expenses account within the National Archives and Records Administration (NARA) and authority to obligate this funding at a rate for operations necessary to take custody of Presidential records and artifacts by Inauguration Day in the event of a Presidential transition, as required by the Presidential Records Act of 1978. Without this anomaly, NARA would be unable to fund contracts during the period of the CR that would be necessary to provide storage and preservation of these records.

Records Center Revolving Fund

Sec. ____ . In addition to amounts provided by section 101, there is appropriated \$92,000,000 for the "Federal Records Centers Program" in the Records Center Revolving Fund, to prevent, prepare for, and respond to coronavirus, domestically or internationally, to remain available until expended: *Provided*, That the amount provided by this section may be used to reimburse the Fund for obligations incurred for this purpose prior to the date of the enactment of this Act: *Provided further*, That such amount is provided without regard to the limitation in subsection (d) under the heading "RECORDS CENTER REVOLVING FUND" in title IV of Public Law 106-58 (44 U.S.C. 2901 note).

Language is needed to appropriate \$92 million to the Records Center Revolving Fund account within the National Archives and Records Administration (NARA) to fund the fixed operating costs at NARA's 18 Federal Records Centers. The Federal Records Centers employ over 1,000 employees and rely on fees collected for records services to pay for salaries, rent, and other fixed costs. These facilities have been closed due to the COVID-19 pandemic, so fees have decreased significantly. This additional funding would cover estimated revenue shortfalls that occurred in the second half of FY 2020 and are expected to continue in the

first half of FY 2021. *Including this anomaly is advised if this issue is not addressed in separate COVID-19 pandemic-related legislation.*

Homeland Security

Account Restructuring to Decentralize Working Capital Fund Activities

Sec. _____. Amounts made available by section 101 to the Department of Homeland Security for “Office of the Secretary and Executive Management—Operations and Support”, “Management Directorate—Operations and Support”, and “Intelligence, Analysis, and Operations Coordination—Operations and Support” may be apportioned up to the rate for operations necessary to carry out activities previously funded by the Working Capital Fund of the Department of Homeland Security, consistent with the fiscal year 2021 President’s Budget.

Language is needed to authorize the Department of Homeland Security (DHS) to obligate funds during the period of the CR in the Operations and Support accounts for the Office of the Secretary and Executive Management, Management Directorate, and Intelligence, Analysis, and Operations Coordination bureaus, at a rate for operations necessary to carry out the account restructuring proposed in the FY 2021 Budget request, which proposes to dissolve the Working Capital Fund. Without the anomaly, DHS would need to execute the activities under the FY 2020 Budget structure during the CR, including through the Working Capital Fund. If the proposed budget structure is adopted in the final FY 2021 appropriations, manual adjustments of the obligations and disbursements would be required. This administrative burden would adversely impact DHS's mission execution, as staff would devote more time to duplicative administrative work.

Customs and Border Protection Staffing Sustainment

Sec. _____. Amounts made available by section 101 to the Department of Homeland Security for “U.S. Customs and Border Protection—Operations and Support” may be apportioned at a rate for operations necessary to maintain not more than the number of the staff achieved on September 30, 2020.

Language is needed to authorize the Department of Homeland Security to obligate funding under the CR formula in the Customs and Border Protection (CBP), Operations and Support account at a rate for operations necessary to maintain up to the staffing level as achieved on September 30, 2020. Without the anomaly, CBP is at risk of having to furlough critical personnel during the period of the CR, which would result in increased threats to public safety and reductions in services.

Cybersecurity and Infrastructure Security Agency Account Restructuring

Sec. _____. (a) Not earlier than October 1, 2020, the Secretary of Homeland Security may execute appropriations of the Cybersecurity and Infrastructure Security Agency, including appropriations made available by section 101 of this Act, within an account structure under which each appropriation remains the same as fiscal year 2020, but within the program, project and activity structure provided in the fiscal year 2021 President’s Budget and accompanying justification materials.

(b) Notwithstanding any other provision of law, the Secretary of Homeland Security may reprogram any appropriation made available to the Cybersecurity and Infrastructure Security Agency by this or any prior appropriations Act to the program, project and activity structure included in the fiscal year 2021 President’s Budget for the Cybersecurity and Infrastructure Security Agency to carry out the requirements of the program, project, and activity structure, and shall notify the Committees on Appropriations of the Senate and the House of Representatives within 5 days of each reprogramming.

Language is needed to authorize the Department of Homeland Security (DHS) to obligate funds provided by the CR in the Cybersecurity and Infrastructure Security Agency (CISA), Operations and Support account using the budget structure proposed in the FY 2021 Budget request. Language is also needed to authorize DHS to reprogram CISA appropriations in order to carry out the program, project, and activity structure included in the FY 2021 Budget request for CISA. Without the anomaly, CISA would need to execute the activities in the Operations and Support account under the FY 2020 Budget structure during the CR. If the proposed budget structure is adopted in the final FY 2021 appropriations, manual adjustments of the obligations and disbursements would be required. This administrative burden would adversely impact CISA's mission execution, as staff would devote more time to duplicative administrative work.

President's Cup Award

Sec. ____ . Notwithstanding section 101, amounts made available by this Act to the Department of Homeland Security for “Cybersecurity and Infrastructure Security Agency—Operations and Support” may be used for the necessary expenses of carrying out the competition specified in section 2(e) of Executive Order No. 13870 (May 2, 2019), including the provision of monetary and non-monetary awards for Federal civilian employees and members of the uniformed services, the necessary expenses for the honorary recognition of any award recipients, and activities to encourage participation in the competition, including promotional items: *Provided*, That any awards made pursuant to this section shall be of the same type and amount as those authorized under sections 4501 through 4505 of title 5, United States Code.

Language is needed to authorize the Department of Homeland Security to use funding available in the Cybersecurity and Infrastructure Security Agency (CISA), Operations and Support account for payments to the winners of the cybersecurity President’s Cup competition (which was announced in Executive Order No. 13870), as proposed in the FY 2021 Budget request. Without the anomaly, CISA would be unable to make awards to Federal non-CISA winners of the competition, which is expected in December 2020.

U.S. Coast Guard Pay Authority for Yard and Non-Appropriated Funds Employees

Sec. ____ . Notwithstanding section 101, amounts made available by this Act to the Department of Homeland Security for “Coast Guard—Operations and Support” may be used for the pay and benefits of Coast Guard Yard and Vessel Documentation personnel, Non-Appropriated Funds personnel, and for Morale, Welfare and Recreation Programs.

Language is needed to extend authority provided in the CARES Act authorizing the Department of Homeland Security to use appropriated Operations and Support funds to pay for

the salaries and benefits of Coast Guard Yard and Vessel Documentation personnel, Non-Appropriated Funds personnel, and Morale, Welfare and Recreation Programs. These employees and activities are funded by fees and operating revenues resulting from the activities they support, which have largely stopped operating as a result of the COVID-19 pandemic. The authority to use appropriated funds provided by the CR is needed to continue paying these employees. *Including this anomaly is advised if this issue is not addressed in separate COVID-19 pandemic-related legislation.*

Interior, Environment, and Related Agencies

Forest Service National Forest System Account Restructuring

Sec. ____ . Amounts made available by section 101 to the Department of Agriculture for "Forest Service—Capital Improvement and Maintenance," "Forest Service—Range Betterment Fund," and "Forest Service—Management of National Forests for Subsistence Uses" may be obligated in the account and budget structure, and under the authorities and conditions, set forth in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (P.L. 116-94): *Provided*, That such amounts may also be transferred to "Forest Service—National Forest System" for base salary and expenses of employees to carry out the functions funded by the accounts from which the funds were transferred.

Language is needed to authorize the Department of Agriculture to obligate funds provided by the CR in the U.S. Forest Service Capital Improvement and Maintenance, Range Betterment Fund, Management of National Forests for Subsistence Uses, and National Forest System accounts using the new budget structure that is partially authorized in section 435 of division D of Public Law 116-94 and anticipated to be adopted in the final FY 2021 appropriations Act. Without the anomaly, Forest Service would need to execute payment of salaries and expenses for employees performing functions only covered by the purposes in the Capital Improvement and Maintenance, Range Betterment Fund, Management of National Forests for Subsistence Uses accounts, instead of executing payment for these purposes entirely out of the National Forest System account as intended in the new budget structure. If the new budget structure is adopted in the final FY 2021 appropriations, manual adjustments of the obligations and disbursements would be required. This administrative burden would adversely impact Forest Service's mission, as staff would devote more time to duplicative administrative work.

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

National Advisory Committee on Institutional Quality and Integrity Authorization

Sec. ____ . (a) Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2020".

(b) Section 114(a) of the Higher Education Act of 1965 (20 U.S.C. 1011c(a)) is amended by deleting "in the Department".

Language is needed to extend authorization, which expires on September 30, 2020, for the National Advisory Committee on Institutional Quality and Integrity (NACIQI), while en-

uring consistency with the separation of powers by amending its authorization to clarify that NACIQI is not part of the Executive Branch, since 12 of its 18 members are appointed by members of the Congress. NACIQI helps ensure that students who enroll in institutions participating in the Federal student aid programs are attending quality postsecondary institutions by providing recommendations to the Secretary of Education on whether accrediting entities' standards are sufficiently rigorous and effective. NACIQI also provides recommendations on whether the entity is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits. Without the anomaly, the Secretary of Education would not receive these recommendations, which play a critical role in whether the Secretary grants or discontinues recognition of accrediting entities.

Military Construction, Veterans Affairs and Related Agencies

Compensation & Pension Carryover Technical Correction

Sec. ____ . Effective upon enactment of this Act, the matter preceding the first proviso under the heading “Department of Veterans Affairs—Veterans Benefits Administration—Compensation and Pensions” in division F of Public Law 116-94 is amended by replacing “shall become available on October 1, 2020:” with “, to remain available until expended and to become available on October 1, 2020:”.

Language is needed to correct the period of availability of the FY 2021 mandatory advance appropriation enacted in division F of Public Law 116-94 for the Department of Veterans Affairs, Compensation and Pensions account. The FY 2020 appropriations Act provided the FY 2021 advance appropriation as one-year funding instead of no-year funding as has historically been enacted. Without the anomaly, carryover from the program will not be available in subsequent fiscal years.

Electronic Health Record

Sec. ____ . Amounts made available by section 101 for “Department of Veterans Affairs—Departmental Administration—Veterans Electronic Health Record” may be apportioned up to the rate for operations necessary to maintain support activities related to implementation, preparation, development, interface, management, rollout, and maintenance of a Veterans Electronic Health Record system, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, and salaries and expenses of employees hired under titles 5 and 38, United States Code.

Language is needed to authorize the Department of Veterans Affairs (VA) to obligate the amount provided under the CR formula in the Veterans Electronic Health Record account at a rate for operations necessary to successfully deploy the electronic health record (EHR) at the planned sites during the first fiscal quarter. Without the anomaly, VA would be unable to purchase the EHR licenses, data hosting, and the IT equipment necessary for EHR implementation.

Veterans Canteen Service

Sec. ____ . Notwithstanding section 106 of this Act, at any time during fiscal year 2021, the Secretary of Veterans Affairs may transfer up to \$140,000,000 of the unobligated

balances available under the heading “Department of Veterans Affairs—Veterans Health Administration—Medical Services” in Title X of Division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) to the “Canteen Service Revolving Fund” of the Department to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That amounts so transferred shall be for offsetting the losses resulting from the coronavirus pandemic of Veterans Canteen Service collections pursuant to chapter 78 of title 38, United States Code: *Provided further*, That the transferred amounts shall be in addition to any other funds made available for this purpose: *Provided further*, That amounts transferred under this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That amounts made available for transfer by this section shall be available only if the President designates such amounts as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Language is needed to authorize the Department of Veterans Affairs (VA) to transfer up to \$140 million in unobligated CARES Act funding from the Veterans Health Administration, Medical Services account to the Canteen Service Revolving Fund account to fund the Veterans Canteen Service (VCS). The Canteen Service Revolving Fund is a mandatory account and is fully fee funded from patients, visitors, and other customers to VA healthcare facilities. Due to the COVID-19 pandemic, fees from VCS products and services have decreased significantly. Without the anomaly, VCS may be unable to sustain current operations beyond September. *Including this anomaly is advised if this issue is not addressed in separate COVID-19 pandemic-related legislation.*

State, Foreign Operations, and Related Programs

Continue Temporary Passport Security Surcharge and Immigrant Visa Security Surcharge Spending Authority

Sec. ____ . Section 21009 of the Coronavirus Aid, Relief, and Economy Security Act (Public Law 116-136) shall continue in effect through the date specified in section 106 of this Act.

Language is needed to extend authority provided in the CARES Act authorizing the Department of State to use passport and immigrant visa security surcharges for the cost of providing consular services. With the decline in travel due to the COVID-19 pandemic, fees that pay for the cost of consular services have decreased significantly and the authority to use surcharges collected during the period of the CR for these costs is needed to maintain these activities. *Including this anomaly is advised if this issue is not addressed in separate COVID-19 pandemic-related legislation.*

Maintaining Consular Operations

Sec. ____ . In addition to amounts provided by section 101, there is appropriated \$350,000,000 for fiscal year 2021 for the “Consular and Border Security Programs” account established by section 7081 of the Department of State, Foreign Operations,

and Related Programs Appropriations Act, 2017 (8 U.S.C. 1715), to remain available until expended.

Language is needed to appropriate \$350 million to the Consular and Border Security Programs (CBSP) account within the Department of State to fund first-quarter consular operations. CBSP operates solely through revenue from consular fees and surcharges, including from visa and passport services. With the decline in travel due to the COVID-19 pandemic, fees from these activities have decreased significantly and additional funding is needed to maintain these activities during the first quarter of FY 2021. *Including this anomaly is advised if this issue is not addressed in separate COVID-19 pandemic-related legislation.*

Repatriation Loans Program Account

Sec. ____ . Amounts made available by section 101 to the Department of State for “Administration of Foreign Affairs—Repatriation Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for repatriation loans authorized by section 4(b)(2)(B) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671(b)(2)(B))

Language is needed to authorize the Department of State to obligate the amount provided by the CR in the Repatriation Loans Program Account at a rate for operations necessary to accommodate potential increases in repatriation loans during the period of the CR. The demand for repatriation loans has increased due to the COVID-19 pandemic, and the Department expects that costs will exceed the funds available during the period of the CR. Without the anomaly, the account would not have sufficient funds to meet the expected loan demand. *Including this anomaly is advised if this issue is not addressed in separate COVID-19 pandemic-related legislation.*

USAID Capital Investment Fund Shortage

Sec. ____ . Notwithstanding section 101, amounts are provided to the United States Agency for International Development for "Capital Investment Fund" at a rate for operations of \$238,100,000: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to fully fund the fiscal year 2020 Capital Security Cost Sharing bill owed to the Department of State and maintain planned procurement and deployment schedules for ongoing information technology investments.

Language is needed to provide the U.S. Agency for International Development (USAID), Capital Investment Fund with a rate for operations of \$238 million and authority to obligate this funding at a rate for operations necessary to fully fund the FY 2020 Capital Security Cost Sharing bill owed to the Department of State. Without the anomaly, if the State Department requires USAID to make the payment during the CR period, USAID would not be able to continue making the obligations necessary for ongoing Information Technology investments, and would be unable to launch its Development Information Solution.

U.S. International Development Finance Corporation

Sec. ____ . (a) Effective upon enactment of this Act—

(1) Title VI of division G of Public Law 116-94 shall be amended—

(A) In paragraph (2) under the heading “United States International Development Finance Corporation—Corporate Capital Account” by inserting before the semicolon at the end “: *Provided further*, That amounts may be paid to the ‘United States International Development Finance Corporation—Program Account’ for programs authorized by subsections (b), (e), (f), and (g) of section 1421 of the BUILD Act of 2018 (division F of Public Law 115–254)”; and

(B) Under the heading “United States International Development Finance—Program Account” in the first proviso by striking “up to \$80,000,000 of”; and

(2) Section 7009(c)(1) of Public Law 116-94 shall be amended by striking “, and such amounts shall not exceed \$50,000,000”.

(b) Amounts made available by section 101 for “United State International Development Finance Corporation—Corporate Capital Account” may be apportioned up to the rate for operations necessary to maintain programs authorized by subsections (b), (c), (e), (f), and (g) of section 1421 of the BUILD Act of 2018 (division F of Public Law 115–254).

Language is needed to amend FY 2020 enacted language for the Development Finance Corporation (DFC) to: 1) increase amounts authorized to be transferred from the U.S. Agency for International Development (USAID) to DFC by eliminating the \$50 million cap; 2) increase amounts available in the Program Account for direct and guaranteed loans by eliminating the \$80 million cap for subsidy costs; and 3) expand the use of funding provided in the Corporate Capital Account for equity investments to also include other purposes authorized in the BUILD Act of 2018. In addition, language is needed to authorize DFC to obligate funding provided under the CR formula at a rate for operations necessary to accommodate several large positive subsidy transactions aimed at advancing U.S. international development goals and national security. Without the anomaly, DFC would be unable to accommodate planned projects, including projects that are a hybrid of debt and equity, upon enactment of and for the duration of the CR

Transportation, Housing and Urban Development, and Related Agencies

Government National Mortgage Association

Sec. ____ . Notwithstanding section 101, commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended, shall not exceed \$3,500,000,000 multiplied by the number of days covered by this Act.

Language is needed to provide the Government National Mortgage Association (GNMA) with commitment authority of \$3.5 billion per day for the period of the CR to guarantee securities backed by federally insured mortgages. Current elevated demand for GNMA commitment authority, largely driven by lower interest rates during the COVID-19 pandemic, is expected to continue through the first quarter of FY 2021. This anomaly would allow GNMA to continue to provide critical support for the mortgage market without disruption.

Section 202 Services Demonstration and Housing for the Elderly Contract Renewals

Sec. ____ . In addition to amounts provided by section 101, amounts are provided to the Department of Housing and Urban Development for “Housing Programs—Housing for the Elderly” at a rate for operations of \$7,000,000 to make awards to existing grantees to continue, without competition, demonstration programs to test housing with services models for the elderly that demonstrate the potential to delay or avoid the need for nursing home care: *Provided*, That amounts provided by section 101 to the Department of Housing and Urban Development for “Housing Programs—Housing for the Elderly” may be apportioned up to the rate for operations necessary to maintain project rental assistance for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)), including making amendments to contracts for such assistance and renewing expiring contracts for such assistance for up to a 1-year term.

Language is needed to provide the Department of Housing and Urban Development (HUD) Housing Programs, Housing for the Elderly account with an additional rate for operations of \$7 million to extend the Integrated Wellness in Supportive Housing (IWISH) Demonstration for one additional year. In addition, language is needed to authorize the account to obligate funding provided under the CR formula in the account at a rate for operations necessary to maintain project rental assistance for the elderly under section 202(c)(2) of the Housing Act of 1959, including contract renewals. Without the anomaly, the IWISH Demonstration would stop operating, which would result in laying off nurses and other service providers. In addition, without an anomaly, HUD would be unable to renew some of the existing 12-month contracts during the period of the CR which would critically degrade the program by delaying rental subsidy payments to owners; HUD would likely obligate any available funds during the period of the CR to contract renewals instead of committing those funds to service coordinators, which would adversely affect the timely payment of those service coordinators.

Federal Aviation Administration Funding Source

Sec. ____ . (a) Title I of division H of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), is amended—

(1) by striking “of which \$10,519,000,000 shall be derived from the Airport and Airway Trust Fund” under the heading “Federal Aviation Administration—Operations” and inserting “to be derived from the general fund”;

(2) by striking “to be derived from the Airport and Airway Trust Fund” under the heading “Federal Aviation Administration—Facilities and Equipment” and inserting “to be derived from the general fund”;

(3) by striking “to be derived from the Airport and Airway Trust Fund” under the heading “Federal Aviation Administration—Research, Engineering, and Development” and inserting “to be derived from the general fund”; and

(4) by striking “(Airport and Airway Trust Fund)” in each place it appears under the headings “Federal Aviation Administration—Operations”, “Federal Aviation Admin-

istration—Facilities and Equipment”, and “Federal Aviation Administration—Research, Engineering, and Development”.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94).

Language is needed to amend FY 2020 enacted language to change the source of all funds for three Department of Transportation, Federal Aviation Administration (FAA) accounts to the General Fund instead of the Airport and Airway Trust Fund (AATF): Operations; Facilities and Equipment; and Research, Engineering, and Development. AATF receipts have declined significantly due to the drop in air traffic combined with the aviation industry tax relief enacted in the CARES Act. The anomaly will allow FAA to change the source of funds during FY 2020 as well as operate using the new funding structure as a term and condition of the FY 2021 CR. Without the anomaly, FAA expects to have difficulty meeting obligations with existing cash balances in the AATF beginning in October and FAA would need to cancel or delay programs and activities to manage the cash shortfall during the period of the CR. *Including this anomaly is advised if this issue is not addressed in separate COVID-19 pandemic-related legislation.*