



# FY2013 Continuing Resolutions: Analysis of Components and Congressional Action

**-name redacted-**

Analyst on Congress and the Legislative Process

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## Summary

This report provides analysis of the components of the two FY2013 continuing resolutions (CR) and congressional action on those CRs.

Prior to the beginning of the fiscal year, the House and Senate Appropriations Committees each reported 11 out of 12 regular appropriations bills. Seven regular appropriations bills were passed by the House; no regular appropriations bills were passed by the Senate. None of the regular appropriations bills were enacted into law. The first CR for FY2013 was signed into law on September 28, 2012 (H.J.Res. 117; P.L. 112-175). On March 26, 2013, H.R. 933 (P.L. 113-6) was signed into law, which contained the texts of five regular appropriations acts and provided continuing appropriations through the remainder of the fiscal year for the other seven bills.

The first, part-year CR for FY2013 covered all 12 regular appropriations bills by providing budget authority for projects and activities that had been funded in FY2012 by P.L. 112-55, P.L. 112-74, and P.L. 112-77, with specified exceptions. Funding in the CR was effective October 1, 2012, through March 27, 2013, a duration of nearly the first six months of the fiscal year. Budget authority for projects and activities was provided at the rate they were funded in FY2012. Most of these projects and activities were also subject to an across-the-board increase of less than 1% (0.612%). The CR included several “anomalies”—provisions that provide exceptions to the general formula and purpose for which FY2012 funding is continued. The Congressional Budget Office (CBO) estimated that the total annualized level of budget authority for regular appropriations was \$1.047 trillion, with a total annualized spending rate of \$1.154 trillion once budget authority designated as provided by Section 251(b) of the Balanced Budget and Emergency Deficit Control Act (BBEDCA), is included. The CR included two new reporting requirements for specified departments and agencies as well as the Office of Management and Budget (OMB).

The subsequent full-year CR for FY2013 extends the FY2012 funding in P.L. 112-55 and P.L. 112-74 for a total of 7 regular appropriations bills: (1) Energy and Water Development, (2) Financial Services, (3) Interior, (4) Labor/Health and Human Services/Education, (5) Legislative Branch, (6) State/Foreign Operations, (7) Transportation/Housing and Urban Development Appropriations bills. Most of the additional FY2012 funding provided by the Disaster Relief Appropriations Act of 2012 (P.L. 112-77) is continued for FY2013. Generally, funding in the CR is effective for the full fiscal year—October 1, 2012 through September 30, 2013. Projects and activities in the referenced FY2012 appropriations acts are funded in the same amount for FY2013. Like the part-year CR it replaced, the full-year CR also includes a number of anomalies that provide exceptions to the purpose and amount of the FY2012 funding that is continued. The total CBO estimated level of budget authority for appropriations in FY2013 is \$1.043 trillion, with total spending of \$1.196 trillion once budget authority designated as provided by Section 251(b) of the BBEDCA is included. The CR maintains the two new reporting requirements initially provided by the part-year CR, with some technical changes.

For general information on the content of CRs and historical data on CRs enacted between FY1977 and FY2012, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by (name redacted).

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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.<sup>1</sup> This process anticipates the enactment of 12 regular appropriations bills each fiscal year.<sup>2</sup> If regular appropriations are not enacted by the start of the fiscal year (October 1), continuing appropriations (often referred to as “continuing resolutions” or CRs) may be used to provide funding until the annual appropriations process has been concluded.<sup>3</sup>

None of the regular appropriations bills were enacted by the beginning of FY2013. On September 28, 2012, H.J.Res. 117, a continuing resolution for FY2013, was enacted (P.L. 112-175). This CR provided funds for covered projects and activities from the beginning of the fiscal year, October 1, 2012, through March 27, 2013. This CR was superseded by the enactment of P.L. 113-6 on March 26, 2013, which contained the text of five regular appropriations acts and provided continuing appropriations that covered the remaining seven regular appropriations bills through the remainder of the fiscal year.

This report provides analysis of the components of the two FY2013 continuing resolutions and congressional action on those CRs.

For general information on the content of CRs and historical data on CRs enacted between FY1977 and FY2012, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by (name redacted).

## Congressional Action on FY2013 Appropriations

Prior to the beginning of FY2013, the House and Senate Appropriations Committees each reported 11 of the 12 regular appropriations bills. Seven regular appropriations bills were passed by the House; no regular appropriations bills were passed by the Senate. None of the regular appropriations bills were enacted prior to the beginning of the fiscal year. The first CR for FY2013 was signed into law on September 28, 2012 (H.J.Res. 117; P.L. 112-175), which provided funding through March 27, 2013.

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<sup>1</sup> The federal budget process distinguishes between discretionary spending, which is controlled through appropriations acts, and direct (or mandatory) spending, which is controlled through permanent law. For further information on the types of spending in the congressional budget process, see CRS Report 98-721, *Introduction to the Federal Budget Process*, coordinated by (name redacted). For further information on the appropriations process, see CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by (name redacted).

<sup>2</sup> Under current practice, each House and Senate Appropriations subcommittee typically drafts one regular appropriations bill for the activities under its jurisdiction, for a total of 12 bills each fiscal year. The full Appropriations Committee considers and reports each bill to the House. Consolidated appropriations measures, sometimes referred to as “omnibus bills,” where two or more of the regular bills are combined into one legislative vehicle, have also been enacted. For further information, see CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by (name redacted).

<sup>3</sup> Continuing appropriations acts are commonly referred to as “continuing resolutions” because they usually provide appropriations in the form of a joint resolution rather than a bill. Continuing appropriations, however, are occasionally provided in bill form.

The texts of five regular appropriations acts were included in P.L. 113-6 (Divisions A through E), which was enacted on March 26, 2013. The programs and activities in the remaining seven regular appropriations bills were funded through the end of FY2013 by continuing appropriations provided in Division F of P.L. 113-6.

## **Status of Regular Appropriations**

### **Prior to the Beginning of the Fiscal Year**

The House Appropriations Committee reported 11 out of 12 regular appropriations bills prior to the beginning of the fiscal year. The first bills, for Energy and Water Development and Related Agencies (H.R. 5325) and Commerce, Justice, Science, and Related Agencies (H.R. 5326), were both reported on May 2, 2012. The last bill, for the Department of the Interior, Environment, and Related Agencies (H.R. 6091), was reported on July 10. Only the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations bill was not reported by the House Appropriations Committee.

Seven regular appropriations bills were considered and passed by the House, all prior to the beginning of the fiscal year. Consideration of the first of these bills, for Commerce, Justice, Science, and Related Agencies (H.R. 5326), began on May 8. The last bill to receive consideration prior to the beginning of the fiscal year, Department of Defense (H.R. 5856), was passed by the House on July 19. The other five bills passed by the House during this period were Energy and Water Development and Related Agencies (H.R. 5325), the Department of Homeland Security (H.R. 5855), the Legislative Branch (H.R. 5882), the Military Construction and Veterans Affairs and Related Agencies (H.R. 5854), and the Transportation, Housing and Urban Development, and Related Agencies (H.R. 5972). No other regular appropriations bills received consideration.

The Senate Appropriations Committee reported 11 regular appropriations bills, all prior to the beginning of the fiscal year. On April 19, Transportation, Housing, and Urban Development, and Related Agencies (S. 2322) and Commerce, Justice, Science, and Related Agencies (S. 2323) were the first bills reported from the committee. The Department of Defense (H.R. 5856) and Legislative Branch (H.R. 5882) Appropriations bills were the last bills reported, on August 2. Out of the 12 regular appropriations bills, only the Department of the Interior, Environment, and Related Agencies Appropriations bill was not reported by the Senate Appropriations Committee.

As of the beginning of the fiscal year, the full Senate had not considered any of the reported regular appropriations bills.

### **After the Beginning of the Fiscal Year**

On March 4, 2013, the Department of Defense, Military Construction and Veterans Affairs, and Full-Year Continuing Appropriations Act, 2013 (H.R. 933) was introduced. This measure contained the full text of the Department of Defense and the Military Construction and Veterans Affairs and Related Agencies regular appropriations acts. H.R. 933 passed the House on March 6, 2013. During Senate consideration, the full texts of three additional regular appropriations acts were added to the bill. These were the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, the Commerce, Justice, Science and Related Agencies Appropriations Act, and the Department of Homeland Security Appropriations

Act. H.R. 933, as amended, passed the Senate on March 20, 2013. The House agreed to the Senate amendments on March 21, 2013, and H.R. 933 was enacted on March 26, 2013 (P.L. 113-6).

Divisions A through E of P.L. 113-6 contain the texts of the five regular appropriations acts noted above.<sup>4</sup> The programs and activities in the remaining seven regular appropriations bills were funded through the end of FY2013 by continuing appropriations provided in Division F of that same act. The section entitled “FY2013 Continuing Resolutions” in this report provides additional background on legislative action with regards to H.R. 933.

For further information on regular appropriations for FY2013, see the FY2013 Appropriations Status Table, by (name redacted), Merete F. Gerli, and Jared Conrad Nagel (available at <http://crs.gov/Pages/AppropriationsStatusTable.aspx>).

## FY2013 Continuing Resolutions

Table 1 summarizes congressional action for the two FY2013 continuing resolutions.

**Table I. FY2013 Continuing Resolutions: Congressional Action**

Measure	Vote on Initial Consideration		Conference Report or Amendment Exchange	Vote on Resolving Differences		Public Law
	House	Senate		House	Senate	
H.J.Res. 117	9/13/2012 (329-91)	9/22/2012 (62-30)	—	—	—	P.L. 112-175 (9/28/2012)
H.R. 933	3/6/2013 (267-151)	3/20/2013 (73-26)	House agreed to Senate amendment	3/21/2013 (318-109)	—	P.L. 113-6 (3/26/2013)

**Source:** Compiled by the author using data from the Legislative Information System, <http://www.congress.gov>.

H.J.Res. 117, the Continuing Appropriations Resolution for FY2013, was introduced on September 10, 2012. The measure was considered in the House on September 13 pursuant to a special rule (H.Res. 778),<sup>5</sup> which provided for one hour of debate and made no amendments in order, although it allowed one motion to recommit.<sup>6</sup> The CR passed the House that same day, by a

<sup>4</sup> In addition, Section 3001 of Division G provided across-the-board rescissions that were applicable to various projects and activities in these five acts. For security discretionary budget authority in Divisions A through E, 0.1% was rescinded. For nonsecurity discretionary budget authority, 2.513% was rescinded in Divisions A and E, and 1.877% was rescinded in Division B. “Security” and “nonsecurity” are defined Section 250(c)(4)(A) and (B) of the Balanced Budget and Emergency Deficit Control Act (BBEDCA). Security budget authority includes discretionary appropriations associated with agency budgets for the Department of Defense, the Department of Homeland Security, the Department of Veterans Affairs, the National Nuclear Security Administration, intelligence community management, and budget function 150. Nonsecurity budget authority is all other discretionary appropriations.

<sup>5</sup> A special rule is a simple resolution reported by House Rules Committee that sets the terms for considering a measure. For further information, see CRS Report 98-354, *How Special Rules Regulate Calling up Measures for Consideration in the House*, by (name redacted), and CRS Report 98-612, *Special Rules and Options for Regulating the Amending Process*, by (name redacted).

<sup>6</sup> The motion to recommit is offered prior to the vote on final passage after the previous question has been ordered. In practice, it allows the House a final opportunity to consider and agree to amendatory language or send the bill back to committee. CRS Report 98-383, *Motions to Recommit in the House*, by (name redacted). During consideration of (continued...)

vote of 329-91. In the Senate, cloture<sup>7</sup> on the motion to proceed to the measure was invoked on September 19, by a vote of 76-22; the motion to proceed was adopted on September 20, by a vote of 67-31.<sup>8</sup> That same day, the Senate began consideration of H.J.Res. 117, and cloture was filed on the joint resolution. On September 21, a unanimous consent agreement was propounded that allowed for a vote on cloture and final passage of the CR beginning that evening.<sup>9</sup> Early in the morning of September 22, the CR passed the Senate, 62-30. Because the Senate made no changes to H.J.Res. 117 as passed by the House, no further House action was required. The CR was signed into law by President Obama on September 28, 2012.

H.R. 933, the Department of Defense, Military Construction and Veterans Affairs, and Full-Year Continuing Appropriations Act for FY2013, was introduced in the House on March 4, 2013. The measure was considered in the House on March 6 pursuant to a special rule (H.Res. 99), which self-executed<sup>10</sup> the amendment printed in the Rules Committee report (H.Rept. 113-12) accompanying the resolution, provided for one hour of debate, and made no further amendments in order, although it allowed one motion to recommit.<sup>11</sup> The full-year CR passed the House on the same day, by a vote of 267-151. In the Senate, cloture on the motion to proceed was filed on March 12, but the Senate agreed to the motion by unanimous consent on March 13.<sup>12</sup> On that same day, an amendment in the nature of a substitute (S.Amdt. 26) was offered by Senator Reid. On March 14, motions to invoke cloture on both S.Amdt. 26 and the underlying bill were filed; cloture on S.Amdt. 26 was invoked on March 18, by a vote of 63-35. On March 20, a unanimous consent agreement was reached to provide for votes that same day on specified amendments, cloture on the underlying bill, and final passage. H.R. 933, as amended by the Senate, passed, by a vote of 73-26.<sup>13</sup> The following day, the House took up H.R. 933, as amended by the Senate, and concurred in the Senate amendment, by a vote of 318-109.<sup>14</sup> The full-year CR was signed into law by President Obama on March 26, 2013.

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H.J.Res. 117, the motion to recommit failed, by a vote of 189-232. For House consideration of H.J.Res. 117, see *Congressional Record*, daily edition, vol. 158 (September 13, 2012), pp. H5949-H5956, H5969-H5972.

<sup>7</sup> Cloture is a procedure by which the Senate can vote to limit debate on a pending measure or matter. For further information, see CRS Report 98-425, *Invoking Cloture in the Senate*, by (name redacted).

<sup>8</sup> For Senate consideration of H.J.Res. 117, see *Congressional Record*, daily edition, vol. 158 (September 19, 2012), pp. S6405-S6422; *Congressional Record*, daily edition, vol. 158, (September 20, 2012), pp. S6500-S6502; *Congressional Record*, daily edition, vol. 158 (September 21, 2012), pp. S6582, S6603-S6604.

<sup>9</sup> This agreement also allowed for votes related to S.J.Res. 41, S. 3525, and S. 3576. For further information on unanimous consent agreements, see CRS Report RS20594, *How Unanimous Consent Agreements Regulate Senate Floor Action*, by (name redacted).

<sup>10</sup> In this instance, when the House agreed to the rule, it simultaneously agreed to the amendment to the bill that was printed in the accompanying committee report. Further information on special rules with self-executing provisions, see CRS Report 98-710, *"Self-Executing" Rules Reported by the House Committee on Rules*, by (name redacted).

<sup>11</sup> During consideration of H.R. 933, the motion to recommit failed, by a vote of 188-231. For House consideration of H.R. 933, see *Congressional Record*, daily edition, vol. 159, (March 6, 2013), pp. H997-H1316.

<sup>12</sup> For Senate consideration of H.R. 933, see *Congressional Record*, daily edition, vol. 159 (March 12, 2013), pp. S 1643-S1703; *Congressional Record*, daily edition, vol. 159 (March 13, 2013), pp. S1718-S1782; *Congressional Record*, daily edition, vol. 159 (March 14, 2013), pp. S1829-S1849; *Congressional Record*, daily edition, vol. 159 (March 18, 2013), pp. H.R. 1889; *Congressional Record*, daily edition, vol. 159 (March 19, 2013), pp. S1914,1928-1944; *Congressional Record*, daily edition, vol. 159 (March 20, 2013), pp. S1967-S1990, S2008-S2019.

<sup>13</sup> After the vote on final passage, the Senate amended the title of H.R. 933 by unanimous consent, to be "An Act making consolidated appropriations and further continuing appropriations for the fiscal year ending September 30, 2013."

<sup>14</sup> House consideration of the Senate amendment to H.R. 933 was provided by a unanimous consent agreement (continued...)

## FY2013 Continuing Resolutions: Components

Table 2 summarizes the components of the FY2013 continuing resolutions.

**Table 2. FY2013 Continuing Resolutions: Components**

Measure (P.L.)	Full Year Appropriations Acts Included	Interim Funding				Total Regular Appropriations (millions) <sup>c</sup>	Total Spending (millions) <sup>d</sup>
		Coverage <sup>a</sup>	Duration	General Formula	Anomalies <sup>b</sup>		
H.J.Res. 117 (P.L. 112-175)	None	AG, CJS, DOD, DHS, EW, FSGG, INT, LHHS, LB, MCVA, SFO, THUD, The Disaster Relief Appropriations Act of 2012 <sup>e</sup>	October 1, 2012- March 27, 2013	Rate for operations at FY2012 level, plus 0.612% across- the-board increase for many accounts	Yes	\$1,047,000	\$1,153,824
H.R. 933 (P.L. 113-6)	AG, CJS, DOD, DHS, MCVA	EW, FSGG, INT, LHHS, LB, SFO, THUD, The Disaster Relief Appropriations Act of 2012 <sup>e</sup>	October 1, 2012- September 30, 2013	Rate for operations at FY2012 level, with no across- the-board adjustment	Yes	\$1,042,999 <sup>f</sup>	\$1,195,613 <sup>f</sup>

**Source:** Compiled by the author using data from the Legislative Information System (<http://www.congress.gov>); CBO, “The Continuing Appropriations Resolution, 2013 (H.J.Res. 117) as Introduced in the House: Discretionary spending, in millions of dollars,” September 11, 2012, at <http://www.cbo.gov/publication/43581>; CBO, “Total Discretionary Appropriations for Fiscal Year 2013, Including H.R. 933, the Consolidated and Continuing Appropriations Act, 2013, as Passed by the Senate on March 20, 2013, and P.L. 113-2, the Disaster Relief Appropriations Act 2013,” March 20, 2013, at <http://www.cbo.gov/publication/44015>.

- a. AG=Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; CJS=Commerce, Justice, Science, and Related Agencies; DOD=Department of Defense; EW=Energy and Water Development and Related Agencies; FSGG=Financial Services and General Government; DHS=Department of Homeland Security; INT=Department of the Interior, Environment, and Related Agencies; LHHS=Departments of Labor, Health and Human Services, and Education, and Related Agencies; LB=Legislative Branch; MCVA=Military Construction and Veterans Affairs and Related Agencies; SFO=Department of State, Foreign Operations, and Related Programs; THUD=Transportation, Housing and Urban Development, and Related Agencies.
- b. “Anomalies” are provisions that provide exceptions to the general formula and purpose for which the previous fiscal year’s funding is extended. There is no standard method for counting the number of anomalies provided by provisions in a CR. See the section, “Anomalies”, in this report for a discussion of these provisions.

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propounded on March 20, 2013 (see *Congressional Record*, daily edition, vol. 159 [March 20, 2013], p. H.1716). For House consideration of the Senate amendment to H.R. 933, see *Congressional Record*, daily edition, vol. 159 (March 21, 2013), pp. H1725-H1794, H1801-H1802.



- c. CBO estimate of annualized discretionary budget authority. This total includes only budget authority subject to the discretionary spending limits established by the Budget Control Act (P.L. 112-25).
- d. CBO estimate of annualized discretionary budget authority. Includes “total regular appropriations” (contained in the previous column), plus budget authority not subject to the discretionary spending limits established by the Budget Control Act because it was designated for the purposes of §251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901).
- e. Both CRs extended budget authority for the Disaster Relief Appropriations Act of 2012 (P.L. 112-77), except for appropriations under the account heading “Corps of Engineers-Civil.” See P.L. 112-175, §101(a)(13) and P.L. 113-6, Division F, §1101(a)(8).
- f. This total includes both the seven regular appropriations bills funded through continuing appropriations in Division F, as well as the five regular appropriations acts included in Divisions A through E of P.L. 113-6.

## Coverage

A continuing resolution’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 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.<sup>15</sup>

### P.L. 112-175

The part-year CR for FY2013 covered all 12 regular appropriations bills by providing budget authority<sup>16</sup> for projects and activities funded in FY2012 by the Consolidated and Further Continuing Appropriations Act of 2012 (P.L. 112-55) and the Consolidated Appropriations Act of 2012 (P.L. 112-74),<sup>17</sup> with an exception for some appropriations that were designated as being for disaster relief.<sup>18</sup> The additional FY2012 funding provided by the Disaster Relief Appropriations Act of 2012 (P.L. 112-77) was also continued, with an exception.<sup>19</sup>

The Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA; 2 U.S.C. 901), as amended by the Budget Control Act of 2011 (BCA; P.L. 112-25) and the America Taxpayer Relief

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<sup>15</sup> For further information on the concept of “coverage,” see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by (name redacted).

<sup>16</sup> Appropriations bills provide agencies with *budget authority*, which is defined as authority provided by federal law to enter into contracts or other financial *obligations* that will result in immediate or future expenditures (or *outlays*) involving federal government funds. For explanations of these terms, see GAO, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 2005, pp. 20-21, <http://www.gao.gov/>. For the purposes of this report, the terms *budget authority* and *funding* are used interchangeably.

<sup>17</sup> The FY2012 regular appropriations were enacted in these two omnibus acts. P.L. 112-55 contained the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, the Commerce, Justice, Science, and Related Agencies Appropriations Act, and the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act. P.L. 112-74 contained the nine remaining regular appropriations acts.

<sup>18</sup> See P.L. 112-175, §101(a). For P.L. 112-55, funding that was not extended includes provisions designated as being for “disaster relief” in Section 735, appropriations so designated in the second paragraph under the heading “Department of Commerce—Economic Development Administration—Economic Development Assistance Programs,” provisions so designated under the heading “Department of Transportation—Federal Highway Administration—Emergency Relief,” and provisions so designated in the last proviso in Section 239.

<sup>19</sup> See P.L. 112-175, §101(a). P.L. 112-77 provided additional funding for several projects and activities for which budget authority had also been provided by P.L. 112-55 and P.L. 112-74. The CR did not extend the additional FY2012 funds that had been provided by P.L. 112-77 under the heading “Corps of Engineers-Civil.”

Act of 2012 (P.L. 112-240), establishes annual limits on discretionary spending.<sup>20</sup> The budget authority provided by the part-year CR was subject to these limits. However, any budget authority designated as for “Overseas Contingency Operations/Global War on Terrorism” (OCO/GWOT), “continuing disability reviews and redeterminations,” “health care fraud abuse control,” and “disaster relief,” is exempt from these limits under Section 251(b) of the BBEDCA.<sup>21</sup> The part-year CR generally covered FY2012 projects and activities that were thus exempted from the BCA limits.<sup>22</sup>

Budget authority was provided by the part-year CR under the same terms and conditions as the three FY2012 appropriations acts.<sup>23</sup> Effectively, this provision extended many of the provisions in the FY2012 acts that stipulated or otherwise placed limits on agency authorities during FY2012. In addition, under the terms of this CR, none of the funds provided were to be used to initiate or resume an activity for which budget authority was not available in FY2012.<sup>24</sup> A goal of these and similar provisions in other CRs, as well as many of the other provisions discussed in the sections below, is to protect Congress’s constitutional authority to provide annual funding in the manner it chooses in whatever final appropriations measures are enacted.<sup>25</sup>

### **P.L. 113-6**

The full-year CR covers seven regular appropriations bills by providing budget authority for projects and activities funded in FY2012 by Division C of the Consolidated and Further Continuing Appropriations Act of 2012 (P.L. 112-55), with an exception for some appropriations where funding was designated as being for disaster relief, and Divisions B, C, E, F, G, and I in the Consolidated Appropriations Act of 2012 (P.L. 112-74).<sup>26</sup> The titles of the referenced acts are as follows:

1. Energy and Water Development and Related Agencies (Division B, P.L. 112-74);
2. Financial Services and General Government (Division C, P.L. 112-74);
3. Department of the Interior, Environment, and Related Agencies (Division E, P.L. 112-74);
4. Departments of Labor, Health and Human Services, and Education, and Related Agencies (Division F, P.L. 112-74) ;
5. Legislative Branch (Division G, P.L. 112-74);

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<sup>20</sup> For further information on the Budget Control Act, see CRS Report R41965, *The Budget Control Act of 2011*, by (name redacted), (name redacted), and (name redacted).

<sup>21</sup> Budget authority is designated pursuant to Section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA; 2 U.S.C. 901). In addition to the above designations, budget authority may also be designated pursuant to this section as being for the purposes of “emergency requirements.”

<sup>22</sup> P.L. 112-175, §101(a) and 115.

<sup>23</sup> P.L. 112-175, §103. This section also stipulates that budget authority is available in the same way it was provided in the referenced FY2012 appropriations acts, which includes any requirements in committee reports that are included in the terms of the acts.

<sup>24</sup> P.L. 112-175, §104.

<sup>25</sup> P.L. 112-175, §109. This section requires that certain funding actions not be taken that would “impinge on final funding prerogatives.” In addition, Section 110 directs that only the most limited funding actions allowed under the CR be taken.

<sup>26</sup> P.L. 113-6, §1101(a).

6. Department of State, Foreign Operations, and Related Programs (Division I, P.L. 112-74);
7. Transportation, Housing and Urban Development, and Related Agencies (Division C, P.L. 112-55).

Additional FY2012 funding provided by the Disaster Relief Appropriations Act of 2012 (P.L. 112-77) was continued for FY2013, with an exception for funds provided under the heading, “Corps of Engineers-Civil.” The full-year CR also covers FY2012 projects and activities that were exempted from the BCA limits under Section 251(b) of the BBEDCA.<sup>27</sup> Finally, the full-year CR provides budget authority under the same terms and conditions as the referenced FY2012 appropriations acts, and prohibits funds from being used to initiate or resume an activity for which budget authority was not available in FY2012.<sup>28</sup>

## **Duration**

The duration of a continuing resolution refers to the period of time for which budget authority is provided for covered activities.

### **P.L. 112-175**

Funding in the part-year CR for FY2013 was effective October 1, 2012, through March 27, 2013—nearly the first six months of the fiscal year. The part-year CR provided that budget authority for some or all projects and activities could be superseded by the enactment of the applicable regular appropriations act or CR prior to or on March 27.<sup>29</sup> For projects and activities funded in the CR and for which funding was not subsequently continued in an applicable full-year appropriations act enacted prior to or on March 27, budget authority would immediately cease upon such enactment under the part-year CR for such projects and activities.<sup>30</sup>

### **P.L. 113-6**

The funding provided by the second CR (Division F) is effective for a full fiscal year—October 1, 2012 through September 30, 2013—replacing the funding rate and directions provided in the part-year CR with amounts for the entire fiscal year both by reference and through anomalies. Annual budget authority provided by this CR expires at the end of the fiscal year, but projects and

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<sup>27</sup> P.L. 113-6, §1110.

<sup>28</sup> P.L. 113-6, §1102 and 1104.

<sup>29</sup> P.L. 112-175, §107. This CR provides that obligations and expenditures made between October 1 and the enactment of any subsequent full-year appropriations would be credited to the annual account. For further information, see U.S. Executive Office of the President (EOP), Office of Management and Budget (hereafter, OMB), *Circular No. A-11: Preparation, Submission, and Execution of the Budget*, August 2012, §123, p. 11, at [http://www.whitehouse.gov/omb/circulars\\_a11\\_current\\_year\\_a11\\_toc](http://www.whitehouse.gov/omb/circulars_a11_current_year_a11_toc).

<sup>30</sup> In such instances, as well as instances where annual appropriations are ultimately less than the CR’s funding rate, funds that were provided by the CR until it was superseded are still available to the agency to satisfy obligations made during that period. New obligations, however, must not be made and agencies are instructed by OMB to reduce obligations “to the maximum extent possible.” OMB, *Circular No. A-11: Preparation, Submission, and Execution of the Budget*, August 2012, §123, p. 12-13, at [http://www.whitehouse.gov/omb/circulars\\_a11\\_current\\_year\\_a11\\_toc](http://www.whitehouse.gov/omb/circulars_a11_current_year_a11_toc).

activities funded in the referenced FY2012 appropriations acts with multi-year or no year budget authority maintain a comparable period of availability for the new FY2013 funds.<sup>31</sup>

The full-year CR also provides funds for discretionary accounts that received advance appropriations for FY2013 or FY2014 in the referenced FY2012 appropriations acts. In these instances, advance appropriations are provided in the same amount, and for a comparable period of availability, for FY2014 or FY2015.<sup>32</sup>

## Formula

Continuing resolutions usually fund projects and activities using a formula to provide budget authority at a restricted level, but do not prescribe a specified amount. The formula is used to calculate an annualized rate of budget authority for each project and activity.<sup>33</sup> Alternatively, a CR may provide specific amounts for covered projects and activities in the text of the act, or by reference.<sup>34</sup> This latter form of funding is most typically associated with full-year CRs.

## P.L. 112-175

The part-year CR for FY2013 provides budget authority for projects and activities that were funded in the previous year's appropriations acts, at the rate the projects and activities were funded therein. This rate was calculated based on the amount of funding available for a project or activity under the terms of the FY2012 appropriations acts referenced in the CR. The rate is calculated as the net of any provisions reducing FY2012 budget authority that were included in those acts.<sup>35</sup> The budget authority provided by this formula was for a maximum of 178 days.

Many projects and activities funded in the CR were subject to an across-the-board increase of less than 1% (0.612%).<sup>36</sup> This increase did not apply to appropriations designated as for OCO/GWT, or budget authority provided with reference to P.L. 112-77, the Disaster Relief Appropriations Act of 2012.<sup>37</sup> It also did not apply to certain other items extended through the terms of the CR, such as advance appropriations.<sup>38</sup>

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<sup>31</sup> P.L. 113-6, §1103.

<sup>32</sup> P.L. 113-6, §1111. Advance appropriations become available one or more fiscal years after the fiscal year covered by the appropriations act. For further information, see CRS Report RS20441, *Advance Appropriations, Forward Funding, and Advance Funding*, by (name redacted).

<sup>33</sup> For further information on the formula and rate for operations in a CR, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by (name redacted).

<sup>34</sup> In this regard, such a full-year CR may more substantively resemble an omnibus appropriations act. For further information on omnibus appropriations acts, see CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by (name redacted).

<sup>35</sup> Any rescissions or changes in mandatory budget authority for FY2012 that were included in P.L. 112-55, P.L. 112-74, and P.L. 112-77 apply to the budget authority provided by the CR. For further information as to how these are calculated, see OMB, OMB Bulletin No. 12-02, "Apportionment of the Continuing Resolution(s) for Fiscal Year 2013," September 28, 2012, at <http://www.whitehouse.gov/sites/default/files/omb/bulletins/fy2012/b12-02.pdf>.

<sup>36</sup> P.L. 112-175, §101(c).

<sup>37</sup> P.L. 112-175, §101(c).

<sup>38</sup> Advance appropriations are budget authority that becomes available one or more fiscal years after the fiscal year covered by the appropriations act. For further information, see U.S. Government Accountability Office, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 2005, p. 8, at <http://www.gao.gov>.

The CR modified the formula under which some of the funds designated for the purposes of Section 251(b) of the BBEDCA were extended. In the case of FY2012 budget authority designated as for OCO/GWOT, the CR extends funding at the rate for operations in the President's FY2013 budget request.<sup>39</sup> In many instances, this rate resulted in a lower level of annualized funding than would otherwise have been provided under FY2012 levels.<sup>40</sup> Additionally, the CR did not extend funding for some of the appropriations in the Consolidated and Further Continuing Appropriations Act of 2012 that were designated as being for disaster relief.<sup>41</sup>

### **P.L. 113-6**

The full-year CR does not fund projects and activities using a formula because it includes funding amounts by reference for the entire fiscal year that supersede the rate provided for projects and activities in P.L. 112-175. Projects and activities in the referenced FY2012 appropriations acts are funded in the same amount for FY2013.<sup>42</sup> The calculation of this amount includes transfers and obligation limitations carried in the referenced appropriations acts, but not any rescissions, cancelations of funds, or contract authority, with exceptions.<sup>43</sup>

The funding amounts provided by P.L. 113-6 for covered projects and activities supersede the funding levels provided by part-year CR. All expenditures made under the part-year CR are charged to the full fiscal year of funds that are provided by P.L. 113-6.<sup>44</sup>

### **Anomalies**

Continuing resolutions often include provisions that designate exceptions to the formula and purpose for which any referenced funding is extended. Such provisions are often referred to as "anomalies."<sup>45</sup>

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<sup>39</sup> P.L. 112-175, §101(b).

<sup>40</sup> CBO, "The Continuing Appropriations Resolution, 2013 (H.J.Res. 117) as Introduced in the House: Discretionary spending, in millions of dollars," September 11, 2012, at <http://www.cbo.gov/publication/43581>. The difference in annualized funding levels between FY2012 appropriations and the FY2013 CR was calculated using the amounts for FY2012 discretionary appropriations included in U.S. Congress, House Committee on Appropriations, *Semiannual Report of Committee Activities*, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 112-354 (Washington, DC: GPO, 2011), p. 7.

<sup>41</sup> P.L. 112-175, §101(a).

<sup>42</sup> P.L. 113-6, §1101(c), which provides that "the level ... shall be the amounts appropriated in the appropriations act...."

<sup>43</sup> P.L. 113-6, §1101(c). The two across the board rescissions that were continued for FY2013 are "(1) the 0.16 percent across-the-board rescission in section 436 of division E of P.L. 112-74 (relating to the Department of the Interior, Environment, and Related Agencies); and (2) the 0.189 percent across-the-board rescission in section 527 of division F of P.L. 112-74, (relating to the Departments of Labor, Health and Human Services, and Education, and Related Agencies)."

<sup>44</sup> P.L. 113-6, §1107.

<sup>45</sup> For further information on anomalies, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by (name redacted).

## **P.L. 112-175**

Many of the anomalies in the part-year CR affected the funding levels that would otherwise be provided by the formula for covered activities. For example, a provision in the part-year CR states:

Notwithstanding Section 101, amounts are provided for ‘Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program,’ at a rate for operations of \$253,952,000, of which \$186,935,000 shall be for the Commodity Supplemental Food Program.<sup>46</sup>

In such instances, an alternative amount of annualized funding is provided for a specified project or activity, which may be higher or lower than what the CR’s formula would provide.

Other anomalies affected the purpose for which appropriations could be spent with reference to FY2012 appropriations. For example, the CR provided:

Notwithstanding Section 101, amounts are provided for ‘District of Columbia—Federal Funds—Federal Payment for Emergency Planning and Security Costs in the District of Columbia’ at a rate for operations of \$24,700,000, of which not less than \$9,800,000 shall be used for costs associated with the Presidential Inauguration.<sup>47</sup>

The presidential inauguration is a purpose for which budget authority had not been provided in the FY2012 appropriations acts.<sup>48</sup>

Anomalies in the CR also extended expiring statutory authorities. For example, the CR provided:

The authority provided by Section 801 of the National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-84; 123 Stat. 2399) shall continue in effect, notwithstanding subsection (f) of such section, through the earlier of the date specified in section 106(3) of this joint resolution or the date of enactment of an Act authorizing appropriations for fiscal year 2013 for military activities of the Department of Defense.<sup>49</sup>

Extensions of statutory authorities in the part-year CR, unless otherwise indicated, were in effect through March 27, 2013.

## **P.L. 113-6**

As was the case for the part-year CR, the full-year CR included anomalies relating to the amount<sup>50</sup> and purpose<sup>51</sup> for which funds are provided, as well as anomalies that extend expiring

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<sup>46</sup> P.L. 112-175, §119.

<sup>47</sup> P.L. 112-175, §128.

<sup>48</sup> For further information on funding for the presidential inauguration, see CRS Report R42657, *FY2013 Appropriations: District of Columbia*, by (name redacted).

<sup>49</sup> P.L. 112-175, §122.

<sup>50</sup> See, for example, P.L. 113-6, §1201.

<sup>51</sup> See, for example, P.L. 113-6, §1205(b).

statutory authorities.<sup>52</sup> Extensions of statutory authorities, unless otherwise indicated, are in effect now through September 30, 2013.

## **Total Regular Appropriations and Total Spending**

The Congressional Budget Office (CBO) estimated the annualized amount of discretionary spending for FY2013 using two different measures: “total regular appropriations” and “total spending.”<sup>53</sup>

### **P.L. 112-175**

According to CBO, the total amount of annualized budget authority for regular appropriations in the part-year CR, including projects and activities funded at the rate for operations, the across-the-board increase, and anomalies, was \$1.047 trillion. This total regular appropriations amount would have been an increase of \$4.001 billion from FY2012.<sup>54</sup>

When spending was included in the calculation that was designated under Section 251(b) of the BBEDCA for OCO/GWOT, continuing disability reviews and redeterminations, health care fraud abuse control, or disaster relief, the total CBO-estimated amount of annualized budget authority in the CR was \$1.154 trillion. This total spending amount would have been a decrease of \$26.665 billion from FY2012.<sup>55</sup>

### **P.L. 113-2 and P.L. 113-6**

According to CBO, the total amount of budget authority for “regular appropriations” provided in the form of both regular appropriations acts and continuing appropriations in P.L. 113-6, as well as the supplemental appropriations in the FY2013 Disaster Relief Appropriations Act (P.L. 113-2), is \$1.043 trillion. This total regular appropriations amount is the same as FY2012.<sup>56</sup>

When spending is included in this calculation that was designated under Section 251(b) of the BBEDCA for OCO/GWOT, continuing disability reviews and redeterminations, health care fraud

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<sup>52</sup> See, for example, P.L. 113-6, §1112.

<sup>53</sup> CBO did not estimate the effect of any sequester pursuant to the Budget Control Act of 2011 (BCA) on the level of budgetary resources available to agencies under P.L. 112-175 or P.L. 113-6. For background on the BCA, see CRS Report R41965, *The Budget Control Act of 2011*, by (name redacted), (name redacted), and (name redacted), and CRS Report R42050, *Budget “Sequestration” and Selected Program Exemptions and Special Rules*, coordinated by (name redacted).

<sup>54</sup> CBO, “The Continuing Appropriations Resolution, 2013 (H.J.Res. 117) as Introduced in the House: Discretionary spending, in millions of dollars,” September 11, 2012, at <http://www.cbo.gov/publication/43581>. The difference in annualized funding levels between FY2012 appropriations and the FY2013 CR was calculated using the amounts for FY2012 discretionary appropriations included in U.S. Congress, House Committee on Appropriations, *Semiannual Report of Committee Activities*, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 112-354 (Washington, DC: GPO, 2011), p. 7.

<sup>55</sup> Ibid.

<sup>56</sup> CBO, “Total Discretionary Appropriations for Fiscal Year 2013, Including H.R. 933, the Consolidated and Continuing Appropriations Act, 2013, as Passed by the Senate on March 20, 2013, and P.L. 113-2, the Disaster Relief Appropriations Act 2013,” March 20, 2013, at <http://www.cbo.gov/publication/44015>. The difference in annualized funding levels between FY2012 appropriations and the FY2013 full-year CR was calculated using the amounts for FY2012 discretionary appropriations included in U.S. Congress, House Committee on Appropriations, *Semiannual Report of Committee Activities*, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 112-354 (Washington, DC: GPO, 2011), p. 7.

abuse control, or disaster relief, the total CBO-estimated amount of annualized budget authority in P.L. 113-6 and P.L. 113-2 is \$1.196 trillion. This total spending amount is an increase of \$15.134 billion from FY2012.<sup>57</sup>

Section 3004 of P.L. 113-6 is intended to address the possibility that the new budget authority provided in the act exceeds the FY2013 discretionary spending limits in Section 251(c)(2) of the BBEDCA, due to estimating differences between CBO and OMB. As enacted, this section provides two separate across-the-board rescissions—one for nonsecurity budget authority and one for security budget authority—of 0%, to be applied at the program, project, and activity level. The section requires that the percentages be increased if OMB estimates that additional rescissions are needed to avoid exceeding the limits. Subsequent to the enactment of P.L. 113-6, OMB calculated these limits would be exceeded. Consequently, the across-the-board rescissions in Section 3004 were increased by OMB to 0.032% for security budget authority, and 0.2% for nonsecurity budget authority.<sup>58</sup>

## **Additional Reporting Requirements**

### **P.L. 112-175**

The first continuing resolution included two new reporting requirements for certain departments and agencies as well as for the Office of Management and Budget (OMB). These reports are in addition to any reports required under the terms and conditions in the FY2012 appropriations acts.

On or before October 28, 2012, certain departments and agencies were to submit to the House and Senate Appropriations Committees a “pending, expenditure, or operating plan.”<sup>59</sup> The required content in a given context appeared to be determined by the department or agency’s relationship with the relevant Appropriations subcommittee. Affected entities were required to report at the applicable program, project, or activity level.<sup>60</sup> The reports were to cover the period from the beginning of the fiscal year through March 27, 2013. Not later than 30 days after the date on which any sequestration is ordered by the President pursuant to Section 251A of the BBEDCA, those same departments and agencies were to submit an updated operating plan to reflect any adjustments to funding as a result of the sequestration, as well as any extension of the CR’s expiration date that may have occurred in the interim.<sup>61</sup>

In addition, beginning on November 1, 2012, the OMB director was required to submit a monthly report to the House and Senate Appropriations Committees on all obligations incurred by each

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<sup>57</sup> Ibid.

<sup>58</sup> OMB determined that these additional rescissions would be necessary on April 4, 2013. The OMB Director is required to submit a report to the appropriations committees specifying the amount of the reduction at the account level by April 26, 2013. For further information, see OMB, “Consolidated and Further Continuing Appropriations Act, 2013,” *Budget Enforcement Act (7-Day-After Reports)*, April 4, 2013, p. 54, available at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/7\\_day\\_after/bea\\_report\\_hr933\\_04-04-13.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/7_day_after/bea_report_hr933_04-04-13.pdf).

<sup>59</sup> P.L. 112-175 §116(a). The list of departments and agencies subject to this requirement appears in Section 116(c).

<sup>60</sup> Potentially, additional detail or forms of reporting may be required, based on the joint explanatory statements accompanying P.L. 112-55 (H.Rept. 112-284) and P.L. 112-74 (H.Rept. 112-331). No joint explanatory statement accompanied P.L. 112-77 because there was no conference on the legislation (H.R. 3672).

<sup>61</sup> P.L. 112-175, §116(b).



department and agency in the period covered by the continuing resolution.<sup>62</sup> The level of detail in the report is at the account level.<sup>63</sup> The reports were also to compare the obligations incurred during this period to the obligations incurred during the same period in FY2012.

### **P.L. 113-6**

The full-year continuing resolution maintains the two additional reporting requirements from P.L. 112-175, with some technical changes. The spending, expenditure, or operating plan for specified agencies must take account of any sequestration pursuant to Section 251A of the BBEDCA, and must be submitted by April 26, 2013.<sup>64</sup> The monthly report from the OMB Director is due beginning on May 15, 2013, through November 1, 2013.<sup>65</sup>

## **Author Contact Information**

(name redacted)  
Analyst on Congress and the Legislative Process  
[redacted]@crs.loc.gov, 7-....

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<sup>62</sup> P.L. 112-175, §117.

<sup>63</sup> This report must specify all executive branch accounts that receive an exception apportionment, that is, an apportionment at a different rate for operations than the formula provided in the CR (§101). For further information on the apportionment under P.L. 112-175, see EOP, OMB, OMB Bulletin No. 12-02, “Apportionment of the Continuing Resolution(s) for Fiscal Year 2013,” September 28, 2012, at <http://www.whitehouse.gov/sites/default/files/omb/bulletins/fy2012/b12-02.pdf>.

<sup>64</sup> P.L. 113-6, §1113. See this section of the act for additional technical changes to the reporting requirements in P.L. 112-175.

<sup>65</sup> *Ibid.*, §1114. See this section of the act for additional technical changes to the reporting requirements in P.L. 112-175.

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