

# FY2014 Continuing Resolutions: Overview of Components

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## Summary

Four continuing resolutions (CRs) were enacted during the FY2014 appropriations process, to provide temporary funding until the Consolidated Appropriations Act, FY2014, was enacted on January 17, 2014 (P.L. 113-76).

The first two CRs were enacted before and during the FY2014 funding gap, which commenced on October 1, 2013, and terminated on October 17, 2013. Both of these were “narrow” CRs, in that they only funded certain prior year projects and activities. The first CR, the Pay Our Military Act (H.R. 3210; P.L. 113-39), was enacted on September 30, 2013. It provided funds for certain Department of Defense (DOD) and Department of Homeland Security (DHS) activities in the absence of a general CR or annual appropriations. An additional CR was enacted during the funding gap (the Department of Defense Survivor Benefits Continuing Appropriations Resolution, 2014; H.J.Res. 91; P.L. 113-44), to provide appropriations for military death gratuities.

The funding gap terminated on October 17, 2013, through the enactment of a “broad” CR that funded the previous fiscal year’s projects and activities through January 15, 2014 (the Continuing Appropriations Act, 2014; H.R. 2775; P.L. 113-46). The funding rate for these projects and activities was based upon the amount available under the previous year’s appropriations acts, including any reductions to those amounts through provisions in those prior year acts. It also reflected the reductions that occurred pursuant to the March 1 presidential sequestration order. When accounting for the anomalies that were included in the CR, the Congressional Budget Office (CBO) estimated that the annualized budget authority subject to the statutory spending limits was \$986.3 billion. The total amount of annualized budget authority (including spending designated for overseas contingency operations/global war on terror, continuing disability reviews and redeterminations, health care fraud abuse control, and disaster relief) was \$1.088 trillion.

To allow additional time to conclude the annual appropriations process, funding provided by the third CR was extended to January 18, 2014, through the enactment of a fourth CR (Making further continuing appropriations for fiscal year 2014, and for other purposes; H.J.Res. 106; P.L. 113-73).

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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> The timetable associated with this process requires that the enactment of these regular appropriations bills occurs prior to the beginning of the fiscal year (October 1).<sup>2</sup> If regular appropriations are not enacted by that time, 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>

A total of four CRs were enacted during the FY2014 appropriations process. No regular appropriations acts for FY2014 were enacted by the start of the fiscal year. A “narrow” CR<sup>4</sup> to provide funds for certain Department of Defense (DOD) and Department of Homeland Security (DHS) activities in the absence of a “broad” CR or annual appropriations (the Pay Our Military Act; H.R. 3210; P.L. 113-39, 113<sup>th</sup> Congress) had become law. As a result, a funding gap commenced for affected projects and activities on October 1.<sup>5</sup> During the funding gap, one additional CR was enacted (the Department of Defense Survivor Benefits Continuing Appropriations Resolution, 2014; H.J.Res. 91; P.L. 113-44), to provide appropriations for military death gratuities. After 16 full days, the funding gap was terminated on October 17 with the enactment of a “broad” CR that funded projects and activities funded in the previous fiscal year (the Continuing Appropriations Act, 2014; H.R. 2775; P.L. 113-46). This funding was to expire

<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.

<sup>4</sup> For the purposes of this report, a “broad” CR generally covers the previous fiscal year’s projects and activities for all regular appropriations bills that are not yet enacted. In contrast, a “narrow” CR covers only selected activities from the previous fiscal year in one or more regular appropriations bills. In addition to its narrow scope, the Pay our Military Act was an “automatic continuing resolution,” meaning that it provided funds that were automatically available in the event that a broad CR or annual appropriations were not enacted. For further information, see CRS Report R41948, *Automatic Continuing Resolutions: Background and Overview of Recent Proposals*, by (name redacted).

<sup>5</sup> A *funding gap* is the interval during the fiscal year when appropriations for a particular project or activity are not enacted into law, either in the form of a regular appropriations act or a CR. Although funding gaps may occur at the start of the fiscal year, they also may occur any time a CR expires, and another CR (or the relevant regular appropriations bill) is not enacted immediately thereafter. Under current practice, when a funding gap occurs, agencies are generally required to begin a *shutdown* of the affected projects and activities, which includes the prompt furlough of non-excepted personnel. Although a shutdown may be the result of a funding gap, the two events should be distinguished because a funding gap may result in a shutdown of all affected projects or activities in some instances, but not in others. For further general information with regard to funding gaps, as well as an overview of the FY2014 funding gap, see CRS Report RS20348, *Federal Funding Gaps: A Brief Overview*, by (name redacted). For further information with regard to shutdowns, see CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by (name redacted).

on January 15, 2014. To allow additional time to conclude the annual appropriations process, that funding was extended to January 18, 2014 (Making further continuing appropriations for fiscal year 2014, and for other purposes; H.J.Res. 106; P.L. 113-73).

This report summarizes the components of the four FY2014 continuing resolutions. For information on the congressional consideration of FY2014 appropriations measures, including these four CRs, see CRS Report R43338, *Congressional Action on FY2014 Appropriations Measures*, by (name redacted). For general information on the content of CRs and historical data on CRs enacted between FY1977 and FY2014, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by (name redacted).

## Enacted FY2014 Continuing Resolutions

**Table 1** summarizes the contents of the four FY2014 CRs with regard to their coverage, expiration, formula, anomalies, and estimated annualized amount of discretionary spending.<sup>6</sup>

- *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.
- The *duration* of a CR refers to the period of time for which budget authority is provided for covered activities. This duration is limited by an expiration date, which may occur prior to the close of the fiscal year (“temporary” or “interim” continuing appropriations), or may extend through the end of the fiscal year (“full-year” continuing appropriations). That expiration date may be superseded by the enactment of annual appropriations or a further CR.
- A *formula* is typically used by CRs to provide budget authority at a restricted level without prescribing a specific amount. The formula is used to calculate an annualized rate of budget authority for each project and activity. Alternatively, a continuing appropriations act may provide specific amounts for covered projects and activities in the text of the act, or by reference.
- *Anomalies* are provisions in a CR that designate exceptions to the duration, formula, or purpose for which any referenced funding or other authority is extended.
- The Congressional Budget Office (CBO) has estimated the annualized discretionary spending for FY2014 under these CRs using two different measures: “total regular appropriations” and “total spending.” *Total regular appropriations* is an estimate of only the annualized discretionary budget authority that is subject to the Budget Control Act (BCA) discretionary spending limits.<sup>7</sup> *Total spending* is an estimate of annualized discretionary budget authority

<sup>6</sup> For a further discussion of the concepts of coverage, duration, formula, and anomalies, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by (name redacted).

<sup>7</sup> The Budget Control Act of 2011 (BCA; P.L. 112-25) imposed limits on discretionary spending for each of the fiscal (continued...)

that includes budget authority not subject to the discretionary spending limits because it was designated for the purposes of Section 251(b) of the Balanced Budget and Emergency Control Act of 1985 (Title II of P.L. 99-177, 2 U.S.C. 900-922; BBEDCA).<sup>8</sup>

The contents of these four FY2014 CRs are discussed further in the subsections below.

**Table I. FY2014 Continuing Appropriations Acts: Components**

Measure (P.L.)	Date Enacted	Coverage <sup>a</sup>	Duration	Formula	Anomalies	Estimated Annualized Discretionary Spending	
						Total Regular Appropriations (millions)	Total Spending (millions)
H.R. 3210 (P.L. 113- 39)	Sept. 30, 2013	Selected Projects and Activities (DOD and DHS)	(Oct. 17, 2013) <sup>b</sup>	Such sums as are necessary	No	Not estimated	Not estimated
H.J.Res. 91 (P.L. 113-44)	Oct. 10, 2013	Selected Projects and Activities (DOD)	(Oct. 17, 2013) <sup>c</sup>	FY2013 rate for operations minus March 1 sequester	No	116	150
H.R. 2775 (P.L. 113- 46)	Oct. 17, 2013 <sup>d</sup>	AG, CJS, DOD, DHS, EW, FSGG, INT, LHHS, LB, MCVA, SFO, THUD	Jan. 15, 2014	FY2013 rate for operations minus March 1 sequester for most accounts	Yes	986,330	1,087,730
H.J.Res. 106 (P.L. 113-73)	Jan. 15, 2014	Same as above.	Jan. 18, 2014 <sup>e</sup>	Same as above.	Same as above.	Same as above.	Same as above.

**Source:** Compiled by the author using data from LIS (lis.gov); CBO, “Department of Defense Survivor Benefits Continuing Appropriations Resolution, 2014, H.J.Res. 91, as Cleared by the Congress on October 10, 2013,” October 10, 2013, at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/hjres91.pdf>; CBO, “CBO Estimate of the Continuing Appropriations Act, 2014, as Introduced in the Senate on October 16, 2013, as an Amendment to H.R. 2775, Discretionary spending (in millions of dollars)” October 16, 2013, at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/ContinuingAppropriationsAct2014.pdf>.

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years between FY2012 and FY2021. Separate limits apply to defense and nondefense spending. These limits are enforced through sequestration. For further information, see CRS Report R41965, *The Budget Control Act of 2011*, by (name redacted), (name redacted), and (name redacted).

<sup>8</sup> 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 the BCA limits under Section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 ((BBEDCA; Title II of P.L. 99-177, 2 U.S.C. 900-922). In addition, budget authority may also be designated pursuant to this section as being for the purposes of “emergency requirements.”

- 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. P.L. 113-39 provided such appropriations October 1-17, 2013, because no regular or continuing appropriations had been enacted for those purposes. Because this act appears to have been intended to provide an automatic CR for any funding gap that might occur in FY2014, it might potentially have provided further funding had that circumstance arisen. For a discussion of these issues, see the report section entitled “P.L. 113-39 (Pay Our Military Act).”
- c. P.L. 113-44 provided funds that were to terminate on December 15, 2013, unless superseded by the enactment of a regular or continuing appropriations act. These funds were superseded by the enactment of P.L. 113-46, on October 17, 2013.
- d. Although P.L. 113-46 was enacted on October 17, 2014, Section 118 provided that the law took effect as of October 1.
- e. P.L. 113-73 provided that funds were to terminate on January 18. Such funds were superseded on January 17, however, by the enactment of annual appropriations in the Consolidated Appropriations Act, 2014 (P.L. 113-76).

## P.L. 113-39 (Pay Our Military Act)

The first CR to be enacted for FY2014 was an “automatic” CR, meaning that it provided funding for specified activities that would become available automatically during a FY2014 funding gap, and expire when an applicable regular appropriations act or CR was enacted.<sup>9</sup>

This CR provided a mechanism to cover projects and activities in three different categories:

- (1) Pay and allowances to members of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code), including reserve components thereof, who perform active service during such period;
- (2) Pay and allowances to the civilian personnel of the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) whom the Secretary concerned determines are providing support to members of the Armed Forces described in paragraph (1); and
- (3) Pay and allowances to contractors of the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) whom the Secretary concerned determines are providing support to members of the Armed Forces described in paragraph (1).<sup>10</sup>

<sup>9</sup> Automatic CRs provide funding for specified activities that becomes available automatically at any point during the fiscal year when a funding gap occurs without any further congressional action being needed. Such funding remains available for the duration specified in the automatic CR, and terminates upon the enactment of an applicable regular appropriations act or CR. For further information with regard to automatic CRs, see CRS Report R41948, *Automatic Continuing Resolutions: Background and Overview of Recent Proposals*, by (name redacted).

<sup>10</sup> P.L. 113-39, §2(a). Section 2(b) provides that “Secretary concerned” is defined as, “(1) the Secretary of Defense with respect to matters concerning the Department of Defense; and (2) the Secretary of Homeland Security with respect to matters concerning the Coast Guard.”

The duration of the budget authority that was provided by this mechanism began on October 1, 2013, due to the absence of enacted regular or continuing appropriations, and terminated on October 17, 2013, with the enactment of the Continuing Appropriations Act of 2014 (P.L. 113-46).<sup>11</sup>

The formula for this mechanism provided FY2014 funds for each day of a funding gap at an indefinite level for all covered projects and activities (i.e., “such sums as are necessary”).

There were no anomalies in this CR.

No CBO cost estimate was issued while the measure was under consideration.

## **P.L. 113-44 (Department of Defense Survivor Benefits Continuing Appropriations Resolution, 2014)**

The second CR for FY2014 was the Department of Defense Survivor Benefits Continuing Appropriations Resolution, 2014 (H.J.Res. 91; P.L. 113-44), which was enacted on October 10, 2013. This CR provided funds to cover the following activities in the Department of Defense “Operation and Maintenance” and “Military Personnel” accounts:

- (1) The payment of a death gratuity under sections 1475-1477 and 1489 of title 10, United States Code.
- (2) The payment or reimbursement for funeral and burial expenses authorized under sections 1481 and 1482 of title 10, United States Code.
- (3) The payment or reimbursement of authorized funeral travel and travel related to the dignified transfer of remains and unit memorial services under section 481f of title 37, United States Code.
- (4) The temporary continuation of a basic allowance of housing for dependents of members dying on active duty, as authorized by section 403(l) of title 37, United States Code.<sup>12</sup>

The duration of funds under this CR began on October 10, 2013, and was to terminate on December 15, 2013, unless superseded by the enactment of a regular or continuing appropriations act. These funds were superseded by the enactment of P.L. 113-46, on October 17, 2013.

The funding formula for each covered project and activity was at the rate the projects and activities were funded in the previous year’s appropriations act (the Department of Defense Appropriations Act, 2013; Division C of P.L. 113-6). This rate was calculated based on the amount of funding available for that project or activity under the terms of that act, including the

<sup>11</sup> For further information with regard to the operation of P.L. 113-39 during the FY2014 funding gap, see CRS Report R41745, *Government Shutdown: Operations of the Department of Defense During a Lapse in Appropriations*, by (name redacted) and (name redacted), and CRS Report R432624, *Appropriations Lapse and the Department of Homeland Security: Impact and Legislation*, by (name redacted). There are currently unresolved questions related to P.L. 113-39 and the operation and duration of any potential funding provided during FY2014 and the first quarter of FY2015. These are discussed in CRS Report R41948, *Automatic Continuing Resolutions: Background and Overview of Recent Proposals*, by (name redacted).

<sup>12</sup> P.L. 113-44, §101(a).



effects of any provisions reducing FY2013 budget authority.<sup>13</sup> The formula also included any reduction that applied to those FY2013 funds pursuant to the March 1 presidential sequestration order.<sup>14</sup>

There were no anomalies in this CR.

According to CBO, the total amount of annualized budget authority for regular appropriations in this CR was \$116 million. When spending was included in the calculation that was designated under Section 251(b) of the BBEDCA (for OCO/GWOT), the total CBO-estimated amount of annualized budget authority in the CR was \$150 million.<sup>15</sup>

## P.L. 113-46 (Continuing Appropriations Act, 2014)

The third CR for FY2014 was the Continuing Appropriations Act, 2014 (H.R. 2775; P.L. 113-46; hereinafter “the FY2014 CR”), which was enacted on October 17, 2013. This act superseded the funding provided under the two narrow FY2014 CRs.

### Coverage

This CR broadly covered all 12 regular appropriations bills by providing budget authority for projects and activities funded in FY2013 by Divisions A-F of the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6; Hereinafter, “the FY2013 Consolidated Act”),<sup>16</sup> with an exception.<sup>17</sup> This included any FY2013 budget authority that was 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,” and thus exempt from the statutory discretionary spending limits.<sup>18</sup>

Budget authority was provided by the FY2014 CR under the same authority and conditions, and to the same extent and manner, as was provided in the FY2013 Consolidated Act.<sup>19</sup> In addition, under the terms of this CR, none of the funds provided were to be used to initiate or resume an

<sup>13</sup> Such provisions include any across-the-board recessions enacted in P.L. 113-6. For further information, see CRS Report R43234, *Across-the-Board Rescissions in Appropriations Acts: Overview and Recent Practices*, by (name redacted).

<sup>14</sup> P.L. 113-44, §101(b). On March 1, 2013, the President ordered a sequestration of non-exempt discretionary spending, as required under §251A of the BBEDCA. For further information, see OMB, “OMB Report to Congress on the Joint Committee Sequestration for Fiscal Year 2013, March 1, 2013, available at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/fy13ombjcssequestrationreport.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/fy13ombjcssequestrationreport.pdf).

<sup>15</sup> CBO, “Department of Defense Survivor Benefits Continuing Appropriations Resolution, 2014, H.J.Res. 91, as Cleared by the Congress on October 10, 2013,” October 10, 2013, available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/hjres91.pdf>.

<sup>16</sup> 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.

<sup>17</sup> P.L. 113-46, §101(a)(1) explicitly excluded §735 of P.L. 113-6 from the CR’s coverage.

<sup>18</sup> P.L. 113-46, §101(a) and 114. Budget authority is designated pursuant to §251(b) of the BBEDCA. 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>19</sup> P.L. 113-46, §101(a) and 103. These sections also have the effects of extending requirements in committee reports that were incorporated into law by reference.

activity for which budget authority was not available in FY2013.<sup>20</sup> Effectively, this provision extended many of the provisions in the FY2013 Consolidated Act that stipulated or otherwise placed limits on agency authorities during FY2013. A goal of these and similar provisions in other CRs, as well as many of the other provisions discussed in the sections below, was to protect the ability for Congress to ultimately provide annual funding in the manner and for the purposes it chooses in whatever final appropriations measures are enacted.<sup>21</sup>

## Duration and Expiration

Funding in the FY2014 CR was effective as of October 1, 2013, and was to terminate on January 15, 2014.<sup>22</sup> This CR also provided that budget authority for some or all projects and activities could be superseded by the enactment of the applicable regular appropriations act or another CR prior to or on January 15.<sup>23</sup> For projects and activities funded in the FY2014 CR that were not subsequently funded in the applicable full-year appropriations act enacted prior to or on January 15, budget authority under the CR would immediately cease upon such enactment.<sup>24</sup>

## Formula

The FY2014 CR provided budget authority for projects and activities that were funded in the FY2013 Consolidated Act, at the rate that they were funded therein. This rate was calculated based on the amount of funding available under the terms of the previous year's appropriations act, including any provisions reducing FY2013 budget authority that were included in those acts.<sup>25</sup> More broadly, this rate was also to reflect the impact of the across-the-board rescissions in

<sup>20</sup> P.L. 113-46, §104.

<sup>21</sup> P.L. 113-46, §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>22</sup> P.L. 113-46, §106 and §118. Section 106 provided a termination date of January 15, 2014. Section 118 provided that “for the purposes of this joint resolution, the time covered by this joint resolution shall be considered to have begun on October 1, 2013.”

<sup>23</sup> P.L. 113-46, §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 (hereinafter, OMB), *Circular No. A-11: Preparation, Submission, and Execution of the Budget*, July 2013, §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>24</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*, July 2013, §123, pp. 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).

<sup>25</sup> Any rescissions or changes in mandatory budget authority for FY2013 that were included in P.L. 113-6 were to 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 2014,” October 17, 2013, at <http://www.whitehouse.gov/sites/default/files/omb/bulletins/2014/b-14-01.pdf>.

Division G of the Consolidated and Further Continuing Appropriations Act of 2013 (P.L. 113-6),<sup>26</sup> as well as any reduction that occurred pursuant to the March 1 presidential sequestration order.<sup>27</sup>

## Anomalies and Extensions of Expiring Authorities

Many of the anomalies in this CR affected the funding levels that would otherwise be provided by the formula for covered activities. For example, a provision in the CR stated,

Notwithstanding section 101, amounts are provided for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Salaries and Expenses” at a rate of operations of \$4,820,181,000: Provided, That notwithstanding section 302 of Division C, of P.L. 112-74 as continued by P.L. 113-6, not to exceed \$25,000,000 shall be available for transfer between accounts to maintain minimum operating levels.<sup>28</sup>

In this and other 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 funds could be spent with reference to the FY2013 appropriations acts, or the duration of the authority to spend such funds. For example, the CR provides,

Notwithstanding any other provision of this joint resolution, the District of Columbia may expend local funds under the heading “District of Columbia Funds” for such programs and activities under title IV of H.R. 2786 (113<sup>th</sup> Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under “District of Columbia Funds—Summary of Expenses” as included in the Fiscal Year 2014 Budget Request Act of 2013 (D.C. Act 20-127), as modified as of the date of the enactment of this joint resolution.<sup>29</sup>

In effect, this provision allowed for the District of Columbia to spend local funds for an alternative set of purposes (and amounts) than what would have been provided under Section 101, as well as to spend those funds beyond the expiration date in Section 106.<sup>30</sup>

<sup>26</sup> P.L. 113-6, Division G, §§3001 and 3004. For further information with regard to these across-the-board rescissions, see CRS Report R43234, *Across-the-Board Rescissions in Appropriations Acts: Overview and Recent Practices*, by (name redacted).

<sup>27</sup> P.L. 113-46, §101(b). The amount of each reduction, by account, pursuant to the FY2013 across-the-board rescissions, is provided in the OMB reduction reports for Division G of P.L. 113-6, April 25, 2013, available at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/reductions/fy13\\_atb\\_reductions\\_04\\_25\\_13.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/reductions/fy13_atb_reductions_04_25_13.pdf). The amount of each reduction, by account, pursuant to the March 1 presidential sequestration order, is provided in OMB, “OMB Report to Congress on the Joint Committee Sequestration for Fiscal Year 2013, March 1, 2013, available at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/fy13ombjcsequestrationreport.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/fy13ombjcsequestrationreport.pdf).

<sup>28</sup> P.L. 113-46, §125.

<sup>29</sup> P.L. 113-46, §127.

<sup>30</sup> For further information with regard to FY2014 appropriations for the District of Columbia, see CRS Report R43253, *FY2014 Appropriations: District of Columbia*, by (name redacted).

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

The authority provided by sections 1205 and 1206 of the National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81) shall continue in effect, notwithstanding subsection (h) of section 1206, through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2014 for military activities of the Department of Defense.<sup>31</sup>

Extensions of statutory authorities in the CR, unless otherwise indicated, were in effect through January 15, 2014.

## Estimated Annualized Discretionary Spending and Statutory Budget Enforcement

According to CBO, the total amount of annualized budget authority for regular appropriations subject to the BCA limits (including projects and activities funded at the rate for operations and anomalies) was \$986.3 billion.<sup>32</sup> When spending was included in the CBO estimate 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 amount of annualized budget authority in the CR was \$1.088 trillion.<sup>33</sup>

At the time it was enacted, the annualized levels of spending in the FY2014 CR would have exceeded one of the two statutory discretionary spending limits. While nondefense spending in the CR was estimated by CBO to be the equivalent of an annual level of \$468.3 billion, which was about \$1 billion below the existing nondefense limit, the estimate for defense spending was \$518 billion, about \$20 billion above the existing defense limit.<sup>34</sup> The BCA limits, however, were not to be enforced until 15 calendar days after the congressional session adjourned *sine die*.<sup>35</sup> In the interim, the Bipartisan Budget Act (P.L. 113-67) amended the FY2014 limits to be \$520.5 billion in defense spending, and \$491.8 billion in nondefense spending (about \$1.012 trillion total).<sup>36</sup> Spending in the FY2014 CR was about \$2.5 billion below the amended defense limit, and \$23.5 billion below the amended nondefense limit.<sup>37</sup>

<sup>31</sup> P.L. 113-46, §122.

<sup>32</sup> CBO, “CBO Estimate of the Continuing Appropriations Act, 2014, as Introduced in the Senate on October 16, 2013, as an Amendment to H.R. 2775, Discretionary spending (in millions of dollars)” October 16, 2013, at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/ContinuingAppropriationsAct2014.pdf>.

<sup>33</sup> Ibid.

<sup>34</sup> CBO, “CBO Estimate of the Continuing Appropriations Act, 2014, as Introduced in the Senate on October 16, 2013, as an Amendment to H.R. 2775, Excludes Amounts Designated as Overseas Contingency Operations, Disaster, Program Integrity, and Emergency Discretionary spending (in millions of dollars),” correspondence from CBO, October 16, 2013.

<sup>35</sup> This adjournment would have occurred no later than January 3, unless otherwise specified by law. For further information as to *sine die* adjournment, see CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by (name redacted) and (name redacted).

<sup>36</sup> P.L. 113-67, Division A, §101(a)(1).

<sup>37</sup> OMB announced on January 17, 2014, that no sequestration of budget authority provided by the FY2014 CR would be necessary. OMB, Letter to the President and Congress Regarding the Final Sequestration Report for FY2014, January 17, 2014, available at [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/sequestration/letter\\_regarding\\_final\\_sequestration\\_report\\_01172014.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration/letter_regarding_final_sequestration_report_01172014.pdf).

## **P.L. 113-73 (Making Further Continuing Appropriations for Fiscal Year 2014, and for Other Purposes)**

The fourth CR for FY2014 extended the expiration date of the previous CR (P.L. 113-46) to January 18, 2014. No other amendments to the FY2014 CR were made by the act.

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