

# Overview of Continuing Appropriations for FY2023 (Division A of P.L. 117-180)

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## Overview of Continuing Appropriations for FY2023 (Division A of P.L. 117-180)

This report provides an analysis of the continuing appropriations provisions included in the Continuing Appropriations Act, 2023 (Division A of P.L. 117-180). On September 30, 2022, the President signed H.R. 6833 into law as P.L. 117-180. Divisions B-G of the law provide supplemental appropriations for aid to Ukraine and other emergency spending as well as reauthorizations for several other federal programs. This report examines only Division A, the continuing resolution (CR) portion of the act.

Division A of P.L. 117-180 provides temporary authority for federal agencies and programs to continue spending in FY2023. Such authority is termed a “continuing resolution” because historically it has often been enacted in the form of a joint resolution. The measure provides temporary funding for the programs and activities covered by all 12 of the regular appropriations bills because none of these bills had been enacted prior to the start of FY2023 (October 1, 2022). These provisions constitute budget authority for the purposes of the projects and activities that were funded in FY2022 by that fiscal year’s applicable regular appropriations acts, with some exceptions.

Funding under the terms of the CR is effective from October 1, 2022, through December 16, 2022—the first 11 weeks of FY2023. Congress and the President would need to enact the FY2023 regular appropriations bills or another CR by the expiration of P.L. 117-180 to avoid a funding gap that could disrupt the operations of the federal government.

For most projects and activities, the CR provides budget authority for FY2023 at the rate at which they were funded during FY2022. Although it is effective only through December 16, the cost estimate prepared by the Congressional Budget Office (CBO) provides an annualized projection of the discretionary budget authority provided in the measure. As provided in P.L. 117-180, the CBO estimates that the annualized amount of discretionary budget authority would be approximately \$1.5965 trillion.

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

For general information on the content of CRs and historical data on CRs enacted between FY1977 and FY2020, see CRS Report R46595, *Continuing Resolutions: Overview of Components and Practices*.

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## Introduction

Congress uses an annual appropriations process to fund discretionary spending, which supports the projects and activities of most federal government agencies.<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 before the start of the fiscal year (October 1), continuing appropriations may be used to provide temporary funding until the consideration of annual appropriations measures is completed. None of the FY2023 regular appropriations bills was enacted prior to the start of the new fiscal year on October 1, 2022.

Continuing appropriations acts are often referred to as “continuing resolutions” (CRs) because historically they have been enacted in the form of a joint resolution. CRs also contain numerous provisions that may operate as limitations or restrictions to preserve Congress’s prerogative to make funding decisions once the final appropriations acts are agreed upon.<sup>3</sup> Numerous exceptions (or “anomalies”) are often included in CRs to provide for changes and exceptions to the CR’s general funding rate, address special circumstances that may result with only temporary funding, or advance other purposes.<sup>4</sup> Rescissions or cancellations of discretionary budget authority may also be included in CRs.<sup>5</sup>

On February 25, 2022, the bill that would become the legislative vehicle for the CR (H.R. 6833) was introduced in the House as the Affordable Insulin Now Act. The House passed this original measure on March 31, 2022, and the bill was received in the Senate on April 4, 2022. The Senate did not act on the original bill. On September 29, 2022, the Senate agreed by unanimous consent to S.Amdt. 5745, an amendment in the nature of a substitute replacing the content of H.R. 6833 with language designed in part to provide continuing appropriations for projects and activities covered by all 12 of the regular annual appropriations bills from the beginning of the fiscal year through December 16, 2022 (Division A). Immediately after, the Senate passed the amended version of H.R. 6833 under the title Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 by a vote of 72-25. The legislation also includes six divisions that provide supplemental appropriations for aid to Ukraine and reauthorizations of several federal

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<sup>1</sup> The federal budget process distinguishes between discretionary spending, which is controlled through annual appropriations acts, and direct (or mandatory) spending, which is controlled through authorizing laws. For further information on the appropriations process generally, see CRS Report R47106, *The Appropriations Process: A Brief Overview*.

Appropriations bills provide agencies with budget authority, which is defined as the authority provided by federal law to enter into contracts or other financial obligations that will result in the immediate or future expenditure (or outlay) of federal funds. For explanations of these terms, see CRS In Focus IF12105, *Introduction to Budget Authority*.

<sup>2</sup> The House and Senate Committees on Appropriations have jurisdiction over appropriations legislation. Currently, the House and Senate Appropriations Committees are organized with 12 identical subcommittees, each of which is responsible for the development of one of the regular, annual appropriations bills.

<sup>3</sup> For instance, the FY2023 CR (P.L. 117-180, enacted September 30), as is typical for CRs under current practice, instructs that “only the most limited funding action of that permitted in the Act shall be taken in order to provide for the continuation of projects and activities” (§110). Similarly, any awarding of grants that would impinge on final funding prerogatives is expressly restricted (§109).

<sup>4</sup> For example, Section 154 of P.L. 117-180 allows the Department of Housing and Urban Development to apportion funds in its Public and Indian Housing—Native Hawaiian Housing Loan Guarantee Fund Program to accommodate increased demand for these loans.

<sup>5</sup> For example, see Section 115 of P.L. 117-180, which provides for a continuing effect for certain prior rescissions when calculating the level of budget authority available.

programs.<sup>6</sup> The House passed the amended measure on the following morning, September 30, by a vote of 230-201. The President signed H.R. 6833 into law (P.L. 117-180) that afternoon.

This report provides an analysis of the continuing appropriations provisions included in the CR (P.L. 117-180, Division A). The first section (“Coverage, Duration, and Rate”) summarizes the overall funding provided, and the second section (“Agency-, Account-, and Program-Specific Provisions”) summarizes the act’s provisions that affect particular agencies, accounts, or programs. These summaries are organized by appropriations act title. In some instances, background information about the history of those appropriations and how they operate under a CR is also provided.

## Coverage, Duration, and Rate

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

1. A CR’s “coverage” relates to the purposes for which the measure provides funds. Projects and activities funded by a CR are typically specified in reference to the regular (and, occasionally, supplemental) appropriations acts from the previous fiscal year. When a CR references one of those appropriations acts and provides funds for the projects and activities included in such acts, the CR is often referred to as “covering” those acts.
2. The “duration” of a CR refers to the period of time for which the measure provides budget authority for covered activities.
3. CRs usually fund projects and activities using a “rate of operations” or “funding rate” to provide budget authority at a restricted level but do not prescribe a specified dollar amount. The funding rate for a project or activity is generally calculated by prorating the total annualized amount of budget authority that would be available under the referenced appropriations acts for the fraction of the fiscal year that the CR is in effect. The total amount of budget authority provided in a CR may also be affected by other factors that can impact spending patterns over the course of a fiscal year.

## Coverage

Section 101 of P.L. 117-180 covers all 12 of the regular appropriations bills by generally providing continuing budget authority for FY2023 through December 16, 2022, for projects and activities funded in FY2022.<sup>7</sup> Section 103 establishes that the CR provides budget authority under the same terms and conditions as in the referenced appropriations acts for FY2022. This provision effectively extends many of the provisions in the FY2022 acts that stipulated or limited agency

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<sup>6</sup> S.Amdt. 5745 struck all text from the version of H.R. 6833 originally passed by the House. No provisions regarding cost-sharing for insulin nor any of the other provisions in the original bill are included in the CR.

<sup>7</sup> Referenced appropriations acts include Divisions A-L of the Consolidated Appropriations Act, 2022 (P.L. 117-103). Several activities or purposes covered by P.L. 117-103 were exempted from the CR’s general coverage provision. This includes activities or purposes within the U.S. Department of Agriculture, Department of Justice, U.S. Postal Regulatory Commission, Department of Homeland Security, and Department of State. Section 101 of the CR also provides for a number of additional activities or purposes covered by other divisions of P.L. 117-103, including extensions relating to immigration under the Department of Homeland Security and a provision that there be no adjustment to compensation for Members of Congress. For more information, please contact the relevant policy experts listed in the CRS Report R42638, *Appropriations: CRS Experts*.

authorities during that fiscal year. Additionally, Section 104 states that, generally, none of the funds made available are to be used to initiate or resume any activity or program for which budget authority was not available in FY2022. Such provisions, including many of the provisions discussed in the sections below, may protect Congress's constitutional authority to determine annual funding in a manner it chooses in whatever final appropriations measures that may be enacted for FY2023. This CR also provides in Section 114 that funding that was designated by Congress in FY2022 as an emergency requirement or as being for disaster relief continues with these designations.<sup>8</sup>

## **Duration**

Section 106 establishes that the budget authority provided in this CR is effective through December 16, 2022—an 11-week period. That section also provides that, generally, budget authority for some or all projects and activities could be superseded by the enactment of the applicable regular appropriations acts or another CR prior to December 16.<sup>9</sup> Budget authority for projects and activities funded in this CR that a subsequent appropriations act does not fund would immediately cease upon such enactment, even if enactment occurs prior to December 16. Furthermore, Section 111(b) provides authority necessary to pay obligations for mandatory payments required to be made through the beginning of January 2023.<sup>10</sup>

## **Rate**

In general, the CR provides budget authority through its expiration date (December 16) at levels provided in the appropriations acts for FY2022. This rate is based on actual amounts made available in FY2022. As has been common for CRs in recent years, several sections of this CR establish additional factors and conditions to be used when calculating the rate of operations in Section 101. Section 109 prohibits actions by agencies that would effectively “impinge on final funding prerogatives,” and Section 110 provides that agencies may take “only the most limited funding action” to continue existing programs and activities. Section 112 specifies that the amount available under the CR may be apportioned at the rate for operations necessary to avoid furloughs, although agencies must first take “all necessary actions to reduce or defer non-personnel-related administrative expenses.” Lastly, Section 111(a) establishes that funding for entitlements and other mandatory spending whose budget authority was provided in the regular appropriations acts for FY2022 is provided at the rate sufficient to “maintain program levels under current law.”

## **Agency-, Account-, and Program-Specific Provisions**

CRs lasting multiple weeks or longer usually include provisions that are specific to certain agencies, accounts, or programs. These provisions are generally of two types. First, provisions

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<sup>8</sup> These designations are provided under the terms adopted in S.Con.Res. 14, the concurrent resolution on the budget for FY2022.

<sup>9</sup> The subsequent enactment of a regular appropriations bill would also supersede the level of funding provided in the CR. Section 107 provides that obligations and expenditures made between October 1 and the enactment of any subsequent full-year appropriations would be a part of, and not in addition to, the final amount provided in the applicable appropriations act for FY2023.

<sup>10</sup> Section 111(b) provides that obligations for mandatory payments due on or about the first day of any month may continue to be made for any month after October 2022 and up until months beginning no later than 30 days after December 16, 2022.



referred to as “anomalies” designate exceptions to the formula and purpose for which any referenced funding is extended in order to address specific issues or circumstances that may result from the extension of current rates of funding. The second type of provision may create new law or change existing law. Most often, these provisions are used to renew expiring provisions of law or extend the scope of certain existing statutory requirements. Substantive provisions that establish major new policies have also been included on occasion. Unless otherwise indicated, such provisions are temporary in nature and expire when the CR expires.

These anomalies and provisions that change law may be included at the request of the President.<sup>11</sup> Congress can accept, reject, or modify such proposals in the course of drafting and considering CRs. In addition, Congress may identify or initiate any other anomalies and provisions that change existing law.

This section of the report summarizes provisions in Division A of P.L. 117-180 that are agency-, account-, or program-specific. The provisions are organized by appropriations act title for the 12 regular appropriations acts covered in Section 101. The summaries generally provide brief explanations of the provisions. In some cases, they include additional information, such as whether a provision was requested by the President or included in prior-year CRs. For additional information on specific provisions in the CR, congressional clients may contact the CRS appropriations experts as noted in the accompanying footnotes.

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

### **Section 101(1)—Proviso related to Rescissions and Agricultural Quarantine Inspection<sup>12</sup>**

Section 101(1) is a two-fold proviso providing that, first, a rescission in FY2022 from the Agriculture Buildings and Facilities account shall not apply for FY2023. Second, it provides that the amount to be used to calculate the applicable rate with respect to a supplemental appropriation for Agriculture Quarantine and Inspection to compensate for the government collecting lower user fees during the coronavirus pandemic shall be \$125 million in FY2023 rather than \$250 million.<sup>13</sup>

### **Section 116—Agricultural Credit Insurance Fund Program<sup>14</sup>**

Section 116 provides that amounts made available by Section 101 for the U.S. Department of Agriculture (USDA) Farm Service Agency’s farm loan program may be apportioned at a rate necessary to meet demand and cover approved applications for direct and guaranteed farm ownership loans.<sup>15</sup>

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<sup>11</sup> The Biden Administration published a list of requested anomalies on September 2, 2022. For more information about these requests, see Office of Management and Budget (OMB), *FY 2023 Continuing Resolution (CR) Appropriations Issues*, September 2022, [https://www.whitehouse.gov/wp-content/uploads/2022/09/CR\\_Package\\_9-2-22.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/09/CR_Package_9-2-22.pdf).

<sup>12</sup> This section was authored by Jim Monke, Specialist in Agricultural Policy.

<sup>13</sup> For additional background, see CRS In Focus IF10953, *Agriculture Appropriations: Animal and Plant Health*.

<sup>14</sup> This section was authored by Jim Monke, Specialist in Agricultural Policy.

<sup>15</sup> For additional background, see CRS Report R46768, *Agricultural Credit: Institutions and Issues*.



## **Section 117—Rural Microentrepreneur Assistance Program<sup>16</sup>**

Section 117 provides that the USDA Rural Business-Cooperative Service has authority to spend appropriations for the Rural Microentrepreneur Assistance Program account to continue the current level of the direct loan program.<sup>17</sup> In FY2022 the program had a negative subsidy rate (that is, fees charged in originating loans more than covered the cost of the loan subsidy), but beginning in FY2023 the program is expected to have a positive subsidy rate. This section allows a portion of the loan and grant appropriations, estimated to be \$1.3 million, to cover the subsidy cost of making new direct loans in compliance with the Federal Credit Reform Act.<sup>18</sup>

## **Section 118—Livestock Mandatory Reporting Act of 1999<sup>19</sup>**

Section 118 extends the authorization of the Livestock Mandatory Reporting Act of 1999, as amended (LMR; 7 U.S.C. §§1635 et seq.) through the duration of the CR. The LMR was enacted in 1999 and has been reauthorized six times. Congress last fully reconsidered and reauthorized the LMR in the Agriculture Reauthorizations Act of 2015 (P.L. 114-54). The FY2022 Consolidated Appropriations Act (P.L. 117-103) extended the LMR's authority through September 30, 2022.

The LMR requires buyers of live cattle, swine, and lambs and sellers of wholesale beef, pork, and lamb to report prices, volumes, and other marketing characteristics to the USDA Agricultural Marketing Service. This information is made public through daily, weekly, and monthly reports to provide market transparency for the livestock industry.<sup>20</sup>

## **Commerce, Justice, Science, and Related Agencies**

### **Section 119—Economic Development Administration Salaries and Expenses<sup>21</sup>**

Section 119 authorizes the Department of Commerce Economic Development Administration to apportion funding provided by this act at the rate necessary to maintain agency operations.

### **Section 120—National Telecommunication and Information Administration, Public Safety Communications Program<sup>22</sup>**

Section 120 authorizes the National Telecommunications and Information Administration (NTIA) to apportion funds up to the rate for operations necessary to continue its oversight of public safety communication programs. In its *FY2023 Budget as Presented to Congress*, NTIA asked for an increase of \$4 million and seven positions.<sup>23</sup> The positions were previously funded through the

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<sup>16</sup> This section was authored by Lisa Benson, Analyst in Agricultural Policy.

<sup>17</sup> For additional information, see CRS In Focus IF12038, *Farm Bill Primer: Rural Development Title*.

<sup>18</sup> USDA, 2023 USDA Budget Explanatory Notes for Committee on Appropriations—Rural Business-Cooperative Service, p. 45, <https://www.usda.gov/sites/default/files/documents/33-23-RBCS.pdf>.

<sup>19</sup> This section was authored by Joel Greene, Analyst in Agricultural Policy.

<sup>20</sup> For additional information, see CRS Report R45777, *Livestock Mandatory Reporting Act: Overview for Reauthorization in the 116th Congress*.

<sup>21</sup> This section was authored by Julie Lawhorn, Analyst in Economic Development Policy.

<sup>22</sup> This section was authored by Jill C. Gallagher, Analyst in Telecommunications Policy.

<sup>23</sup> NTIA, *FY 2023 Budget as Presented to Congress*, March 2022, p. 59, <https://www.ntia.doc.gov/files/ntia/publications/fy2023-ntia-congressional-budget-submission.pdf>.

Public Safety Trust Fund—a fund established in the Middle Class Tax Relief and Job Creation Act (P.L. 112-96, §6413)—which terminated on September 30, 2022.<sup>24</sup> NTIA requested authority to transition the positions and activities from the Public Safety Trust Fund to annual appropriations within NTIA’s Salaries and Expenses account.<sup>25</sup> The CR provides NTIA with authority to apportion funds up to the rate for operations necessary to continue its oversight of public safety communications programs, which includes mandated oversight of the First Responder Network Authority (FirstNet)<sup>26</sup> and its work as a lead agency<sup>27</sup> on next generation 911 (NG911) implementation.<sup>28</sup>

## Section 121—Federal Bureau of Investigation<sup>29</sup>

Section 121 provides an additional \$15.3 million for the Federal Bureau of Investigation (FBI) for FY2023 for investigative activities related to Afghanistan resettlement operations. The Administration requested the anomaly to support the FBI’s investigative efforts related to Afghan refugee resettlement under Operation Enduring Welcome. Funding for these activities was originally provided under the Afghanistan Supplemental Appropriations Act, 2022 (Division C of P.L. 117-43) for Operation Allies Welcome, and the funding expired at the end of FY2022.

## Department of Defense (DOD)<sup>30</sup>

### Section 102—Prohibitions on “New Starts,” Increased Production Rates, and Certain Multi-Year Procurements

Section 102 is similar to provisions included in CRs in previous years to prevent DOD from funding new or accelerated production of certain projects and other activities and certain multi-year procurements prior to the enactment of the regular annual appropriations act.<sup>31</sup> Section 102(a) prohibits DOD from funding *new starts*—that is, the initiation of procurement or research and development of an item for which funding was not provided in FY2022 or prior years.<sup>32</sup> Section 102(a)(1) prohibits DOD from funding the “new production of items not funded for production in fiscal year 2022 or prior years,” and Section 102(a)(3) prohibits DOD from funding the “initiation, resumption, or continuation of any project, activity, operation, or organization ... for which appropriations, funds, or other authority were not available during fiscal year 2022.”

<sup>24</sup> P.L. 112-96, §6413(a)(1) established the Public Safety Trust Fund in the U.S. Treasury. P.L. 112-96, §6401 mandates certain spectrum auctions and requires that proceeds from those auctions be deposited in the Public Safety Trust Fund.

<sup>25</sup> NTIA, *FY 2023 Budget as Presented to Congress*, March 2022, p. 59, <https://www.ntia.doc.gov/files/ntia/publications/fy2023-ntia-congressional-budget-submission.pdf>.

<sup>26</sup> P.L. 112-96, §6208(c) and §6209.

<sup>27</sup> P.L. 108-494, §104 established the Implementation Coordination Office (ICO) to serve as the federal lead on 911, naming NTIA as a lead agency.

<sup>28</sup> NTIA, *FY 2023 Budget as Presented to Congress*, March 2022, p. 57, <https://www.ntia.doc.gov/files/ntia/publications/fy2023-ntia-congressional-budget-submission.pdf>.

<sup>29</sup> This section was authored by Nathan James, Analyst in Crime Policy.

<sup>30</sup> The summaries in this section were authored by Brendan W. McGarry, Analyst in U.S. Defense Budget.

<sup>31</sup> For additional background and analysis on these provisions, see CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, Appendix I.

<sup>32</sup> For definitions of a *new start* within the procurement and research, development, test, and evaluation (RDT&E) appropriation titles, see DOD, *Financial Management Regulation*, DOD 7000.14-R, Volume 3, Chapter 6, “Reprogramming of DOD Appropriated Funds,” Paragraph 4.1.5, September 2015, [https://comptroller.defense.gov/Portals/45/documents/fmr/current/03/03\\_06.pdf](https://comptroller.defense.gov/Portals/45/documents/fmr/current/03/03_06.pdf).

Section 102(a)(2) prohibits DOD from funding an acceleration in “production rates above those sustained with fiscal year 2022 funds.” Section 102(b) prohibits DOD from funding the initiation of “multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.” Multi-year procurement (MYP) is a contracting approach in which DOD uses a single contract to procure an item over multiple years.<sup>33</sup>

## **Section 122—Overseas Humanitarian, Disaster, and Civic Aid Transfer Authority**

Section 122 authorizes through September 30, 2023, the transfer of up to \$3 billion in unobligated funds from the DOD Overseas Humanitarian, Disaster, and Civic Aid account to various Department of State accounts to continue the resettlement of Afghan refugees in the United States as part of Operation Allies Welcome and the successor operation, Operation Enduring Welcome.<sup>34</sup> The provision also requires the Director of the Office of Management and Budget to provide a written report by November 1, 2022, to the House and Senate Committees on Appropriations describing the status and funding of resettlement operations.

## **Section 123—Protection and Personal Security Extension**

Section 123 extends for the duration of the CR authority under 10 U.S.C. Section 714(b)(2)(B) to provide protection and personal security for former or retired DOD officials who face serious and credible threats arising from their prior duties.

## **Section 124—Afghanistan Security Forces Fund**

Section 124 effectively extends the availability of funds previously appropriated to DOD to pay outstanding invoices for contract costs related to Afghanistan by rescinding \$100 million in FY2021 funding for the Afghanistan Security Forces Fund and providing the same amount for the same purposes available until September 30, 2025.<sup>35</sup>

## **Energy and Water Development and Related Agencies**

### **Section 125—Section 219 USACE Environmental Infrastructure Assistance Funding<sup>36</sup>**

Section 125 of the bill provides, in addition to the amount made available by Section 101, for the “Corps of Engineers—Civil—Construction” account, \$20 million in emergency appropriations for FY2023 to remain available until expended for necessary expenses related to water and

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<sup>33</sup> For additional background and analysis on multi-year procurement, see CRS Report R41909, *Multiyear Procurement (MYP) and Block Buy Contracting in Defense Acquisition: Background and Issues for Congress*.

<sup>34</sup> For additional background and analysis, see CRS Report R43725, *Iraqi and Afghan Special Immigrant Visa Programs*. For more information on Overseas Humanitarian, Disaster, and Civic Aid, see DOD, Defense Security Cooperation Agency, [Chapter 12]—Overseas Humanitarian, Disaster, and Civic Aid (OHDACA), accessed October 7, 2022, <https://samm.dsca.mil/chapter/chapter-12>.

<sup>35</sup> For additional background and analysis, see CRS Report R46879, *U.S. Military Withdrawal and Taliban Takeover in Afghanistan: Frequently Asked Questions*.

<sup>36</sup> This section was authored by Anna E. Normand, Analyst in Natural Resources Policy.

wastewater infrastructure under Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835), as amended.<sup>37</sup>

### **Sections 126 and 127—Extension of Reclamation Authorizations<sup>38</sup>**

Sections 126 and 127 of the CR extend four Reclamation authorities through FY2023:

- Section 126(a) extends support for ecosystem restoration and water storage projects in California pursuant to the Water Supply, Reliability, and Environmental Improvement Act (P.L. 108-361), and Section 126(b) increases the authorized amount of appropriations available for program management, oversight, and coordination;
- Section 127(a) extends authority for a condition assessment of Rio Grande Pueblo irrigation infrastructure pursuant to Section 9106(g) of P.L. 111-11; and
- Sections 127(b) and (c) extend authority for certain activities to aid eligible western states affected by drought pursuant to the Reclamation States Emergency Drought Relief Act of 1991 (P.L. 102-250).

## **Financial Services and General Government**

### **Section 128—Department of Treasury Alcohol and Tobacco Tax and Trade Bureau<sup>39</sup>**

Section 128 provides additional funding for “Department of Treasury—Alcohol and Tobacco Tax and Trade Bureau—Salaries and Expenses” at a rate for operations of \$14,929,000. These funds are to administer the Craft Beverage Modernization Act import claims program.

### **Section 129—Office of National Cyber Director<sup>40</sup>**

Section 129 creates a new heading under the “Executive Office of the President and Funds Appropriated to the President,” providing \$21 million for a new Office of National Cyber Director, which was created by the Fiscal Year 2021 National Defense Authorization Act (P.L. 116-283).

### **Section 130—Judiciary Fees of Jurors and Commissioners<sup>41</sup>**

Section 130 provides funding at a rate for operations of \$59,565,000 for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners,” enabling statutorily mandated payments to jurors during the duration of the CR.

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<sup>37</sup> For more information on environmental infrastructure assistance authorized under Section 219 of the Water Resources Development Act of 1992, as amended, see CRS Report R47162, *Army Corps of Engineers (USACE) Environmental Infrastructure (EI) Assistance: Authorities, Appropriations, and Issues for Congress*.

<sup>38</sup> This section was authored by Charles V. Stern, Specialist in Natural Resources Policy.

<sup>39</sup> This section was authored by Gary Guenther, Analyst in Public Finance.

<sup>40</sup> This section was authored by Barbara L. Schwemle, Analyst in American National Government.

<sup>41</sup> This section was authored by Barry McMillion, Analyst on the Federal Judiciary.

## Section 131—Judiciary Court Security<sup>42</sup>

Section 131 provides an additional \$112.5 million in emergency funds for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Court Security” to be used for security improvements at United States courthouses and federal court facilities. Quarterly reporting from the courts on the use of this funding is also required.

## Section 132—District of Columbia Local Funds<sup>43</sup>

Section 132 grants congressional approval to the District of Columbia’s general fund and capital budgets for FY2023. This approval is consistent with the requirement that Congress approve the District’s annual budget under the District of Columbia Self-Government and Government Reorganization Act (P.L. 93-198).<sup>44</sup> This provision grants the District the authority to expend locally raised funds only for those programs and activities that received funding in the District’s FY2022 appropriation. This provision also allows District officials to obligate locally raised funds at the rate set forth in the District’s Fiscal Year 2023 Local Budget Act of 2022.

## Section 133—Veteran-Owned Small Business Certification<sup>45</sup>

Section 133 provides additional funds at a rate for operations of \$20,000,000 for “Small Business Administration—Salaries and Expenses.” This funding is to address costs associated with the establishment of the government-wide certification program for service-disabled-veteran-owned small business by January 1, 2023, as required by Section 36 of the Small Business Act (15 U.S.C. §657f) and Section 862 of P.L. 116-283.

## Section 134—Small Business Administration (SBA) Loan Programs<sup>46</sup>

Section 134 authorizes the SBA to apportion funding provided by this act at the rate necessary to meet demand for commitments for several of its lending programs, including general business loans authorized under paragraphs (1) through (35) of Section 7(a) of the Small Business Act,<sup>47</sup> guarantees of trust certificates authorized by Section 5(g) of the Small Business Act,<sup>48</sup> commitments to guarantee loans under Section 503 of the Small Business Investment Act of 1958,<sup>49</sup> and commitments to guarantee loans for debentures under Section 303(b) of the Small Business Investment Act of 1958.<sup>50</sup>

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<sup>42</sup> This section was authored by Barry McMillion, Analyst on the Federal Judiciary.

<sup>43</sup> This section was authored by Joseph V. Jaroscak, Analyst in Economic Development Policy.

<sup>44</sup> For information on the District of Columbia budget process, see CRS Report R47156, *FY2022 District of Columbia Budget and Appropriations*.

<sup>45</sup> This section was authored by R. Corinne Blackford, Analyst in Small Business and Economic Development Policy.

<sup>46</sup> This section was authored by Anthony Cilluffo, Analyst in Public Finance.

<sup>47</sup> 15 U.S.C. §636(a). For more information, see CRS Report R41146, *Small Business Administration 7(a) Loan Guaranty Program*.

<sup>48</sup> 15 U.S.C. §634(g). These trust certificates are related to the secondary market for loans guaranteed by the SBA.

<sup>49</sup> 15 U.S.C. §697. For more information, see CRS Report R41184, *Small Business Administration 504/CDC Loan Guaranty Program*.

<sup>50</sup> 15 U.S.C. §683(b). For more information, see CRS Report R41456, *SBA Small Business Investment Company Program*.

## Department of Homeland Security<sup>51</sup>

### Section 101(6)—Immigration Extensions

Section 101(6) extends the authorization of four immigration authorities through the duration of the CR. It does so by referencing Title II of Division O of P.L. 117-260. Sections 101, 102, and 103 provided year-long extensions of the authorities for:

- the E-Verify Program (8 U.S.C. §1324a note, last extended in Section 201 of P.L. 117-103, Division O);
- the Grant Special Immigrant Status to Religious Workers Other than Ministers program (8 U.S.C. §1101(a)(27)(C)(ii)(II) and (III), last extended in Section 202 of P.L. 117-103, Division O); and
- the Waiver of Foreign Residence Requirements for Physicians Working in Underserved Areas program (8 U.S.C. §1182 note, also known as the “Conrad State 30” Program,” last extended in Section 203 of P.L. 117-103, Division O).

Section 204 provided authority for the Secretary of the Department of Homeland Security (DHS) to increase the number of temporary nonagricultural workers allowed into the country under the H-2B program.<sup>52</sup>

The authority extensions have been addressed in the appropriations process annually beginning with the FY2016 CR.<sup>53</sup> The H-2B cap increase has been carried every year since the FY2018 CR.<sup>54</sup>

### Section 135—Federal Emergency Management Agency Disaster Relief Fund (DRF)

Section 135 provides that amounts made available by Section 101 for the Disaster Relief Fund may be apportioned at a rate for operations necessary to carry out response and recovery activities under the Stafford Act.<sup>55</sup> This anomaly ensures that funding would be available to support the

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<sup>51</sup> The summaries in this section were authored by William L. Painter, Specialist in Homeland Security Policy and Appropriations.

<sup>52</sup> As reported by CQ, the Administration identified a number of provisions—including this extension of the E-Verify program and the temporary expansion of the H-2B program, as well as those in Sections 137-141 (below)—as necessary for inclusion in the CR if not addressed in other legislation, while the extensions concerning religious workers and physicians were identified as matters the Administration would not object to. See CQ, “Authorization Issues,” <https://plus.cq.com/pdf/govdoc-7560490.pdf?0>.

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

<sup>54</sup> FY2018, P.L. 115-56, Division D, §101, extended by reference to P.L. 115-31, Division F (FY2017 general provisions); FY2019, P.L. 115-245, Division C, §101, extended by reference to P.L. 115-141, Division M, Title II (immigration extensions); FY2020, P.L. 116-59, Division A, §101, extended by reference to P.L. 116-6, Division H, Title I (immigration extensions); FY2021, P.L. 116-159, §101, extended by reference to P.L. 116-94, Division I, Title I (immigration extensions); FY2022, P.L. 117-43, §101, extended by reference to P.L. 116-260, Division O, Title I §§101-103, and §105 (immigration extensions).

<sup>55</sup> 42 U.S.C. §5121 et seq.



federal government's disaster response and recovery activities associated with disasters and emergency declarations in the event the DRF's existing carryover balances are spent down while the CR is in effect.

This anomaly was included in the anomalies request from the Administration, and similar anomalies have been enacted via continuing appropriations measures each year since FY2018.<sup>56</sup>

### **Section 136—Hermit's Peak / Calf Canyon Fire Assistance**

Section 136 transfers \$2.5 billion in unobligated balances from amounts in the Disaster Relief Fund not intended for relief and recovery from major disasters to carry out the Hermit's Peak / Calf Canyon Fire Assistance Act—which was included in the same measure.<sup>57</sup>

This funding was initially provided in the CARES Act<sup>58</sup> when it was unclear how the Stafford Act's authorities might be used to address the COVID-19 pandemic. As of the end of August, 2022, the DRF base was anticipated to have \$3.384 billion available at the end of FY2022.<sup>59</sup> Taking \$2.5 billion from that account would leave a projected \$884 million—\$159 million more than the Administration projected needing for FY2023.<sup>60</sup>

Section 136 explicitly does not affect the amount available for disaster relief, and quarterly reports are required on obligations and expenditures of this budget authority.

### **Section 137—Department of Homeland Security Joint Task Forces**

Section 137 extends the existing authorization for DHS Joint Task Forces for the duration of the CR.

The authority, initially provided under Title XIX of the National Defense Authorization Act for Fiscal Year 2017, allows the DHS Secretary to establish Joint Task Forces for DHS to conduct joint operations among its components to secure U.S. borders, address homeland security crises, and establish regionally based operations. The authority was set to expire at the end of FY2022.<sup>61</sup>

### **Section 138—National Computer Forensics Institute**

Section 138 extends the existing authorization for the U.S. Secret Service's National Computer Forensics Institute for the duration of the CR. The original authorization expired at the end of FY2022.

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<sup>56</sup> For more information, see OMB, *FY 2023 Continuing Resolution (CR) Appropriations Issues*, p. 17, at [https://www.whitehouse.gov/wp-content/uploads/2022/09/CR\\_Package\\_9-2-22.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/09/CR_Package_9-2-22.pdf). Prior extensions were provided by P.L. 115-56, Division D, §129; P.L. 115-245, Division C, §124; P.L. 116-59, §133; P.L. 116-159, §145; and P.L. 117-43, §133.

<sup>57</sup> P.L. 117-180, Division G.

<sup>58</sup> P.L. 116-136, Division B, in pertinent part at 134 Stat. 543.

<sup>59</sup> Federal Emergency Management Agency, *Disaster Relief Fund: Monthly Report as of August 31, 2022*, September 8, 2022, p. 4. These reports are available at <https://www.fema.gov/about/reports-and-data/disaster-relief-fund-monthly-reports>.

<sup>60</sup> Department of Homeland Security, *Federal Emergency Management Agency, Disaster Relief Fund: Fiscal Year 2023 Congressional Justification*, March, 2022, p. FEMA-DRF-9. DHS congressional budget justifications for FY2023 are available at [https://www.dhs.gov/sites/default/files/2022-03/Federal%20Emergency%20Management%20Agency\\_Remediated.pdf](https://www.dhs.gov/sites/default/files/2022-03/Federal%20Emergency%20Management%20Agency_Remediated.pdf).

<sup>61</sup> 6 U.S.C. §348.



The authority, initially provided under the Strengthening State and Local Cybersecurity Crime Fighting Act of 2017,<sup>62</sup> authorized the operations of the Institute to educate and train state, local, tribal, and territorial law enforcement officers, prosecutors, and judges on cyber and electronic crimes and related threats, including how to investigate them and collect and manage evidence. It included authorization for the Institute to equip nonfederal law enforcement officers to conduct cyber investigations and forensic examinations.<sup>63</sup>

### **Section 139—National Flood Insurance Program (NFIP) Reauthorization**

Section 139 extends the authorization for the NFIP to continue to operate for the duration of the CR by altering the application of two provisions in the *U.S. Code*.

The first provision is a temporary extension of the NFIP's borrowing authority, and the second is a termination date for the NFIP's authority to issue new policies. Both provisions are necessary to extend normal NFIP operations. Under the language in the *U.S. Code*, the NFIP is provided with \$30.4 billion of borrowing authority through the end of FY2022.<sup>64</sup> Section 139(a) extends this level of borrowing authority through the duration of this act, allowing the NFIP to continue to pay claims. Additionally, the NFIP's authority to issue new policies expired at the end of FY2022 by the language in the *U.S. Code*.<sup>65</sup> Section 134(a) extends that authority through the duration of the CR as well.

Similar extensions have been enacted since FY2018, and CRs have sometimes been used as vehicles for temporary extensions of NFIP authorities since 1998.<sup>66</sup>

### **Section 140—Pilot Programs for Authority to Acquire Innovative Commercial Items Using General Solicitation Competitive Procedures**

Section 140 extends the authorization for DHS and the General Services Administration (GSA) to carry out pilot programs under which innovative commercial items may be acquired through an expedited competitive process.

This authority was granted under Section 880 of the National Defense Authorization Act for Fiscal Year 2017 and was expected to terminate at the end of FY2022.<sup>67</sup> It allows DHS and GSA to conduct pilots to acquire innovative commercial items through a general solicitation of proposals followed by a peer review that informs the competitive selection process, rather than the standard competitive acquisition process. Acquisitions under such pilots were limited to \$10 million per contract.

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<sup>62</sup> P.L. 115-76.

<sup>63</sup> 6 U.S.C. §383(d).

<sup>64</sup> 42 U.S.C. §4016(a).

<sup>65</sup> 42 U.S.C. §4026.

<sup>66</sup> For additional information on what expiration of the program might mean, see CRS Insight IN10835, *What Happens If the National Flood Insurance Program (NFIP) Lapses?*

<sup>67</sup> P.L. 114-328. The provision in question is in Division A, Title VIII, and can be found at 41 U.S.C. §3301 note.

## **Section 141—Protection of Certain Facilities from Unmanned Aircraft Extension**

Section 141 extends the authorization for DHS and the Department of Justice (DOJ) to address threats to certain facilities and assets from unmanned aerial vehicles through the period of the CR.

This authority was granted under Division H of the FAA Reauthorization Act of 2018 and allowed DHS and DOJ to detect, identify, monitor, and track unmanned aircraft; disrupt control of them; and seize, confiscate, disable, damage, or destroy them to mitigate a credible threat to the safety or security of domestic potential high-risk targets associated with a variety of DHS and DOJ missions.<sup>68</sup> It was set to terminate on October 5, 2022.

## **Interior, Environment, and Related Agencies**

### **Section 142—National Heritage Areas<sup>69</sup>**

Section 142 provides that amounts made available by Section 101 for the National Park Service—National Recreation and Preservation Account for heritage partnership programs may be used to provide continued financial assistance to national heritage areas (NHAs), notwithstanding any existing statutory sunset provisions or funding limitations.<sup>70</sup> Since 1984, Congress has designated 55 NHAs to recognize and assist efforts to protect, commemorate, and promote natural, cultural, historic, and recreational resources that form distinctive landscapes.<sup>71</sup> Heritage areas consist mainly of private properties, although some include publicly owned lands. The attributes of each NHA are set out in the area's establishing law. This may include specific provisions authorizing the Secretary of the Interior to provide financial assistance for a specified period or may include funding limits for certain NHAs on an annual basis or over the lifetime of the authorized funding period. On September 30, 2022, the authority for the Secretary to provide financial assistance to two existing NHAs was set to expire. These are the National Aviation Heritage Area and the Oil Region National Heritage Area. Section 142 authorizes the Secretary to continue to provide financial assistance to all NHAs (including the National Aviation Heritage Area and the Oil Region National Heritage Area) for the duration of the CR.

### **Section 143—Department of Interior Working Capital Fund<sup>72</sup>**

Section 143 provides that the amounts appropriated under Section 101 to the Department of the Interior's (DOI's) Working Capital Fund may be apportioned at a higher rate than otherwise would be provided under the CR to implement enterprise cybersecurity safeguards. The Working Capital Fund provides centralized services and systems to DOI agencies and other entities, including those related to cybersecurity, information technology, data management, financial management systems, and program effectiveness.

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<sup>68</sup> P.L. 115-254, Division H, Section 1602. It can be found at 6 U.S.C. §124n.

<sup>69</sup> This section was authored by Mark K. DeSantis, Analyst in Natural Resources Policy.

<sup>70</sup> The term *national heritage area* refers to federal designations with titles including national heritage area, national heritage corridor, cultural heritage corridor, national heritage partnership, national heritage route, national heritage canalway, and battlefields national historic district.

<sup>71</sup> For additional information related to national heritage areas, see CRS Report RL33462, *Heritage Areas: Background, Proposals, and Current Issues*.

<sup>72</sup> This section was authored by Carol Hardy Vincent, Specialist in Natural Resources Policy.

## Section 144—Indian Health Service<sup>73</sup>

Section 144 provides, in addition to the amount appropriated in Section 101, \$17.9 million to two Indian Health Service (IHS) accounts and permits these funds to be apportioned at a higher rate than would otherwise be provided under the CR. The monies are provided for costs related to health services and staffing at facilities that were opened, renovated, or expanded in either FY2022 or FY2023.

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

### Section 101(8)—Unaccompanied Children<sup>74</sup>

A provision in Section 101(8) provides additional funding to the Administration for Children and Families' (ACF) Refugee and Entrant Assistance account for expenses to carry out the Unaccompanied Children (UC) program at a rate for operations of \$1.6 billion. This funding is provided by reference to Section 162 of the FY2022 CR (P.L. 117-43, as amended by P.L. 117-70);<sup>75</sup> it is in addition to funds made available by the CR from the Refugee and Entrant Assistance account with reference to Division H of P.L. 117-103, the FY2022 omnibus (at a rate for operations of \$4.8 billion).

The UC program provides for the custody and care of unaccompanied alien children who have been apprehended by U.S. Customs and Border Protection and referred to the ACF's Office of Refugee Resettlement (ORR).<sup>76</sup> The program has experienced a substantially increased caseload since February 2021 due to consistently elevated numbers of unaccompanied children arriving at the U.S.-Mexico border.<sup>77</sup> This amount is in addition to amounts otherwise appropriated by this act for the Refugee and Entrant Assistance account. Unlike the additional funds provided for the Refugee and Entrant Assistance account by Section 147 of the FY2023 CR, which are discussed later in this report, these Section 101(8) additional funds were not designated as an emergency requirement.

### Section 145—988 Suicide and Crisis Lifeline<sup>78</sup>

Section 145 provides, in addition to amounts appropriated by Section 101, \$62 million for carrying out *988 Suicide & Crisis Lifeline* (Lifeline; formerly known as the National Suicide Prevention Lifeline<sup>79</sup>) activities and behavioral health crisis services. The additional funds remain available until September 30, 2023.

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<sup>73</sup> This section was authored by Elayne J. Heisler, Specialist in Health Services.

<sup>74</sup> This section was authored by William Kandel, Specialist in Immigration Policy.

<sup>75</sup> The funding provided by Section 162 of the FY2022 CR was subject to various additional requirements detailed in Section 141 of the FY2022 CR. It is unclear whether these requirements also apply to the additional funds provided by Section 101(8) of the FY2023 CR.

<sup>76</sup> For more information, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*.

<sup>77</sup> See U.S. Customs and Border Protection, "Southwest Land Border Encounters," <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

<sup>78</sup> This section was authored by Johnathan H. Duff, Analyst in Health Policy.

<sup>79</sup> National Suicide Prevention Lifeline remains the terminology in the authorizing provision: Section 520E-3 (4.2. U.S.C. 290bb-36c) of the Public Health Service Act.

The 988 Suicide & Crisis Lifeline is a national hotline providing immediate crisis counseling and referral services for individuals experiencing suicidal ideation or other emotional distress. Authorized by Public Health Service Act Section 520E-3, the Lifeline is supported by the Substance Abuse and Mental Health Services Administration (SAMHSA) within the Department of Health and Human Services.

On July 16, 2022, the Lifeline transitioned from a 10-digit number (1-800-273-TALK) to the new three-digit 9-8-8 number.<sup>80</sup> The transition to the three-digit number did not change formal operations of the Lifeline. However, the shorter number is expected to increase call volume, which is the reason the Biden Administration requested additional funding in the FY2023 CR.<sup>81</sup> This is expected to build on steps taken in FY2022, when Congress and the President augmented the roughly \$102 million provided through FY2022 annual appropriations by an additional \$150 million in the Bipartisan Safer Communities Act (P.L. 117-159) to support the Lifeline's activities.<sup>82</sup>

### **Section 146—Low Income Home Energy Assistance Program (LIHEAP)<sup>83</sup>**

Section 146 provides, in addition to amounts appropriated by Section 101, \$1.0 billion for the ACF Low Income Home Energy Assistance account for the Low Income Home Energy Assistance Program (LIHEAP). LIHEAP provides funds via formula to states, tribes, and territories to assist low-income households with their home energy needs, including heating and cooling costs, crisis assistance, weatherization assistance, and services (such as counseling) to reduce the need for energy assistance. The additional LIHEAP funds remain available until September 30, 2023. These additional funds are designated as an emergency requirement.

### **Section 147—Refugee and Entrant Assistance<sup>84</sup>**

Section 147 provides, in addition to amounts appropriated by Section 101, \$1.775 billion for the ACF Refugee and Entrant Assistance account for expenses to carry out the Unaccompanied Children (UC) Program and certain refugee and entrant assistance activities. As noted, the UC program has experienced a substantially increased caseload since February 2021 due to sustained, elevated numbers of unaccompanied children arriving at the U.S.-Mexico border.<sup>85</sup> In addition, in

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<sup>80</sup> The ten-digit number 1-800-273-8255 remains active and operates the same way as 988.

<sup>81</sup> OMB, *FY2023 Continuing Resolution (CR) Appropriations Issues*, p. 22, [https://www.whitehouse.gov/wp-content/uploads/2022/09/CR\\_Package\\_9-2-22.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/09/CR_Package_9-2-22.pdf). As part of this package, the Administration requested a rate of operations of \$590 million for these activities, which would have allowed the base funding under the CR for this purpose to be available at a higher annualized rate but would not have provided funding in addition to the base.

<sup>82</sup> The FY2022 funds followed earlier efforts to support the Lifeline and its transition to the 988 three-digit dialing code. For instance, SAMHSA directed \$32 million toward these activities from FY2021 supplemental appropriations provided in the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260, Division M), plus another \$105 million from the American Rescue Plan Act (P.L. 117-2). For more information, see SAMHSA, "SAMHSA Awards Vibrant Emotional Health the Grant to Administer 988 Dialing Code for the National Suicide Prevention Lifeline," press release, June 16, 2021, <https://www.samhsa.gov/newsroom/press-announcements/202106161430>. See also, SAMHSA, *FY2021 SAMHSA COVID-19 Funded Grants*, <https://www.samhsa.gov/sites/default/files/covid19-programs-funded-samhsa-fy21.pdf>; and SAMHSA, "HHS Secretary: 988 Transition Moves Us Closer to Better Serving the Crisis Care Needs of People Across America," press release, September 9, 2022, <https://www.samhsa.gov/newsroom/press-announcements/20220909/hhs-secretary-988-transition-moves-closer-to-better-serving-crisis-care-needs>.

<sup>83</sup> This section was authored by Libby Perl, Specialist in Housing Policy.

<sup>84</sup> This section was authored by William Kandel, Specialist in Immigration Policy.

<sup>85</sup> See U.S. Customs and Border Protection, "Southwest Land Border Encounters," <https://www.cbp.gov/newsroom/>

requesting this anomaly, the White House noted that these funds were needed to provide the medical assistance and social services necessary for humanitarian entrants in light of increases in the number of Cuban entrants.<sup>86</sup> This amount is to remain available until September 30, 2025, and is in addition to amounts otherwise appropriated by this act for the Refugee and Entrant Assistance account. The \$1.775 billion appropriation was designated as an emergency requirement.

### Section 148—Social Security Administrative Expenses<sup>87</sup>

Section 148 provides that funding in the first paragraph of the Social Security Administration's (SSA's) Limitation on Administrative Expenses (LAE) appropriation is at a rate for operations of \$13.6 billion. When combined with the other funding made available by Section 101, the act provides SSA's LAE account with a total funding rate for operations of \$13.7 billion, which is \$400 million more than the \$13.3 billion provided to the LAE account for FY2022.<sup>88</sup>

The LAE is a lump-sum appropriation that funds nearly all of SSA's administrative expenses, such as personnel costs and field offices. The Senate Appropriations Committee's section-by-section summary of the draft CR amendment states that the increased funding is designed to "avoid unnecessary disruptions and increase staffing capacity to begin to address service delivery challenges across the agency."<sup>89</sup> The Administration proposed a similar increase for SSA's LAE account.<sup>90</sup>

### Section 149—Extension of Resettlement Assistance and Other Federal Public Benefits for Afghan Parolees<sup>91</sup>

Section 149 makes Afghans who are paroled into the United States during the duration of the CR eligible for the same resettlement assistance and other federal public benefits as persons admitted as refugees. P.L. 117-43 (Division C, Section 2502) authorized these benefits for Afghans who were paroled into the United States between July 31, 2021, and September 30, 2022. The DHS Secretary has discretionary authority to grant immigration parole temporarily to foreign nationals for "urgent humanitarian reasons or significant public benefit."<sup>92</sup> Persons being considered for refugee status go through a separate, often multiyear, process subject to a separate set of statutory requirements.<sup>93</sup> With some exceptions, arriving parolees are not eligible for the range of federal

stats/southwest-land-border-encounters.

<sup>86</sup> OMB, *FY2023 Continuing Resolution (CR) Appropriations Issues*, p. 22, [https://www.whitehouse.gov/wp-content/uploads/2022/09/CR\\_Package\\_9-2-22.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/09/CR_Package_9-2-22.pdf).

<sup>87</sup> This section was authored by Will Morton, Analyst in Income Security.

<sup>88</sup> See CRS Report R47103, *Social Security Administration (SSA) FY2022 Annual Limitation on Administrative Expenses (LAE) Appropriation: In Brief*.

<sup>89</sup> U.S. Congress, Senate Committee on Appropriations, *Continuing Appropriations and Ukraine Supplemental Appropriations Act of 2023 Section-by-Section Summary*, September 26, 2022, p. 5, [https://www.appropriations.senate.gov/imo/media/doc/Continuing%20Resolution\\_Section%20by%20Section.pdf#page=5](https://www.appropriations.senate.gov/imo/media/doc/Continuing%20Resolution_Section%20by%20Section.pdf#page=5).

<sup>90</sup> OMB, *FY 2023 Continuing Resolution (CR) Appropriations Issues*, September 2, 2022, p. 23, [https://www.whitehouse.gov/wp-content/uploads/2022/09/CR\\_Package\\_9-2-22.pdf#page=23](https://www.whitehouse.gov/wp-content/uploads/2022/09/CR_Package_9-2-22.pdf#page=23). The Administration proposed providing SSA's LAE account with a total funding rate for operations of \$14.1 billion, which is \$800 million more than the \$13.3 billion provided to the LAE account for FY2022.

<sup>91</sup> This section was authored by Andorra Bruno, Specialist in Immigration Policy.

<sup>92</sup> 8 U.S.C. § 1182(d)(5).

<sup>93</sup> 8 U.S.C. § 1157.

public benefits available to those admitted as refugees. Section 149 designates funds provided by this section as an emergency requirement.

## **Section 150—Temporary Assistance for Needy Families (TANF) and Related Programs<sup>94</sup>**

Under Division P, Section 401 of the Consolidated Appropriations Act, 2022 (P.L. 117-103), funding for the TANF block grant, the TANF contingency fund, Healthy Marriage and Responsible Fatherhood Grants, and matching grants for TANF and child welfare activities within the U.S. territories was scheduled to end on September 30, 2022. Section 150 extends these funding and program authorities for the duration of the CR.

## **Legislative Branch**

### **Section 4—Gratuity Payment<sup>95</sup>**

Section 4 provides one gratuity payment to the beneficiary of a deceased Member of the House. A gratuity equal to one year's salary has long been given to the heirs or beneficiaries of Members of Congress who die in office.<sup>96</sup> The payment is generally included in the next legislative branch, supplemental, or continuing appropriations act following the death.

## **Military Construction, Veterans Affairs, and Related Agencies**

### **Section 151—Funding for Deferred FY2017 and FY2018 Military Construction Projects<sup>97</sup>**

Section 151 effectively extends for the duration of the CR the five-year period of availability for military construction appropriations for projects initially funded in FY2017 and FY2018. The Biden Administration's list of anomalies stated that this language was needed to address projects that were deferred following the Trump Administration's decision in 2019 to construct physical barriers along the U.S.-Mexico border.<sup>98</sup> The Trump Administration identified a total of \$3.6 billion in military construction appropriations for redirection to border barrier construction projects under the authority provided in 10 U.S.C. §2808.<sup>99</sup> Section 151 authorizes DOD to fund

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<sup>94</sup> This section was authored by Gene Falk, Specialist in Social Policy.

<sup>95</sup> This section was authored by Ida A. Brudnick, Specialist on the Congress.

<sup>96</sup> For the Senate, see Floyd M. Riddick, *Riddick's Senate Procedure: Precedents and Practice*, S.Doc. 101-28, 101<sup>st</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 1992), p. 1254, which footnotes *Congressional Record* debate from 1892; and U.S. Senate, *United States Senate Handbook*, p. I-92. For the House of Representatives, see Clarence Cannon, *Cannon's Precedents of the House of Representatives of the United States* (Washington: GPO, 1935-1941), vol. VI, p. 380; and Lewis Deschler, *Deschler's Precedents of the United States House of Representatives*, vol. II, H.Doc. 94-661, 94<sup>th</sup> Cong., 2<sup>nd</sup> sess. For additional information, see CRS Congressional Distribution Memorandum, *Gratuity Payments for Members of Congress Who Die in Office: Historical Practice*, available to congressional requesters.

<sup>97</sup> This section was authored by Brendan W. McGarry, Analyst in U.S. Defense Budget.

<sup>98</sup> OMB, *FY 2023 Continuing Resolution (CR) Appropriations Issues*, September 2, 2022, p. 23, at [https://www.whitehouse.gov/wp-content/uploads/2022/09/CR\\_Package\\_9-2-22.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/09/CR_Package_9-2-22.pdf). For additional background and analysis on border barriers, see CRS Report R45908, *Legal Authority to Repurpose Funds for Border Barrier Construction*; CRS Report R46421, *DOD Transfer and Reprogramming Authorities: Background, Status, and Issues for Congress*; and CRS Report R45937, *Military Funding for Southwest Border Barriers*.

<sup>99</sup> White House, "President Donald J. Trump's Border Security Victory," press release, February 15, 2019,



certain projects deferred by this redirection by stating that Section 126 of Division J of the Consolidated Appropriations Act, 2022 (P.L. 117-103) shall be applied for the duration of the CR by incorporating the term *fiscal year 2017 and fiscal year 2018*.

## State, Foreign Operations, and Related Programs

### Section 152—Adjusted Funding for Selected Department of State and U.S. Agency for International Development Accounts<sup>100</sup>

Section 152 provides increased funding for selected Department of State and U.S. Agency for International Development appropriations accounts, including:

- Diplomatic Programs account at a rate for operations of \$9.229 billion (+\$50 million from FY2022 level enacted in P.L. 117-103, Division K);
- International Disaster Assistance account at a rate for operations of \$4.555 billion (+\$650 million from FY2022);
- Transition Initiatives account at a rate for operations of \$100 million (+\$20 million from FY2022);
- Assistance for Europe, Eurasia and Central Asia account at a rate for operations of \$850 million (+\$350 million from FY2022);
- Migration and Refugee Assistance account at a rate for operations of \$3.562 billion (+\$650 million from FY2022);
- International Narcotics Control and Law Enforcement account at a rate for operations of \$1.421 billion (+\$30 million from FY2022); and
- Foreign Military Financing account at a rate for operations of \$6.190 billion (+\$150 million from FY2022).

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

### Section 153—Mark-to-Market Program<sup>101</sup>

Section 153 revises the repeal date of the Department of Housing and Urban Development's (HUD's) Mark-to-Market program from October 1, 2022 to October 1, 2023. The Mark-to-Market program provides HUD with authority to renew expiring project-based rental assistance contracts with private property owners. Without contract renewals, some of these owners may default on Federal Housing (FHA)-insured mortgages, creating a financial risk for the FHA insurance fund, which is a part of HUD's budget. Further, subsidized tenants would be at risk of displacement if their rental assistance were not continued. The repeal date for this program has been extended via the annual appropriations acts several times, most recently in 2018 by P.L. 115-141, Division L, Title II, Section 236. An extension of Mark-to-Market through 2027 was

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<https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trumps-border-security-victory/>.

<sup>100</sup> This section was authored by Emily M. Morgenstern, Analyst in Foreign Assistance and Foreign Policy, and Cory R. Gill, Analyst in Foreign Affairs.

<sup>101</sup> This section was authored by Maggie McCarty, Specialist in Housing Policy.



included in the President's FY2023 budget request to Congress (Section 234 of the General Provisions), and an extension was also included in the Administration's requested anomalies.

### **Section 154—Native Hawaiian Loan Guarantee Fund<sup>102</sup>**

Section 154 allows HUD to receive an apportionment up to the rate of operations necessary to accommodate demand for guaranteed loans under the Section 184A Native Hawaiian Loan Guarantee Fund program. Under this program, HUD provides loan guarantees for certain single-family mortgages on Hawaiian Homelands. The trust status of the Hawaiian Homelands can serve to otherwise limit access to credit in the absence of this federal guarantee. The Administration requested this anomaly and has stated that it is necessary to allow the agency to continue processing new loans and avoid a partial program shutdown.

### **Section 155—Community Development Block Grant Disaster Relief<sup>103</sup>**

Section 155 provides \$2 billion in emergency disaster recovery funding to HUD's Community Development Block Grant Disaster Relief (CDBG-DR) program. The funds are intended to address unmet recovery needs in communities experiencing major disasters in calendar years 2021 and 2022. A request for \$1.447 billion in CDBG-DR was included in the list of anomalies requested by the Administration.

### **Section 156—Section 236 Interest Reduction Payments Program<sup>104</sup>**

Section 156 authorizes HUD to transfer existing balances from the Project-Based Rental Assistance account to the Rental Assistance account to address a funding shortfall related to the Section 236 Interest Reduction Payment (IRP) program. The Section 236 IRP program provides payments to owners of certain affordable multifamily rental properties to reduce the effective interest rates on FHA-insured mortgages. While no new IRP contracts have been initiated since 1973, payments are still owed on some older contracts. This transfer authority is intended to allow HUD to liquidate obligations incurred in 2018 for a specific property and was requested in both the President's FY2023 budget request to Congress and the list of anomalies requested by the Administration.

### **Section 157—National Infrastructure Investments<sup>105</sup>**

Section 157 extends, through the end of FY2023, the availability of funds in the Department of Transportation's National Infrastructure Investment Grants program (also known as the Better Utilizing Investments to Leverage Development (BUILD) grant program during the affected period) that were awarded to grantees in FY2019 and FY2020 and have not yet been obligated. Without this provision, the availability of this budget authority would have lapsed at the end of FY2022, and certain state and local governments might have lost funding that they had received but had not yet obligated. The Administration requested this anomaly.

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<sup>102</sup> This section was authored by Katie Jones, Analyst in Housing Policy.

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<sup>104</sup> This section was authored by Maggie McCarty, Specialist in Housing Policy.

<sup>105</sup> This section was authored by David Randall Peterman, Analyst in Transportation Policy.

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