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# Overview of Continuing Appropriations for FY2024 (Division A of P.L. 118-15)

October 11, 2023

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**The House of Representatives and Senate Explained**

# Congressional Procedure

**A Practical Guide to the Legislative  
Process in the U.S. Congress**

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October 11, 2023

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## Overview of Continuing Appropriations for FY2024 (Division A of P.L. 118-15)

On September 30, 2023, the President signed H.R. 5860 into law as P.L. 118-15. Division A of the act provides continuing appropriations for all 12 of the regular appropriations bills through November 17, 2023. Division B of the law includes reauthorizations and other legislative provisions related to several federal agencies, programs, projects, and activities. This report examines only Division A of P.L. 118-15, the continuing resolution (CR) portion of the act.

Division A of P.L. 118-15 provides temporary authority for federal agencies to continue operations for the programs, projects, and activities funded through the appropriations process. Such measures are known as “continuing resolutions” because historically they have been enacted in the form of joint resolutions. This CR provides temporary funding for the agencies and purposes covered by all 12 of the regular appropriations bills, as none of these bills had been enacted for FY2024 before the fiscal year began on October 1, 2023.

For most programs, projects, and activities, the CR provides budget authority from October 1, 2023, through November 17, 2023 (a 48-day period), at the rates and under the same terms and conditions as enacted in the regular appropriations acts for FY2023 (Divisions A-L of P.L. 117-328). In the event that regular appropriations bills for FY2024 or an additional CR are not enacted prior to this CR’s expiration, a funding gap would occur beginning on November 18, 2023, that could lead to a partial shutdown of government activities.

Although the CR is effective only through November 17, the cost estimate prepared by the Congressional Budget Office (CBO) provides an annualized projection of discretionary budget authority provided in the CR. As provided in Division A of P.L. 118-15, the CBO estimates that the annualized amount of base discretionary budget authority for FY2024 would be approximately \$1.6367 trillion.

As is typical with CRs, Division A of P.L. 118-15 includes several provisions that are specific to certain agencies and accounts. These include provisions that establish exceptions to the general funding rate or other provisions of the CR for certain accounts or activities (known as “anomalies”), as well as other legislative provisions related to changing or extending provisions in existing law. The section of this report titled “Agency-, Account-, and Program-Specific Provisions” summarizes each of these provisions enacted in the CR. CRS appropriations experts for each of these provisions are indicated in the accompanying footnotes. Contact information for these and other appropriations experts can be found in CRS Report R42638, *Appropriations: CRS Experts*.

For general information on the content of CRs and historical data on CRs enacted from FY1977 through FY2023, see CRS Report R46595, *Continuing Resolutions: Overview of Components and Practices*.

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## Introduction

Congress uses an annual appropriations process to enact discretionary spending, which provides funding to support the programs, projects, and activities carried out by most federal government agencies each fiscal year.<sup>1</sup> The process currently involves the development, consideration, and enactment of 12 regular appropriations bills for each fiscal year.<sup>2</sup> If regular appropriations are not enacted before the start of the fiscal year on October 1, continuing appropriations may be enacted to provide temporary funding until regular, full-year appropriations are enacted. None of the regular appropriations bills for FY2024 was enacted prior to the start of the new fiscal year on October 1, 2023.

Continuing appropriations acts are often referred to as “continuing resolutions” (CRs) because historically they have been enacted in the form of joint resolutions. CRs generally provide budget authority to agencies at a specified rate of operations, rather than in specified amounts, and for a temporary period, rather than for the full fiscal year. CRs also typically contain various provisions that impose limitations or restrictions on agency operations for their duration, mostly to preserve Congress’s ability to make final, full-year funding decisions through the regular appropriations bills.<sup>3</sup> Exceptions to the general funding formulas and/or restrictions for certain accounts and activities (known as “anomalies”) are also often included in CRs to address any special circumstances or additional needs for certain accounts while operating under the CR.<sup>4</sup> Rescissions or cancellations of discretionary budget authority may also be included in CRs.<sup>5</sup>

On September 30, 2023, the House introduced H.R. 5860, the Continuing Appropriations Act, 2024 and Other Extensions Act. The House passed H.R. 5860 on September 30 by a vote of 335-91, and the bill was received by the Senate on the same day. Later on September 30, the Senate considered and passed H.R. 5860 without amendment by a vote of 88-9. The President subsequently signed H.R. 5860 into law (P.L. 118-15) later that night. In addition to the CR (Division A), the legislation also includes one other division (Division B) that includes reauthorizations for several agencies and programs.<sup>6</sup>

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<sup>1</sup> The federal budget process distinguishes between discretionary spending, which is provided and controlled through appropriations acts, and direct (or mandatory) spending, which is provided and/or effectively controlled through authorizing laws. For more information on the appropriations process, 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 (outlay) of federal funds. For more on 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 into 12 identical subcommittees, each of which is responsible for the development of one of the regular, annual appropriations bills.

<sup>3</sup> For example, the FY2024 CR (P.L. 118-15, enacted September 30, 2023), as is typical for CRs under current practice, establishes that “only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities” (Section 110). Similarly, any awarding of grants that would “impinge on final funding prerogatives” is expressly restricted (Section 109).

<sup>4</sup> For example, Section 129 of P.L. 118-15 provides an additional \$16 billion to the Federal Emergency Management Agency’s Disaster Relief Fund to carry out disaster relief activities pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5121 et seq.).

<sup>5</sup> For example, see Section 115 of P.L. 118-15, which provides for a continuing effect of certain rescissions enacted in FY2023.

<sup>6</sup> Division B of P.L. 118-15 (“Other Matters”) contains four titles: “Extensions and Other Matters” (Title I), “FAA Extension” (Title II), “Health and Human Services” (Title III), and “Budgetary Effects” (Title IV).

This report provides an analysis of the CR for FY2024 included in Division A of P.L. 118-15. The first section (“Coverage, Duration, and Rate”) summarizes the general funding provisions and limitations enacted in the CR, 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 regular appropriations act title.

## Coverage, Duration, and Rate

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

- **Coverage:** A CR’s “coverage” refers to the purposes for which the measure provides funds. Programs, 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 programs, projects, and activities included in such acts to be continued, the CR is often referred to as “covering” those acts.
- **Duration:** The “duration” of a CR refers to the period for which the measure provides budget authority for covered purposes. CRs typically provide budget authority on an interim basis (days, weeks, or months) but have on occasion had a duration lasting through the end of the fiscal year (known as “full-year CRs”).
- **Rate:** CRs usually fund programs, projects, and activities using a “rate of operations” or “funding rate” to provide budget authority at a restricted level and do not prescribe a specified dollar amount. The funding rate for a program, 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 amount of budget authority obligated over the duration of a CR may also be affected by other factors, such as the limitations imposed on agencies and “anomalies” or other provisions, that can impact the amount of budget authority made available to agencies for certain purposes.

## Coverage

Section 101 of P.L. 118-15 covers all 12 of the regular appropriations bills by generally providing budget authority for FY2024 through November 17, 2023, for programs, projects, and activities funded in the regular appropriations acts enacted for FY2023.<sup>7</sup> Section 103 establishes that the CR provides budget authority under the same terms and conditions as established in the referenced appropriations acts from FY2023. This provision effectively extends many of the provisions in the FY2023 acts that established stipulations or limitations regarding how agencies use the funding provided. Additionally, Section 104 states that, unless otherwise provided, none of the funds made available by the CR may be used to initiate or resume any activity or program for which budget authority was not provided in FY2023 (known as “new starts”). Such

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<sup>7</sup> Referenced appropriations acts include Divisions A-L of the Consolidated Appropriations Act, 2023 (P.L. 117-328, enacted on December 29, 2022). Section 101 also contains various provisos relating to specific accounts funded in certain regular appropriations bills and specifies certain accounts funded in other divisions of P.L. 117-328 or other laws that are covered under the CR as well. More information on each of these provisos is included under the respective heading for each regular bill in the section of this report titled “Agency-, Account-, and Program-Specific Provisions.”



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provisions, including many of the provisions discussed in the sections below, may protect Congress's constitutional authority to determine annual funding in whatever final, full-year appropriations measures that may be enacted for FY2024. Section 114 of the CR also establishes that, unless otherwise specified, funding designated by Congress as being an emergency requirement, for disaster relief, and for several other categories of spending that are generally exempt from budget enforcement rules also be designated as such under this CR.<sup>8</sup> This provision applies to all such designations made in the regular appropriations acts from FY2023 (Divisions A-L of P.L. 117-328), unless specified otherwise, as well as emergency designations for certain other amounts provided in Divisions M and N of P.L. 117-328 that were also specified as being continued under the CR.<sup>9</sup>

## Duration

Section 106 of the CR establishes that the budget authority provided is effective through Friday, November 17, 2023 – a 48-day period beginning on October 1, 2023. This section also provides that budget authority for some or all purposes covered under the CR can be superseded by the enactment of the applicable regular appropriations acts or another CR prior to November 17.<sup>10</sup> Budget authority to continue programs, projects, and activities funded in the CR that a subsequent appropriations act applicable to those accounts does not fund would immediately cease upon such enactment, even if enactment occurs prior to November 17. Furthermore, Section 111(b) provides authority for agencies to obligate payments for mandatory spending programs funded through the appropriations bills (known as “appropriated entitlements”) that are required to be made through the beginning of December 2023.<sup>11</sup>

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<sup>8</sup> Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA, codified as amended at 2 U.S.C. §901) establishes processes for enforcing statutory limits on discretionary spending, which were most recently enacted for FY2024 and FY2025 in the Fiscal Responsibility Act of 2023 (P.L. 118-5). Section 251 of BBEDCA provides that certain categories of discretionary spending are effectively exempt from enforcement of discretionary spending caps by allowing the caps to be adjusted upward to accommodate such spending. For more on emergency designations, see CRS Report R47594, *Budget Enforcement Rules: Emergency Designations*.

Section 114 of the CR generally establishes that spending designated under certain adjustment categories in covered FY2023 appropriations acts will continue to be designated as such under the CR. The CR specifies that such amounts will now be designated under the relevant sections of BBEDCA that exempt such spending. Section 114 establishes that the following applicable designations from FY2023 regular appropriations acts will continue to be in effect: designation as an emergency requirement (Section 251(b)(2)(A) of BBEDCA), designation as being for disaster relief (Section 251(b)(2)(D) of BBEDCA), designation as being for wildfire suppression activities (Section 251(b)(2)(F)(ii)(I) of BBEDCA), designation as being for reemployment and eligibility assessments (Section 251(b)(2)(E)(ii) of BBEDCA), designation as being for health care fraud and abuse control (Section 251(b)(2)(C)(ii) of BBEDCA), and designation as being for disability reviews and determinations (Section 251(b)(2)(B)(ii)(III) of BBEDCA).

<sup>9</sup> Division M of P.L. 117-328 provided supplemental appropriations for Ukraine and Division N of P.L. 117-328 provided supplemental appropriations for disaster relief. Various provisos in Section 101 of the CR establish that certain amounts provided in these divisions of P.L. 117-328 will also be covered under the CR. More information on each of these provisos is included under the respective heading for each regular bill in the section of this report titled “Agency-, Account-, and Program-Specific Provisions.”

<sup>10</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 FY2024.

<sup>11</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 2023 and up until the months beginning no later than 30 days after November 17, 2023.

## Rate

In general, the CR provides budget authority through November 17 at the levels and under the same terms and conditions as provided in the covered appropriations acts for FY2023. This rate is based on actual amounts made available in FY2023. As has been common in CRs historically, several sections of P.L. 118-15 establish additional limitations and restrictions on agency operations and ability to spend money for its duration. For example, 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” necessary to continue existing programs, projects, and activities. Section 112 specifies that the amounts made available under the CR for federal civilian personnel compensation and benefits 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 the CR provides budget authority for appropriated entitlements that were funded in appropriations acts for FY2023 at a rate sufficient to “maintain program levels under current law.”

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

CRs lasting multiple weeks or longer typically include provisions that are specific to certain agencies, accounts, or programs. These provisions are generally of two types. First, provisions referred to as “anomalies” establish exceptions to the general funding formulas and other CR elements for certain accounts and activities. Second, other sections in a CR may contain other legislative provisions, such as those creating new law or changing existing law. Most often, these provisions are used to renew expiring provisions of law or extend the scope of certain existing statutory requirements. Substantive provisions that establish major new policies have also been included on occasion. Unless otherwise indicated, such provisions are temporary and expire when the CR expires.

Congress may include anomalies and other legislative provisions at the request of the President, who typically submits a list of requested provisions ahead of an expected CR.<sup>12</sup> Congress can accept, reject, or modify such proposals in the course of drafting and considering CRs. In addition, Congress may identify and include any additional anomalies or other legislative provisions.

This section of the report summarizes provisions in Division A of P.L. 118-15 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 any CRs for prior fiscal years. For additional information on specific provisions in the CR, congressional clients may contact the CRS appropriations experts as identified in the accompanying footnotes.

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<sup>12</sup> The Administration’s list of requests related to appropriations issues can be found at [https://www.crs.gov/products/Documents/FY2024\\_CR\\_anomalies\\_list/pdf/FY2024\\_CR\\_anomalies\\_list.pdf](https://www.crs.gov/products/Documents/FY2024_CR_anomalies_list/pdf/FY2024_CR_anomalies_list.pdf), and the list of requests related to authorization issues can be found at [https://www.crs.gov/products/Documents/FY2024\\_CR\\_authorization\\_provisions/pdf/FY2024\\_CR\\_authorization\\_provisions.pdf](https://www.crs.gov/products/Documents/FY2024_CR_authorization_provisions/pdf/FY2024_CR_authorization_provisions.pdf).

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

### **Section 101(1) – Provisos Related to Agricultural Appropriations<sup>13</sup>**

Section 101(1) contains a two-fold proviso providing that, first, a rescission in FY2023 shall not apply in FY2024 for the U.S. Department of Agriculture (USDA) Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) account. Second, the CR includes a total of \$353 million for several programs that were in supplemental divisions of the FY2023 omnibus appropriation, and designates them as an emergency requirement (Section 114(a)(1) of the CR). This includes—in addition to amounts for regular appropriations in the CR—\$50 million for Food for Peace Title II Grants, \$5 million for McGovern-Dole International Food for Education, \$58 million for Agricultural Research Service Buildings and Facilities, \$29.7 million for the Food Safety Inspection Service, \$25.3 million for Rural Community Facilities, \$60 million for Rural Water and Waste Disposal, and \$125 million for Agriculture Quarantine and Inspection.<sup>14</sup>

### **Section 116 – Agricultural Credit Insurance Fund Program<sup>15</sup>**

Section 116 provides that amounts made available by Section 101 for the 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>16</sup>

### **Section 117 – Rental Assistance Program<sup>17</sup>**

Section 117 provides that amounts made available by Section 101 for the USDA Rural Housing Service’s Rental Assistance Program may be apportioned at a rate necessary to maintain authorized activities.<sup>18</sup>

### **Section 118 – Special Supplemental Nutrition Assistance Program for Women, Infants, and Children (WIC)<sup>19</sup>**

Section 118 provides that amounts made available by Section 101 for the USDA Food and Nutrition Service’s WIC program may be apportioned at a rate necessary to maintain participation.<sup>20</sup>

### **Section 119 – Commodity Supplemental Food Program<sup>21</sup>**

Section 119 provides that amounts made available by Section 101 for the USDA Food and Nutrition Service’s Commodity Supplemental Food Program (CSFP) may be apportioned at a rate

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<sup>13</sup> This section was authored by Jim Monke, Specialist in Agricultural Policy.

<sup>14</sup> For additional background, see CRS Insight IN12158, *FY2024 Agriculture Appropriations: Status and Scope*.

<sup>15</sup> This section was authored by Jim Monke, Specialist in Agricultural Policy.

<sup>16</sup> For additional background, see CRS Report R46768, *Agricultural Credit: Institutions and Issues*.

<sup>17</sup> This section was authored by Lisa S. Benson, Specialist in Agricultural Policy.

<sup>18</sup> For additional background, see CRS Report R47044, *USDA Rural Housing Programs: An Overview*.

<sup>19</sup> This section was authored by Randy Alison Aussenberg, Specialist in Nutrition Assistance Policy.

<sup>20</sup> For additional background, see CRS Report R44115, *A Primer on WIC: The Special Supplemental Nutrition Program for Women, Infants, and Children*.

<sup>21</sup> This section was authored by Randy Alison Aussenberg, Specialist in Nutrition Assistance Policy.

necessary to maintain the program’s current caseload. This program distributes food to low-income seniors. A CSFP anomaly to maintain current operations has often been included in previous CRs.<sup>22</sup>

### **Section 120 – Livestock Mandatory Reporting Act of 1999<sup>23</sup>**

Section 120 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 seven times. Congress last fully reconsidered and reauthorized the LMR in the Agriculture Reauthorizations Act of 2015 (P.L. 114-54). The FY2023 Consolidated Appropriations Act (P.L. 117-328) extended the LMR’s authority through September 30, 2023.

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>24</sup>

### **Commerce, Justice, Science, and Related Agencies<sup>25</sup>**

#### **Section 101(2) – Continuing Appropriations**

Paragraph (2) of section 101 allows most departments and agencies funded through the FY2023 Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Act (Division B of P.L. 117-328) to apportion funds at a rate equal to the FY2023 enacted level through the end of the CR. This paragraph excludes from coverage under the CR certain funds made available to the Office of the United States Trade Representative (USTR) in Section 540 of Division B of P.L. 117-328. Section 540 rescinded unobligated balances made available to the USTR from the United States-Canada-Mexico Agreement Implementation Act (P.L. 116-113) as of September 30, 2023, and appropriated a new amount equal to the amount rescinded that is to remain available until September 30, 2024. This paragraph also reduces a rescission on the Department of Justice’s Working Capital Fund from \$705.8 million to \$122.6 million.

In addition, paragraph (2) makes some supplemental appropriations provided to CJS agencies through the Disaster Relief Supplemental Appropriations Act, 2023 (Division N of P.L. 117-328), available for obligation at the rates provided for in that act for the duration of the CR. Specifically, the Bureau of Prisons is authorized to continue apportioning the \$182.0 million provided for its Buildings and Facilities account; the National Oceanic and Atmospheric Administration (NOAA) is authorized to apportion the \$108.8 million provided for its Procurement, Acquisitions, and Construction account; and the National Aeronautics and Space Administration (NASA) can apportion the \$367.0 million provided for its Construction and Environmental Compliance and Restoration account.

The paragraph also allows some agencies to continue apportioning supplemental appropriations from FY2023, albeit at reduced levels. The CR reduces the rate at which NOAA can apportion the

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<sup>22</sup> For additional background, see USDA Food and Nutrition Service, CSFP Fact Sheet, at <https://www.fns.usda.gov/csfp/fact-sheet>.

<sup>23</sup> This section was authored by Joel L. Greene, Analyst in Agricultural Policy.

<sup>24</sup> For additional information, see CRS Report R45777, *Livestock Mandatory Reporting Act: Overview for Reauthorization in the 116th Congress*.

<sup>25</sup> The summaries in this section were authored by Nathan James, Analyst in Crime Policy.

\$62.0 million in supplemental funding under its Operations, Research, and Facilities account to \$42.0 million. The rate at which the National Science Foundation can apportion the \$818.2 million in supplemental funding under its Research and Related Activities account is reduced to \$608.2 million, and the rate at which it can apportion the \$217.0 million under its STEM Education account is reduced to \$92.0 million. In the instances where the CR reduced the rate at which agencies can apportion supplemental funding, the CR does not include provisos that require a portion of the supplemental funding to be used for a specific purpose.

### **Section 121 – National Telecommunications and Information Administration Salaries and Expenses**

Section 121 authorizes the National Telecommunications and Information Administration to apportion funds at a rate necessary to administer broadband programs for the duration of the CR.

### **Section 122 – National Aeronautics and Space Administration Space Operations**

Section 122 makes funding provided to NASA’s Space Operations account through the Consolidated Appropriations Act, 2017 (P.L. 115-31), and the Consolidated Appropriations Act, 2018 (P.L. 115-141)—which were available for obligation through FY2018 and FY2019, respectively—available until the end of FY2024 for the liquidation of valid obligations incurred from FY2017 to FY2019.

### **Section 123 – United States Parole Commission**

Section 123 extends the authorization for the U.S. Parole Commission until November 17, 2023. The authorities for the commission were scheduled to sunset on October 31, 2023. The enactment of the Sentencing Reform Act of 1984 (P.L. 98-473) ended parole for any federal offenders convicted on or after November 1, 1987, and the commission’s authorities were to sunset on October 31, 1992. However, federal prisoners sentenced before this date remain eligible for parole, and the U.S. Parole Commission also makes release decisions for other populations, such as D.C. Code offenders. Absent transferring authority for making release decisions to another body, Congress has periodically extended the sunset date for the commission’s authorities.

## **Department of Defense<sup>26</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 the Department of Defense (DOD) from funding new or accelerated production of certain projects and other activities, and certain multi-year procurements.<sup>27</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

<sup>26</sup> The summaries in this section were authored by Brendan W. McGarry, Specialist in U.S. Defense Budget, and Cameron M. Keys, Analyst in Defense Logistics and Resource Management Policy.

<sup>27</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.

funding was not provided in FY2023 or prior years.<sup>28</sup> Section 102(a)(1) prohibits DOD from funding the “new production of items not funded for production in fiscal year 2023 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 2023.” Section 102(a)(2) prohibits DOD from funding an acceleration in “production rates above those sustained with fiscal year 2023 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>29</sup>

## Section 124 – Columbia Class Submarine Funding

Section 124 authorizes DOD to apportion, from funds made available in the CR, up to \$621.27 million for the procurement of one Columbia Class Submarine into the Shipbuilding and Conversion, Navy appropriations account.<sup>30</sup>

## Section 125 – Physical Security for Certain Retired DOD Officials

Section 125 extends for the duration of the CR authority under Title 10, Section 714(b)(2)(B), of the *U.S. Code* to provide protection and personal security for former or retired DOD officials who face serious and credible threats arising from their prior duties. Officials who would have otherwise become ineligible for security service on October 1, 2023, are now covered through November 17, 2023. More generally, it extends the period of authorized physical security provision from two years to four years.

## Energy and Water Development and Related Agencies

### Section 101(4) – Energy and U.S. Army Corps of Engineers Rescissions and Emergency Funding<sup>31</sup>

In general, the CR provides budget authority through November 17, 2023, at levels provided in the Energy and Water Development and Related Agencies Appropriations Act, 2023 (Division D of P.L. 117-328), except for rescissions from the Strategic Petroleum Reserve (SPR) Petroleum account and the Title 17 Innovative Technology Loan Guarantee Program account. In addition, the CR provides budget authority through its expiration date at levels provided in Title III of Division M of P.L. 117-328 for Nuclear Energy and Title IV of Division N of P.L. 117-328 for the U.S. Army Corps of Engineers (USACE) Construction and Operation and Maintenance account

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<sup>28</sup> For definitions of a *new start* within the procurement and research, development, test, and evaluation (RDT&E) appropriation titles, see Department of Defense, *Financial Management Regulation*, DOD 7000.14-R, vol. 3, ch. 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).

<sup>29</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>30</sup> For more background and analysis on this submarine program, see CRS Report R41129, *Navy Columbia (SSBN-826) Class Ballistic Missile Submarine Program: Background and Issues for Congress*.

<sup>31</sup> This section was authored by Mark Holt, Specialist in Energy Policy, and Anna Normand, Specialist in Natural Resources Policy. For more information on the Energy and Water Development and Related Agencies appropriations process for FY2024, see CRS Report R47553, *Energy and Water Development: FY2024 Appropriations*.

for certain categories of projects.<sup>32</sup> For these amounts that reference Divisions M and N of P.L. 117-328, Section 114 of the CR designates them as an emergency requirement pursuant to Section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## Financial Services and General Government

### Section 126 – Office of Personnel Management – Salaries and Expenses<sup>33</sup>

Section 126 provides funding at a rate of operations of \$219.1 million for Salaries and Expenses at the Office of Personnel Management (OPM). This amount is \$28.3 million more than the amount of \$190.8 million provided for FY2023 in Division E of P.L. 117-328. The funding is to be used by OPM to continue its work to create a new federal health benefits system for U.S. Postal Service employees, as authorized by P.L. 117-108, the Postal Reform Act of 2022.

### Section 127 – District of Columbia Local Funds<sup>34</sup>

Section 127 grants congressional approval to the District of Columbia’s general fund and capital budgets for FY2024. 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). This provision grants the District the authority to expend locally raised funds for those programs and activities that received funding in the District’s FY2023 appropriation. This provision also allows District officials to obligate locally raised funds at the rate set forth in the District’s FY2024 Local Budget Act of 2023.

## Department of Homeland Security<sup>35</sup>

### Section 101(6) – Authorization Extensions and Supplemental Appropriations for Fee Shortfalls

Section 101(6) extends the authorization of three immigration authorities through the duration of the CR. It does so by referencing Title III of Division O of P.L. 117-328. Sections 301, 302, and 304 of that act provided year-long extensions of the authorities for

- the E-Verify Program (8 U.S.C. §1324a note);
- the Grant Special Immigrant Status to Religious Workers Other than Ministers program (8 U.S.C. §1101(a)(27)(C)(ii)(II) and (III)); and

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<sup>32</sup> The Disaster Relief Supplemental Appropriations Act, 2023 (Division N of P.L. 117-328), provided \$297.2 million for certain authorized USACE construction activities and \$52.8 million for certain authorized USACE Operation and Maintenance projects, which USACE allocated to projects in its FY2023 Construction and Operation and Maintenance work plans. Appropriations for these categories of activities in Division N were similar to additional funding normally provided through annual appropriations (i.e., similar categories of activities were funded in FY2014-FY2022 annual appropriations). For more information, see CRS In Focus IF12090, *U.S. Army Corps of Engineers: FY2023 Appropriations*.

<sup>33</sup> This section was authored by Barbara Schwemle, Analyst in American National Government.

<sup>34</sup> This section was authored by Joseph V. Jaroscak, Analyst in Economic Development Policy.

<sup>35</sup> The summaries in this section were authored by William L. Painter, Specialist in Homeland Security Policy and Appropriations.

- 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”).

Section 303 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, and the same authority is provided through this reference in the CR.

These authorization issues were included in the anomalies request from the Administration for potential inclusion in a CR if no further extension had been made.<sup>36</sup> The three immigration authority extensions have been addressed in the appropriations process annually, beginning with the FY2016 CR.<sup>37</sup> The H-2B cap increase has been carried every year since the FY2018 CR.<sup>38</sup>

In addition, Section 101(6) also references P.L. 117-328, Division N, Section 2602, which provided \$309 million to make up for shortfalls in immigration and customs fee collections, which in turn, support U.S. Customs and Border Protection inspections at ports of entry. This allows for support at the rate for operations as though it were part of the DHS appropriations act.

### **Section 128 – Federal Emergency Management Disaster Relief Fund (DRF)**

Section 128 provides that amounts made available by Section 101 for the DRF may be apportioned at a rate for operations necessary to carry out response and recovery activities under the Stafford Act.<sup>39</sup> This anomaly ensures that funding is available to support the 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>40</sup>

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<sup>36</sup> FY2024 CR Authorization Issues, p. 2. [https://www.crs.gov/products/Documents/FY2024\\_CR\\_authorization\\_provisions/pdf/FY2024\\_CR\\_authorization\\_provisions.pdf](https://www.crs.gov/products/Documents/FY2024_CR_authorization_provisions/pdf/FY2024_CR_authorization_provisions.pdf).

<sup>37</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 appropriations act (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>38</sup> In FY2018, P.L. 115-56, Division D, §101, extended by reference to P.L. 115-31, Division F (FY2017 general provisions); in FY2019, P.L. 115-245, Division C, §101, extended by reference to P.L. 115-141, Division M, Title II (immigration extensions); in FY2020, P.L. 116-59, Division A, §101, extended by reference to P.L. 116-6, Division H, Title I (immigration extensions); in FY2021, P.L. 116-159, §101, extended by reference to P.L. 116-94, Division I, Title I (immigration extensions); in FY2022, P.L. 117-43, §101, extended by reference to P.L. 116-260, Division O, Title I §§101-103, and §105 (immigration extensions); in FY2023, P.L. 117-180, §101, extended by reference to P.L. 116-260, Division O, Title II.

<sup>39</sup> 42 U.S.C. §5121 et seq.

<sup>40</sup> FY2024 CR Appropriations Issues, pp. 15-16. [https://www.crs.gov/products/Documents/FY2024\\_CR\\_anomalies\\_list/pdf/FY2024\\_CR\\_anomalies\\_list.pdf](https://www.crs.gov/products/Documents/FY2024_CR_anomalies_list/pdf/FY2024_CR_anomalies_list.pdf). Prior accelerated apportionments 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; P.L. 117-43, §133; and P.L. 117-80, Division A, §135.



## **Section 129 – Federal Emergency Management Agency (FEMA) DRF Supplemental Appropriation**

Section 129 provides a \$16 billion supplemental appropriation for the DRF, in addition to what is provided pursuant to Section 101. The Administration had originally requested a \$12 billion supplemental appropriation for the DRF on August 10, 2023, increasing that request three weeks later to \$16 billion.

Of that \$16 billion, \$15.5 billion is available for costs associated with major disaster declarations, while \$498 million is available for other DRF activities, which includes Fire Management Assistance Grants, responses to Stafford Act emergencies, and FEMA disaster readiness and support activities. Two million is transferred to the DHS Office of Inspector General for oversight activities.

This budget authority provided in Section 129 will remain available for obligation until expended.

## **Section 130 – National Flood Insurance Program (NFIP) Reauthorization**

Section 130 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. The NFIP has \$30.4 billion of borrowing authority that would have expired at the end of FY2023.<sup>41</sup> Section 130(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 would have expired at the end of FY2023.<sup>42</sup> Section 130(a) extends that authority through the duration of the CR as well.

Similar extensions have been enacted since FY2018, and CRs have been used intermittently as vehicles for temporary extensions of NFIP authorities since 1998.<sup>43</sup>

## **Section 131 – National Cybersecurity Protection System Authorization Extension**

Section 131 extends the authorization for the National Cybersecurity Protection System (NCPS), which authorizes multiple activities by DHS to help defend federal agencies from cyberthreats.

The authority, initially provided under the Federal Cybersecurity Enhancement Act of 2015,<sup>44</sup> included a specific termination, ending certain planning and reporting authorities seven years after enactment. The authority was initially extended to the end of FY2023 in the Consolidated Appropriations Act, 2023,<sup>45</sup> and was one of the authorization issues raised by the Administration in August 2023 for potential inclusion in a CR if no further extension had been made.<sup>46</sup>

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<sup>41</sup> 42 U.S.C. §4016(a).

<sup>42</sup> 42 U.S.C. §4026.

<sup>43</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>44</sup> P.L. 114-113, Division N, Title II, Subtitle B.

<sup>45</sup> P.L. 117-328, Division O, Title I, Section 101.

<sup>46</sup> FY2024 CR Authorization Issues, p. 2. [https://www.crs.gov/products/Documents/FY2024\\_CR\\_authorization\\_provisions/pdf/FY2024\\_CR\\_authorization\\_provisions.pdf](https://www.crs.gov/products/Documents/FY2024_CR_authorization_provisions/pdf/FY2024_CR_authorization_provisions.pdf).

## Interior, Environment, and Related Agencies

### Section 101(7) – Hazardous Substance Superfund<sup>47</sup>

A proviso in Section 101(7), related to the Hazardous Substance Superfund (Superfund), excludes Section 443 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (Division G, P.L. 117-328), from coverage under the CR. Section 101(7) has no specific impact on FY2024 appropriations for the U.S. Environmental Protection Agency’s (EPA’s) Superfund account, as Superfund excise tax receipts and settlement funds are separate from annual appropriations and would be available for expenditure regardless of a lapse in annual appropriations. Section 443 of P.L. 117-328 repealed Section 613 in Title VI, Division J, of the Infrastructure Investment and Jobs Act (IIJA, P.L. 117-58). Section 613 had authorized EPA to expend Superfund excise tax receipts without further appropriation.<sup>48</sup> Section 443 replaced this provision with similar language that also authorized the expenditure of these tax receipts without further appropriation but designated the spending as an emergency requirement. In addition to excise tax receipts and settlement funds, monies paid by the potentially responsible parties under Superfund settlements are also directly available for Superfund expenditures at sites covered under these settlements.

### Section 101(7) – Wildland Firefighter Management<sup>49</sup>

A proviso in Section 101(7) provides budget authority to continue certain wildland fire management activities funded in the Disaster Relief Supplemental Appropriations Act, 2023 (Division N, P.L. 117-328).<sup>50</sup> These activities pertain to wildfire suppression operations and fire preparedness by the Department of the Interior and wildfire suppression operations and forest fire presuppression by the U.S. Forest Service.

### Section 132 – Wildland Firefighter Pay<sup>51</sup>

Section 132 provides that amounts made available by Section 101 for Wildland Fire Management by the Department of the Interior and the U.S. Forest Service are available for base salary increases for wildland firefighters that were provided under the IIJA.<sup>52</sup> These amounts may be apportioned up to the rate necessary to continue funding such base salary increases. IIJA directed the Secretary of the Interior and the Secretary of Agriculture to increase the base salary of federal wildland firefighters by either \$20,000 per year or 50% of the base salary, whichever is less,

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<sup>47</sup> This section was authored by Angela C. Jones, Analyst in Environmental Policy. For more information on Superfund taxes, see CRS In Focus IF11982, *Superfund Tax Legislation in the 117th Congress*.

<sup>48</sup> Superfund taxes expired on December 31, 1995, with two of the taxes since being reauthorized. Division H, Title II, of the IIJA reauthorized the Superfund chemicals excise tax through December 31, 2031. Section 13601 of P.L. 117-169 (commonly referred to as the Inflation Reduction Act) permanently reauthorized the Superfund petroleum excise tax. The Superfund special environmental tax on corporate income has not been reauthorized to date since its expiration in 1995.

<sup>49</sup> This section was authored by Anne A. Riddle, Analyst in Natural Resources Policy.

<sup>50</sup> Specifically, the proviso in Section 101(7) provides budget authority to continue wildland fire management activities authorized in the second paragraph under each of the headings “Department of the Interior—Departmental Offices—Department-Wide Programs—Wildland Fire Management” and “Related Agencies—Department of Agriculture—Forest Service—Wildland Fire Management” of P.L. 117-328, Division N, Title VII.

<sup>51</sup> This section was authored by Anne A. Riddle, Analyst in Natural Resources Policy.

<sup>52</sup> P.L. 117-58, Division D, Title VIII, §40803(d)(4)(B).

# Pocket Constitution



The Declaration of Independence  
The Constitution of the United States  
The Bill of Rights  
Amendments XI–XXVII  
Gettysburg Address



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based on a written determination that it is difficult to recruit or retain federal wildland firefighters within a specified geographic area.

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

### Section 101(8) – 988 Suicide and Crisis Lifeline<sup>53</sup>

A provision in Section 101(8) provides additional funding to the Substance Abuse and Mental Health Services Administration (SAMHSA) for 988 Suicide Lifeline activities and behavioral health crisis services at a rate of operations of \$62 million. This funding is provided by reference to Section 145 of the first CR for FY2023 (P.L. 117-180). That amount is in addition to funds made available by the CR for SAMHSA with reference to the Mental Health account in Division H of P.L. 117-328, which funds, in part, the 988 Suicide Lifeline. The explanatory statement accompanying Division H set aside \$502 million for the 988 Program within that account.<sup>54</sup>

The *988 Suicide & Crisis Lifeline* (Lifeline; formerly the National Suicide Prevention Lifeline)<sup>55</sup> is a national hotline that provides immediate crisis counseling and referral services for individuals experiencing suicidal thoughts or other mental distress. The new three-digit number was launched to “make it simpler for people experiencing a mental health crisis to connect with lifesaving crisis intervention services.”<sup>56</sup> Authorized by Public Health Services Act (PHSA) Section 520E-3, the Lifeline is supported by SAMHSA within the Department of Health and Human Services (HHS).

On July 16, 2022, the Lifeline transitioned from a 10-digit number (1-800-273-TALK) to the new three-digit 9-8-8 hotline.<sup>57</sup> The transition to the three-digit number did not change formal operations of the Lifeline. However, the shorter number resulted in an increased call volume.<sup>58</sup> In anticipation of this increase, 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>59</sup> Funds in FY2022 were also set aside for SAMHSA to establish a new 988 & Behavioral Health Crisis Coordinating Office to support the agency’s stated goals of situating the Lifeline within a broader behavioral

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<sup>53</sup> This section was authored by Johnathan H. Duff, Analyst in Health Policy.

<sup>54</sup> *Congressional Record*, vol. 168, no. 198, book II, December 20, 2022, pp. S8887-S8888.

<sup>55</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.

<sup>56</sup> H.Rept. 117-403, pp. 159-160.

<sup>57</sup> The 10-digit number 1-800-273-8255 remains active and operates the same way as 988.

<sup>58</sup> See SAMHSA, *988 Lifeline Performance Metrics*, <https://www.samhsa.gov/find-help/988/performance-metrics>; and SAMHSA, *988 Suicide & Crisis Lifeline/Our Network*, <https://988lifeline.org/our-network/>.

<sup>59</sup> The FY2022 funds followed earlier efforts to support the Lifeline and its transition to the 988 three-digit dialing code. For instance, the Substance Abuse and Mental Health Services Administration (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*, available at <https://www.samhsa.gov/sites/default/files/covid19-programs-funded-samhsa-fy21.pdf>. See also 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>.

health crisis response system.<sup>60</sup> For FY2023, the \$62 million provided by the first CR for FY2023 and the \$502 million provided through FY2023 annual appropriations were a substantial increase in funding relative to FY2022. Section 101(8) of the FY2024 CR seeks to sustain the FY2023 level of budgetary resources for this program for the CR’s duration.

### **Section 101(8) – Low Income Home Energy Assistance Program (LIHEAP)<sup>61</sup>**

A provision in Section 101(8) provides additional funding for the Administration for Children and Families’ Low Income Home Energy Assistance Program (LIHEAP) at a rate of operations of \$2.5 billion. This funding is provided by reference to the second paragraph under the LIHEAP heading of Title VIII of Division N of P.L. 117-328. (Division N funds were designated as being for an emergency requirement).<sup>62</sup> The amount is in addition to funds made available by the CR for LIHEAP with reference to the Low Income Home Energy Assistance account in Division H of P.L. 117-328 at a rate of operations of \$1.5 billion.

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. For FY2023, regular LIHEAP program operations were funded by a combination of regular annual appropriations provided in Division H and emergency-designated appropriations provided in Division N, both in the same law (P.L. 117-328).<sup>63</sup> That is, the emergency-designated funds provided in Division N were made available for payments under existing LIHEAP program authorities.

### **Section 133 – Temporary Assistance for Needy Families (TANF) and Related Programs<sup>64</sup>**

Under Division FF (“Health and Human Services”), Section 6102, of the Consolidated Appropriations Act, 2023 (P.L. 117-328), 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, 2023. Section 133 extends these funding and program authorities for the duration of the CR.

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<sup>60</sup> *Congressional Record*, vol. 168, no. 42, book IV, March 9, 2022, pp. H2679-H2680; SAMHSA, 988 & Behavioral Health Crisis Coordinating Office, <https://www.samhsa.gov/about-us/who-we-are/offices-centers/988-behavioral-crisis-coordinating-office>.

<sup>61</sup> This section was authored by Libby Perl, Specialist in Housing Policy.

<sup>62</sup> Division N was the Disaster Relief Supplemental Appropriations Act, 2023.

<sup>63</sup> In FY2023, in addition to funding provided for LIHEAP in Division H of P.L. 117-328 and the second paragraph of the LIHEAP heading of Title VIII of Division N of P.L. 117-328, there were three other sources of appropriated funds for LIHEAP. The first paragraph of the LIHEAP heading of Division N of P.L. 117-328 provided \$1 billion for the program, the Continuing Appropriations and Ukraine Supplemental Appropriations Act (P.L. 117-180) provided \$1 billion, and the IJA (P.L. 117-58) provided \$100 million. The CR does not include the funding provided in the first paragraph of the LIHEAP heading of Title VIII of Division N of P.L. 117-328, nor does it include the funding in P.L. 117-180. The IJA provided advance appropriations for LIHEAP for five years (FY2022-FY2026), meaning that FY2024 IJA funding is provided outside the CR.

<sup>64</sup> This section was authored by Gene Falk, Specialist in Social Policy.

## Military Construction, Veterans Affairs, and Related Agencies

### Section 134 – Deferred FY2019 Military Construction Projects<sup>65</sup>

Section 134 effectively extends for the duration of the CR the five-year period of availability for military construction appropriations for projects initially funded in FY2019. The Biden Administration’s list of requested 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>66</sup> The Trump Administration identified a total of \$3.6 billion in military construction appropriations for redirection to border barrier construction under the authority provided in Title 10, Section 2808, of the *U.S. Code*.<sup>67</sup> Section 134 authorizes DOD to fund certain projects deferred by this redirection by stating that Section 126 of Division J of the Consolidated Appropriations Act, 2023 (P.L. 117-328) shall be applied for the duration of the CR by incorporating the terms *fiscal year 2017*, *fiscal year 2018*, and *fiscal year 2019*.

## Department of State, Foreign Operations, and Related Programs

### Section 101(11) – Funding for Selected SFOPS Accounts<sup>68</sup>

Section 101(11) provides funding for Department of State, Foreign Operations, and Related Programs (SFOPS) appropriations accounts at the rate for operations provided in FY2023 final appropriations (Division K of P.L. 117-328) except for Section 7069, which provided authority to the EPA to transfer funds to the International Boundary and Water Commission (IBWC) to support water pollution management in the United States–Mexico border region.

In addition, Section 101(11) provides funding for selected SFOPS accounts that had been provided for in Title VII of Division M of P.L. 117-328, the Additional Ukraine Supplemental Appropriations Act, 2023. These include

- Diplomatic Programs account at a rate for operations of \$87.05 million (-\$60 million from the FY2023 level enacted in Division M of P.L. 117-328);
- International Disaster Assistance account at a rate for operations of \$637.90 million (-\$300 million from the FY2023 enacted level);
- Assistance for Europe, Eurasia and Central Asia account at a rate for operations equal to the FY2023 enacted level;
- Migration and Refugee Assistance account at a rate for operations of \$915.05 million (-\$620 million from the FY2023 enacted level); and
- International Narcotics Control and Law Enforcement at a rate for operations of \$75 million (-\$300 million from the FY2023 enacted level).

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<sup>65</sup> This section was authored by Andrew Tilghman, Analyst in U.S. Defense Infrastructure Policy.

<sup>66</sup> OMB, FY2024 Continuing Resolution (CR) Appropriations Issues, September 30, 2023, p. 19. 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>67</sup> White House, “President Donald J. Trump’s Border Security Victory,” press release, February 15, 2019, <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trumps-border-security-victory/>.

<sup>68</sup> This section was authored by Emily M. McCabe, Acting Section Research Manager.

## Section 135 – Personal Services Contracting<sup>69</sup>

Section 135 extends the authority of the Department of State and the U.S. Agency for International Development to (notwithstanding provisions of law prescribing geographic restrictions or other applicable restrictions) enter into, extend, and maintain personal services contracts, including with individuals who served as locally employed staff of the United States mission in Afghanistan.<sup>70</sup> Section 135 extends this authority through November 17, 2023.

## Section 136 – Millennium Challenge Corporation<sup>71</sup>

Section 136 extends the term of one of the Millennium Challenge Corporation’s (MCC’s) board members until March 31, 2024, unless a new member of the board is appointed to take their place before that date. According to the provision, such board member would be appointed by the President, by and with the advice and consent of the Senate, from “a list of individuals submitted by the minority leader of the House of Representatives” (22 U.S.C. §7703(c)(3)(B)(ii)).

## Departments of Transportation, and Housing and Urban Development, and Related Agencies<sup>72</sup>

### Section 101(12) – Tenant-Based Rental Assistance

A proviso in Section 101(12) specifies that emergency-designated funding provided for the Tenant-Based Rental Assistance (TBRA) account by Division N of the FY2023 Consolidated Appropriations Act is to be included when calculating the rate of operations for this account for the term of the CR.

The TBRA account funds the Housing Choice Voucher program, which provides monthly rental assistance payments for low-income individuals and families, and is the largest account funded in HUD’s annual appropriation. For FY2023, the regular operations of this program were funded by a combination of regular annual appropriations and emergency-designated appropriations. As such, the total FY2023 funding level for the TBRA account consisted of regular annual appropriations as provided by Division L of P.L. 117-328 (\$27.60 billion) plus emergency-designated appropriations provided by Division N of the same law (\$2.65 billion). Section 101(12) of the CR establishes that total amount (\$30.25 billion) as the basis for the rate of operations for the period of the CR.

### Section 101(12) – Project-Based Rental Assistance

A proviso in Section 101(12) specifies that emergency-designated funding provided for the Project-Based Rental Assistance (PBRA) account by Division N of the FY2023 Consolidated Appropriations Act is to be included when calculating the rate of operations for this account for the term of the CR.

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<sup>69</sup> This section was authored by Cory Gill, Analyst in Foreign Affairs.

<sup>70</sup> Locally employed staff are foreign nationals and other locally resident citizens (including U.S. citizens) who work at U.S. missions abroad. For more information, see Department of State, “Local Employment in U.S. Embassies and Consulates,” at <https://careers.state.gov/career-paths/foreign-service/local-employment/>.

<sup>71</sup> This section was authored by Emily M. McCabe, Acting Section Research Manager.

<sup>72</sup> The summaries in this section were authored by Maggie McCarty, Specialist in Housing Policy and David Randall Peterman, Analyst in Transportation Policy.

The PBRA account funds the Section 8 project-based rental assistance program, which provides monthly rental assistance payments for low-income individuals and families, and is the second largest account funded in the Department of Housing and Urban Development's (HUD) annual appropriation. For FY2023, the regular operations of this program were funded by a combination of regular annual appropriations and emergency-designated appropriations. As such, the total FY2023 funding level for the PBRA account consisted of regular annual appropriations as provided by Division L of P.L. 117-328 (\$9.08 billion) plus emergency-designated appropriations provided by Division N of the same law (\$5.83 billion); Section 101(12) of the CR establishes that total amount (\$14.91 billion) as the basis for the rate of operations for the period of the CR.

### **Section 101(12) – Community Development Fund**

A proviso in Section 101(12) specifies that a general provision from P.L. 113-2 (Section 420 of Division L) is excluded under the CR. That provision extended the liquidation deadline for emergency-designated funding for disaster recovery under the Community Development Block Grant Disaster Recovery program (CDBG-DR) that was originally provided under P.L. 113-2.

### **Section 101(12) – Federal Railroad Administration**

A proviso in Section 101(12) excludes an administrative provision that amended a provision in Title VIII of Division J in P.L. 117-58 (the IIJA) regarding transferring a portion of funding for the administration and oversight of grant programs under the Federal Railroad Administration to the Office of the Inspector General.

### **Section 137 – Federal Aviation Administration (FAA)**

Section 137 increases the amount of the FY2023 appropriation for FAA's Facilities and Equipment account that is available until the end of FY2024 by \$47 million, and reduces the amount that is available until the end of FY2025 by \$47 million. This provides FAA flexibility to spend at a faster rate of operations to support administrative costs for this account.

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