

# FY 2020 Continuing Resolution (CR) Appropriations Issues (anomalies required for a CR through mid-December)

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*Drafted language cites sections 101, 102, 104, 106, and 111 and assumes that section 101 refers to the "authority and conditions" section, that section 102 refers to the Department of Defense restrictions, that section 104 refers to new start restrictions, that section 106 refers to the expiration date of the continuing resolution (CR), and that section 111 refers to the requested anomaly for appropriated entitlements and other mandatory payments. These anomalies are needed for a CR through mid-December 2019, unless otherwise noted. Section 101 is assumed to include the following:*

- Divisions A through C of the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 (Public Law 115-244), including amounts in those divisions designated as Overseas Contingency Operations.
- Divisions A and B of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Public Law 115-245), including amounts in those divisions designated as Overseas Contingency Operations and program integrity.
- Divisions A through G of the Consolidated Appropriations Act, 2019 (Public Law 116-6), as amended by section 302 of the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019 (Public Law 116-26), including amounts in those divisions designated as Overseas Contingency Operations and disaster relief, and excluding the following specific provision:
  - Section 7058(d) of division F, the State, Foreign Operations, and Related Programs Appropriations Act, 2019, which redesignates repurposed funding as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## **General**

### ***Appropriated Entitlements and Other Mandatory Payments***

Sec. \_\_\_\_ . (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2019, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2019, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2019 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

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

### ***Intelligence Programs, State and International Assistance Waivers***

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

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

### ***Recurring Rescissions of Prior-Year Funds***

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

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

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

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS.

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

(1) the amount specified for rescission or cancellation in the appropriations Act for fiscal year 2019; or

(2) the amount of balances available, as of October 1, 2019, from the funds specified for rescission or cancellation in the appropriations Act for fiscal year 2019.

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

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

### ***Commodity Credit Corporation Appropriation for Net Realized Losses***

Sec. \_\_\_\_ . Amounts provided by section 111 to the Department of Agriculture for "Corporations—Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses" may be used, prior to the completion of the report described in section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11), to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, as of the date of enactment of this Act.

Language is needed to accelerate reimbursement to the Commodity Credit Corporation (CCC) during the period of the CR for net realized losses incurred. The CCC has a limitation on outstanding borrowing of \$30 billion, which are replenished by an annual reimbursement for net realized losses as included in the annual appropriations Acts. The statute requires that the net realized losses be appropriated based on the calculation for the financial statements at the close of each fiscal year, expected this year to be completed by early November 2019. However, CCC anticipates it will exceed the statutory limitation on borrowing authority during the period of the CR, and before the close of the fiscal year audit is completed. The majority of the first quarter FY 2020 payments are due to occur on October 1, 2019 or shortly thereafter as prescribed by law. The anomaly authorizes reimbursement to CCC for net realized losses incurred as of the date of enactment of the anomaly. Without the

anomaly, CCC would have to stop making payments as soon as the borrowing ceiling is reached, posing a serious risk for the farmers and ranchers supported by these programs.

### ***Water and Wastewater Direct Loan Program***

Sec. \_\_\_\_ . The matter preceding the first proviso under the heading "Department of Agriculture—Rural Utilities Service—Rural Water and Waste Disposal Program Account" in title III of division B of Public Law 116-6 shall be applied during the period covered by this Act by inserting "the cost of direct loans," before "loan guarantees and grants".

Language is needed to provide the Department of Agriculture with authority to spend appropriations in the Rural Water and Waste Disposal Program Account on the cost of direct loans, in addition to loan guarantees and grants that are already authorized, to ensure continued operation of the program during the period of the CR. In FY 2019, the program has a negative subsidy rate, but beginning in FY 2020, it will have a positive subsidy rate. This anomaly would provide authority to spend appropriations available under the CR on the subsidy cost of direct loans in compliance with the Federal Credit Reform Act.

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

### ***Census Bureau - Periodic Censuses and Programs***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided to the Department of Commerce for "Bureau of the Census—Periodic Census and Programs" at a rate for operations of \$5,885,000,000: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to maintain the schedule and deliver the required data according to statutory deadlines in the 2020 Decennial Census Program: *Provided further*, That the third proviso under such heading in title I of division C of Public Law 116-6 shall not apply during the period covered by this Act.

Language is needed to provide the Department of Commerce, Periodic Censuses and Programs account with a rate for operations of \$5.9 billion, authority to obligate this funding at a rate for operations necessary to cover key operations of the 2020 Census, and additional authority to temporarily obligate funding without submitting a report to the Congress concerning the Census Enterprise Data Collection and Processing initiative. Without the anomaly, there is a risk that the 2020 Census would have budgetary uncertainty leading to significant delays in meeting its statutory deadlines.

### ***Federal Prisoner Detention***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided to the Department of Justice for "United States Marshals Service—Federal Prisoner Detention" at a rate for operations of \$1,867,461,000.

Language is needed to provide the Department of Justice, United States Marshals Service, Federal Prisoner Detention account with a rate for operations of \$1.9 billion for necessary activities to sustain the average daily prisoner population. The amounts originally appropriated in FY 2019 were insufficient for the account to remain solvent for the entire fiscal year

prompting the Congress to provide the account an additional \$155 million in supplemental appropriations in the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019 (Public Law 116-26) on July 1, 2019. Without the anomaly, the amount automatically made available for Federal Prisoner Detention would be insufficient to adequately provide for daily operations and basic services to sustain the average daily prisoner population through the period of the CR.

### ***Assets Forfeiture Fund Recurring Rescission***

Sec. \_\_\_\_ . Notwithstanding section 101, section 523(b)(6) of title V of division C of Public Law 116-6 shall not apply during the period covered by this Act.

Language is needed to prevent the currently enacted reduction in mandatory funding in the Department of Justice, Assets Forfeiture Fund (AFF) from recurring during the period of the CR. Without the anomaly, the agency would not have access to carryover balances in the AFF, and regular operations of the program would be severely curtailed, which would include delaying payments owed to State and local law enforcement.

### ***Exploration***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided to the National Aeronautics and Space Administration for "Exploration" at a rate for operations of \$6,400,000,000; and such amounts may be apportioned up to the rate for operations necessary to support exploration research and development activities, including a U.S. astronaut-crewed mission to the surface of the Moon: *Provided*, That the sixth proviso under the heading "National Aeronautics and Space Administration—Exploration" in title III of division C of Public Law 116-6 shall not apply during the period covered by this Act.

Language is needed to provide a rate for operations of \$6.4 billion for the Exploration account within the National Aeronautics and Space Administration (NASA) and authority to obligate this funding at a rate for operations necessary to support the goal of returning U.S. astronauts to the surface of the Moon by 2024. The anomaly would also provide, from within the \$6.4 billion rate for operations level, additional funding needed for the first missions of the Space Launch System rocket and Orion crew vehicle as well as increased amounts available for the exploration research and development program activity, which would otherwise be limited to the statutory level provided in FY 2019. Without this anomaly, NASA would be unable to fund contracts for developing human-rated lunar lander systems, which are necessary to return U.S. astronauts to the lunar surface.

### ***Exclusion Process for Tariffs on Chinese Imports***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for the Office of the United States Trade Representative for "Salaries and Expenses" at a rate for operations of \$60,000,000.

Language is needed to provide a rate for operations of \$60 million for the Salaries and Expenses account of the Office of the United States Trade Representative (USTR) to pay for staff costs associated with the exclusions process for the fourth tranche of the section 301 tariffs on Chinese imports. Within its existing resources, USTR is currently funding signi-

ficant expenses related to the exclusions process for the third tranche. Without the anomaly, USTR would have insufficient resources to carry out the exclusions process in a reasonable timeframe, or might need to restrict some of its current trade policy activities.

## **Defense**

### ***Defense Counterintelligence and Security Agency Cash Corpus***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided to the Department of Defense for "Defense Working Capital Funds—Counterintelligence And Security Agency Working Capital Fund" at a rate for operations of \$200,000,000; and such amounts may be obligated in the account and budget structure set forth for such account in House Report 116-84.

Language is needed to provide the Department of Defense (DOD), Defense Counterintelligence and Security Agency (DCSA) Working Capital Fund with a rate for operations of \$200 million for costs related to implementing the transition of responsibility for background investigations from the Office of Personnel Management (OPM) to DOD. Without this anomaly DOD would not be able to fund the initial personnel, information technology, and operating costs necessary to complete the transfer of background investigations from OPM and support the newly established DCSA, and would risk increasing the existing security clearance backlog.

### ***Defense Counterintelligence and Security Agency Working Capital Fund Advance Billing Exemption***

Sec. \_\_\_\_ . Notwithstanding section 2208(1)(3) of title 10, United States Code, during fiscal year 2020, any advanced billing for background investigation services and related services purchased from activities financed using Defense Working Capital Funds (DWCF) shall be excluded from the calculation of cumulative advance billings under section 2208(1)(3) of title 10, United States Code. In the preceding sentence, the term "advance billing" has the meaning given the term in section 2208(1)(4) of title 10, United States Code.

Language is needed to authorize the Department of Defense (DOD) to exceed the annual \$1 billion statutory limitation on advance billing for defense working capital funds. Under current law, DOD is authorized to advance bill customers prior to furnishing the services or products ordered, but is limited to an advance billing level of \$1 billion per fiscal year for all DOD working capital funds. Advance billing enables DOD to continue working capital fund operations without needing to reprogram funding from other sources in order to maintain cash balances for solvency. In recent years, DOD's working capital funds have had significant advance billing requirements during a CR period to support domestic disaster response that have quickly approached the \$1 billion limit. In addition, the Defense Counterintelligence and Security Agency (DCSA) Working Capital Fund will begin operating on October 1, 2019 and plans to bill customers prior to completing background investigations; the DCSA Working Capital Fund is likely to exceed \$1 billion in advanced billing in FY 2020. The anomaly would authorize DOD to advance bill for background investigations and related services without regard to the \$1 billion limitation so that DOD can ensure the

background investigation mission continues uninterrupted and does not increase the existing security clearance backlog.

### ***Space Development Agency New Start Authority***

Sec. \_\_\_\_ . Notwithstanding section 102 of this Act, up to \$20,000,000 of the amounts made available by section 101 to the Department of Defense for “Operation and Maintenance, Defense Wide” and “Research and Development, Test, and Evaluation, Defense-Wide” shall be available to carry out the responsibilities of the Space Development Agency.

Language is needed to authorize the Department of Defense (DOD) to expand operations of the Space Development Agency (SDA) and to authorize up to \$20 million from amounts provided during the period of the CR from two accounts for this purpose: the Operation and Maintenance, Defense-Wide account; and the Research, Development, Test and Evaluation account. SDA was established by the Acting Secretary of Defense in March 2019. Without the anomaly, DOD would be unable to carry out the responsibilities of SDA.

### ***Long Range Hypersonic Weapon Rate of Operations in Research, Development, Test and Evaluation, Army***

Sec. \_\_\_\_ . Notwithstanding section 102 of this Act, amounts made available by section 101 to the Department of Defense for "Research, Development, Test and Evaluation, Army" shall be available for the Long Range Hypersonic Weapon program.

Language is needed to authorize the Department of Defense (DOD) to obligate funds under a CR in the Research, Development, Test and Evaluation (RDT&E), Army account to complete the account restructuring proposed in the FY 2020 Budget request for the Long Range Hypersonic Weapon effort. Without the anomaly, DOD would need to execute activities from the RDT&E, Defense-Wide account during the period of the CR. If the proposed budget structure is adopted in the final FY 2020 appropriations, manual adjustments of the obligations and disbursements would be required. This administrative burden would adversely impact DOD's mission execution, as staff would devote more time to duplicative administrative work.

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

### ***Surplus Plutonium Disposition Project New Start***

Sec. \_\_\_\_ . Notwithstanding section 104, amounts made available by section 101 to the Department of Energy for "Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation", shall be available for Project 18-D-150, Surplus Plutonium Disposition Project: *Provided*, That the second proviso under the heading "Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation" in title III of division A of Public Law 115-244 shall not apply during the period covered by this Act: *Provided further*, That, for the purposes of section 301 in title III of division A of Public Law 115-244, in the “Conference” column in the “Department of Energy” table included under the heading “Title III—Department of Energy” in the joint explanatory statement accom-

panying Public Law 115-244, the amount for "18-D-150 surplus plutonium disposition project, SRS" shall be applied by substituting "\$79,000,000" for "\$0"; the amount for "Material disposition" shall be applied by substituting "\$186,608,000" for "\$225,869,000"; the amount for "Domestic radiologic security" shall be applied by substituting "\$122,464,000" for "\$127,433,000"; the amount for "International radiologic security" shall be applied by substituting "\$60,827,000" for "\$78,907,000"; the amount for "Nuclear detonation detection" shall be applied by substituting "\$191,317,000" for "\$195,749,000"; and the amount for "Nuclear smuggling detection" shall be applied by substituting "\$142,171,000" for "\$154,429,000".

Language is needed to provide the National Nuclear Security Administration (NNSA) with the authority to initiate site preparation and long-lead procurement for the Surplus Plutonium Disposition project, which involves reallocating existing funding within the NNSA, Defense Nuclear Nonproliferation account during the period of a CR. NNSA will complete the alternative selection and conceptual design phase in November 2019. Without an anomaly the project would lose existing project design and engineering staff, which would result in a 10-15 month delay.

## **Financial Services and General Government**

### ***Committee on Foreign Investment in the United States Fund***

Sec. \_\_\_\_ . Notwithstanding section 101, title I of division D of Public Law 116-6 shall be applied by adding the following new heading and appropriations language under the heading "Department of the Treasury—Departmental Offices":

#### "COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES FUND

For necessary expenses of the Committee on Foreign Investment in the United States, \$15,000,000, to remain available until expended: *Provided*, That the chairperson of the Committee may transfer funds provided under this heading to any department or agency represented on the Committee (including the Department of the Treasury) upon the advance notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts so transferred shall remain available until expended for expenses of implementing section 721 of the Defense Production Act of 1950, as amended (50 U.S.C. 4565), and shall be available in addition to any other funds available to any department or agency: *Provided further*, That fees authorized by section 721(p) of the Defense Production Act of 1950, as amended, shall be credited to this appropriation as offsetting collections: *Provided further*, That the total amount appropriated under this heading from the general fund shall be reduced as such offsetting collections are received during fiscal year 2020, so as to result in a total appropriation from the general fund estimated at not more than \$5,000,000."

Language is needed to provide the Department of the Treasury with a rate for operations of \$15 million, and authority to collect \$10 million in fees to offset these amounts, for the Committee on Foreign Investment in the United States (CFIUS) Fund, a new account established in the Foreign Investment Risk Review and Modernization Act of 2018 (FIRRMA). FIRRMA expanded CFIUS activities, requiring the Department and other member agencies to expand their workforce, expertise, and case management workflows. Without the anomaly,

the Department and member agencies would be unable to fund the large capital expenses needed for activities required to be executed in the first quarter, such as building secure space and for a new case management system.

### ***Federal Permitting Improvement Steering Council Independence***

Sec. \_\_\_\_ . (a) Amounts made available by section 101 to the General Services Administration for "General Activities—Environmental Review Improvement Fund" may be obligated in the account and budget structure, and under the authorities and conditions, set forth for "Federal Permitting Improvement Steering Council" as described in the notification sent to the Committees on Appropriations of the Senate and House of Representatives prior to the end of fiscal year 2019 pursuant to section 608 of Public Law 116-6.

(b) Funds appropriated in prior appropriations Acts under the heading "General Services Administration—General Activities—Environmental Review Improvement Fund" shall be transferred to and merged with the account established under subsection (a) of this section.

Language is needed to authorize the Federal Permitting Improvement Steering Council (FPISC) to execute previously appropriated funds, and funds made available during the period of the CR, in the account and budget structure set forth in the notification transmitted by the Administrator of the General Services Administration (GSA) to the Committees on Appropriations of the House and Senate prior to the end of fiscal year 2019 pursuant to section 608 of the Consolidated Appropriations Act, 2019 (Public Law 116-6), regarding the transition of FPISC from an office within GSA to an independent entity. Without the anomaly, FPISC would need to execute the activities under the FY 2019 enacted structure. Appropriations in the new account structure would also be necessary in the final full year FY 2020 appropriations bill for these purposes. If the proposed budget structure is adopted in the final FY 2020 appropriations, manual adjustments of the obligations and disbursements would be required. This administrative burden would adversely impact FPISC's mission execution, as staff would devote more time to duplicative administrative work.

### ***Disaster Loan Program Administration***

Sec. \_\_\_\_ . Notwithstanding section 101, the matter preceding the first proviso under the heading "Small Business Administration—Disaster Loans Program Account" in title V of division D of Public Law 116-6 shall be applied by substituting "\$177,136,000" for "\$10,000,000", "\$1,600,000" for "\$1,000,000", and "\$8,400,000" for "\$9,000,000": *Provided*, That amounts made available under such heading by this Act may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for disaster administrative expenses authorized under section 20(a) of the Small Business Act (15 U.S.C. 631).

Language is needed to provide a rate for operations of \$177 million for the Disaster Loan Program Account within the Small Business Administration (SBA) and authority to obligate this funding at a rate for operations necessary for administrative expenses required to process and service disaster loan commitments. The FY 2019 appropriation provided \$10 million

for these purposes, as SBA had sufficient carryover balances which are now depleted. Without this anomaly, SBA would be unable to process expected disaster loan requests.

### ***7(a) Loan Program***

Sec. \_\_\_\_ . Notwithstanding section 101, the matter preceding the first proviso under the heading "Small Business Administration—Business Loans Program Account" in title V of division D of Public Law 116-6 shall be applied as if the following were inserted before the colon: ", and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act (Public Law 83-163), \$99,000,000, to remain available until expended": *Provided*, That amounts made available under such heading by this Act may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

Language is needed to provide the Small Business Administration with a rate for operations of \$99 million in subsidy budget authority to cover the cost of loans, and authority to obligate this and other funding provided under the CR formula at a rate for operations necessary to accommodate potential increases during the period of the CR. Without this anomaly, the program will not have sufficient funds to meet loan demand in FY 2020, forcing program shutdown and delaying financing to thousands of small businesses during the CR period.

### ***D.C. Local Funds***

Sec. \_\_\_\_ . Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading "District of Columbia—District of Columbia Funds" for programs and activities in the amount set forth in the Fiscal Year 2020 Local Budget Act of 2019 (D.C. Act 23-208), as modified as of the date of the enactment of this Act.

Language is proposed to clarify that the District of Columbia (D.C.) has the authority to spend in FY 2020 funds received from local tax revenues and other non-Federal sources in the amount and for the programs and activities provided in D.C.'s Fiscal Year 2020 Local Budget Act of 2019. This language is similar to that enacted in prior years.

### ***Common Services Funding Gap***

Sec. \_\_\_\_ . In addition to amounts provided by section 101, amounts are provided to the Office of Personnel Management for "Salaries and Expenses" at a rate for operations of \$48,000,000, for an additional amount for administrative expenses: *Provided*, That of such amounts, \$29,760,000 shall be transferred from the appropriate trust funds of OPM without regard to other statutes: *Provided further*, That such amounts may be apportioned up to the rate for operations necessary to maintain agency operations.

Language is needed to provide the Office of Personnel Management (OPM), Salaries and Expenses account with an additional rate for operations of \$48 million, and authority to obligate this funding at a rate for operations necessary to cover the expected shortfall for core OPM functions resulting from the transfer of the National Background Investigations Bureau function to the Department of Defense. Without the anomaly, there is a risk that

OPM would have to take significant internal personnel actions to mitigate the funding shortfall that would risk programmatic failure or the safety of OPM's information technology infrastructure.

## **Homeland Security**

### ***Account Restructuring to Decentralize Working Capital Fund Activities***

Sec. \_\_\_\_ . Amounts made available by section 101 to the Department of Homeland Security for "Office of the Secretary and Executive Management—Operations and Support", "Management Directorate—Operations and Support", and "Intelligence, Analysis, and Operations Coordination—Operations and Support" may be apportioned up to the rate for operations necessary to carry out activities previously funded by the Working Capital Fund of the Department of Homeland Security, consistent with the fiscal year 2020 President's Budget.

Language is needed to authorize the Department of Homeland Security (DHS) to obligate funds during the period of the CR in the Operations and Support accounts for the Office of the Secretary and Executive Management, Management Directorate, and Intelligence, Analysis, and Operations Coordination bureaus, at a rate for operations necessary to carry out the account restructuring proposed in the FY 2020 Budget request. Without the anomaly, DHS would need to execute the activities in the Working Capital Fund under the FY 2019 Budget structure during the CR. If the proposed budget structure is adopted in the final FY 2020 appropriations, manual adjustments of the obligations and disbursements would be required. This administrative burden would adversely impact DHS's mission execution, as staff would devote more time to duplicative administrative work.

### ***Humanitarian Aid at Southern Border***

Sec. \_\_\_\_ . The authority provided by section 306 of title III of Public Law 116–26 shall apply through the date specified in section 106(3) of this Act.

Language is needed to continue the authority provided to the Department of Homeland Security (DHS) in section 306 of Public Law 116-26, the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019, that would allow DHS to deploy the personnel, supplies, or equipment of any DHS component to support DHS activities related to the significant rise in aliens at the southwest border. Without the anomaly, U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement would be required to reimburse other DHS components for support during the period of the CR.

### ***National Flood Insurance Program Reauthorization***

Sec. \_\_\_\_ . (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “September 30, 2019” and inserting “September 30, 2020”.

(b) Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “September 30, 2019” and inserting “September 30, 2020”.

(c) If this Act is enacted after September 30, 2019, the amendments made by subsections (a) and (b) shall take effect as if enacted on September 30, 2019.

Language is needed to continue the authority for the National Flood Insurance Program (NFIP), which expires on September 30, 2019. The anomaly would authorize NFIP to operate through September 30, 2020. Without the anomaly, NFIP would be unable to renew or sell new flood insurance policies.

### ***Cross Component Staffing and Operations Sustainment***

Sec. \_\_\_\_ . Amounts made available by section 101 to the Department of Homeland Security for "U.S. Customs and Border Protection—Operations and Support", "United States Secret Service—Operations and Support", and "U.S. Immigration and Customs Enforcement—Operations and Support" may be apportioned up to the rate for operations necessary to sustain staffing levels achieved as of September 30, 2019, and to support operations as the Secretary of Homeland Security determines to be appropriate.

Language is needed to authorize the Department of Homeland Security to obligate funding under the CR formula in the Customs and Border Protection, Operations and Support account, the U.S. Secret Service, Operations and Support account, and Immigrations and Customs Enforcement, Operations and Support account at a rate for operations necessary to support emerging operations and to maintain staffing levels as achieved on September 30, 2019. Without the anomaly, these components are at risk of having to suspend critical operations activities during the period of the CR, which would result in increased threats to public safety and reductions in services.

### ***Disaster Relief Fund Apportionment Authority***

Sec. \_\_\_\_ . Amounts made available by section 101 to the Department of Homeland Security for "Federal Emergency Management Agency—Disaster Relief Fund" may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

Language is needed to authorize the Department of Homeland Security to obligate funding under the CR formula in the Federal Emergency Management Agency, Disaster Relief Fund account at rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). Without the anomaly, the amounts automatically apportioned would impede comprehensive Disaster Relief Fund response and recovery activities during the period of the CR should a catastrophic event be declared.

### ***Customs and Border Protection Construction Funding***

Sec. \_\_\_\_ . Section 230(a)(1) of title II of division A of Public Law 116-6 shall be applied during the period covered by this Act by striking “, in the Rio Grande Valley Sector”.

Language is needed to authorize the Department of Homeland Security to obligate funding provided under the CR in the U.S. Customs and Border Protection—Procurement, Construction, and Improvements account for border barrier construction projects outside the U.S.

Border Patrol's Rio Grande Valley Sector. Without the anomaly, funding available under section 230(a)(1) during the period of the CR could only be used for projects in that Sector, which are already fully funded.

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

### ***Indian Health Service New Facility Staffing***

Sec. \_\_\_\_ . (a) In addition to amounts provided by section 101, amounts are provided to the Department of Health and Human Services "Indian Health Service—Indian Health Services" at a rate for operations of \$18,397,500, for an additional amount for costs of staffing and operating facilities constructed in fiscal years 2019 and 2020; and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

(b) In addition to amounts provided by section 101, amounts are provided to the Department of Health and Human Services "Indian Health Service—Indian Health Facilities" at a rate for operations of \$631,000, for an additional amount for costs of staffing and operating facilities constructed in fiscal years 2019 and 2020; and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

Language is needed to provide the Indian Health Services - Services account an additional rate for operations of \$18 million and the Indian Health Service - Facilities account an additional rate for operations of \$1 million, and authority for both accounts to obligate this funding at a rate for operations necessary for staffing and operating costs at newly-constructed healthcare facilities. Two facilities in Oklahoma and California were opened in FY 2019 or will open in early FY 2020 and received only partial-year funding: the Cherokee Nation Regional Health Center and the Northern California Youth Regional Treatment Center. Without this anomaly, IHS would have to reduce funding for other direct patient care services to pay for staffing costs at these facilities or operate these facilities at minimal levels.

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

### ***National Advisory Committee on Institutional Quality and Integrity Authorization***

Sec. \_\_\_\_ . Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2019".

Language is needed to extend authorization, which expires on September 30, 2019, for the Department of Education's National Advisory Committee on Institutional Quality and Integrity (NACIQI). NACIQI helps ensure that students who enroll in institutions participating in the Federal student aid programs are attending quality postsecondary institutions by providing recommendations to the Secretary of Education on whether accrediting entities' standards are sufficiently rigorous and effective. NACIQI also provides recommendations on whether the entity is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits. Without the anomaly, the Secretary of Education would not receive these recommendations, which play a critical role in whether the Secretary grants or discontinues recognition of accrediting entities.

### ***Strategic National Stockpile Account Restructuring***

Sec. \_\_\_\_ . Amounts made available by section 101 to the Department of Health and Human Services for "Centers for Disease Control and Prevention—Public Health Preparedness and Response" and "Office of the Secretary—Public Health and Social Services Emergency Fund" may be obligated in the account and budget structure, and under the authorities and conditions, set forth in H.R. 2740.

Language is needed to authorize the Department of Health and Human Services (HHS) to operate using the restructured budgetary accounts for two offices within HHS during the period of the CR. Administration of the Strategic National Stockpile was moved from the Centers for Disease Control and Prevention (CDC), Public Health Preparedness and Response account to the Office of the Secretary, Public Health and Social Services Emergency Fund account following enactment of the FY 2019 appropriation. Without the anomaly, CDC would need to execute the program in the FY 2019 budget structure during the CR. If the new budget structure is adopted in the final FY 2020 appropriation, manual adjustments of the obligations and disbursements would be required. This administrative burden would adversely impact HHS's Assistant Secretary for Preparedness and Response's mission execution as staff would devote more time to duplicative administrative work.

### ***Ending the HIV Epidemic Initiative (partially also in Interior and Environment Subcommittee)***

Sec. \_\_\_\_ . (a) In addition to amounts provided by section 101, amounts are provided to the Department of Health and Human Services for "Health Resources and Services Administration—Ryan White HIV/AIDS Program" at a rate for operations of \$70,000,000, for an additional amount for carrying out a program of grants and contracts under title XXVI or section 311(c) of the Public Health Service Act (PHS Act) focused on ending the nationwide HIV/AIDS epidemic; and such amounts may be apportioned up to the rate for operations necessary to carry out such program: *Provided*, That any grants issued under section 311(c) of PHS Act shall be administered in conjunction with title XXVI of such Act, including the limitation on administrative expenses: *Provided further*, That technical assistance may be provided under title XXVI of the PHS Act, notwithstanding any provision of such title, directly or through grants or contracts with respect to the planning, development, or operation of any program or service authorized under such title.

(b) Of amounts made available by section 101 for the Department of Health and Human Services for "Health Resources and Services Administration—Primary Health Care", \$50,000,000 may be apportioned up to the rate for operations necessary for the expansion of services that support access to and the use of pre-exposure prophylaxis for human immunodeficiency virus (HIV) in high-need jurisdictions: *Provided*, That section 330(e)(6)(B)(iii) of the PHS Act shall not apply to such amounts.

(c) In addition to amounts provided by section 101, amounts are provided to the Department of Health and Human Services for "Centers for Disease Control and Prevention—HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention" at a rate for operations of \$140,000,000, for an additional amount for the

Ending the HIV Epidemic Initiative; and such amounts may be apportioned up to the rate for operations necessary for such Initiative.

(d) In addition to amounts provided by section 101, amounts are provided to the Department of Health and Human Services for "Indian Health Service—Indian Health Services" at a rate for operations of \$25,000,000, for an additional amount for initiatives to treat or reduce the transmission of Hepatitis-C and HIV-AIDs or both in high priority areas; and such amounts may be apportioned up to the rate for operations necessary to carry out such activities: *Provided*, That such amounts shall be allocated at the discretion of the Director of the Indian Health Service.

Language is needed to provide the Department of Health and Human Services (HHS), Health Resources & Services Administration (HRSA), Ryan White HIV/AIDS Program (RWHAP) account; the Centers for Disease Control and Prevention (CDC), HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention account; and the Indian Health Service (IHS), Indian Health Services with additional rates for operations of \$70 million, \$140 million, and \$25 million respectively, and authority for RWHAP, CDC, IHS, and the HRSA, Primary Health Care account to obligate funding available under the CR at a rate for operations necessary to carry out the Ending the HIV Epidemic Initiative. In addition, the anomaly would provide other needed authorities to the RWHAP and Primary Health Care accounts. Without the anomaly, HHS would not be able to move forward with the planned timelines for the Initiative, including making grant awards during the period of the CR.

#### ***Centers for Disease Control and Prevention - Ebola Outbreak Response Funding***

Sec. \_\_\_\_ . In addition to amounts provided under section 101, amounts are provided to the Department of Health and Human Services for "Centers for Disease Control and Prevention—CDC-Wide Activities and Program Support" at a rate for operations of \$30,000,000, for an additional amount for expenses necessary to respond to the Ebola outbreak in Africa; and such amounts may be apportioned up to the rate for operations necessary for such support: *Provided*, That the Director of the Centers for Disease Control and Prevention may transfer these resources to any of the appropriations accounts under the heading "Centers for Disease Control and Prevention" for Ebola response activities: *Provided further*, That such transfer authority shall be in addition to any other transfer authority provided to the Department of Health and Human Services.

Language is needed to provide the Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC), CDC-Wide Activities and Program Support account with an additional rate for operations of \$30 million, and authority to obligate this funding at a rate for operations necessary to carry out response activities associated with the ongoing Ebola outbreak in Africa. Without the anomaly, HHS would be unable to fully support ongoing response activities during the period of the CR.

#### **State, Foreign Operations, and Related Programs**

##### ***Operationalizing the Development Finance Corporation***

Sec. \_\_\_\_ . Notwithstanding section 101, division F of Public Law 116-6 shall be applied:

(a) by substituting the headings "Overseas Private Investment Corporation—Noncredit Account" and "Overseas Private Investment Corporation—Program Account" and the appropriations language under such headings with the following headings and appropriations language:

"UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

CORPORATE CAPITAL ACCOUNT

The United States International Development Finance Corporation is authorized to make such expenditures and commitments within the limit of funds and borrowing authority available to the Corporation, in accord with the law, and to make such expenditures and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs for the current fiscal year for such Corporation: *Provided*, That for necessary expenses of the activities described in subsections (b), (e), (f), and (g) of section 1421 of division F of Public Law 115-254 and for administrative expenses to carry out authorized activities and project-specific transaction costs described in section 1434(d) of such division of such Act, \$118,000,000: *Provided further*, That of the amounts provided—

(1) \$98,000,000 shall remain available for three fiscal years for administrative expenses to carry out authorized activities (including an amount for official reception and representation expenses which shall not exceed \$35,000) and project-specific transaction costs as described in section 1434(d) of such division of such Act, of which \$1,000,000 shall remain available for five fiscal years; and

(2) \$20,000,000 shall be paid to the "United States International Development Finance Corporation—Program Account":

*Provided further*, That, in this fiscal year and hereafter, the Corporation shall collect the amounts described in section 1434(h) of such division of such Act: *Provided further*, That, in this fiscal year, such collections shall be credited as offsetting collections to this appropriation: *Provided further*, That any collections collected in this fiscal year in excess of \$118,000,000 shall be credited to this account and shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That, in this fiscal year, if such collections are less than \$118,000,000, receipts collected pursuant to division F of Public Law 115-254 and the Federal Credit Reform Act of 1990, in an amount equal to such shortfall, shall be credited as offsetting collections to this appropriation: *Provided further*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-by-dollar basis by the offsetting collections described under this heading so as to result in a final fiscal year appropriation from the General Fund estimated at \$0.

PROGRAM ACCOUNT

Amounts paid from the "United States International Development Finance Corporation—Corporate Capital Account" shall remain available for three fiscal

years: *Provided*, That not to exceed \$80,000,000 of amounts paid to this account from the "United States International Development Finance Corporation—Corporate Capital Account" or transferred to this account pursuant to section 1434(j) of division F of Public Law 115-254 shall be available for the cost of direct and guaranteed loans provided by the United States International Development Finance Corporation pursuant to section 1421(b) of such division of such Act: *Provided further*, That such costs, including the cost of modifying direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That amounts paid to this account from the "United States Development Finance Corporation—Corporate Capital Account" or transferred to this account pursuant to section 1434(j) of such division of such Act are to remain available for nine fiscal years for the liquidation of valid obligations incurred in this fiscal year: *Provided further*, That the total loan principal or guaranteed principal amount shall not exceed \$8,000,000,000.";

(b) by striking the heading "Development Credit Authority" and the appropriations language under such heading;

(c) by substituting any references to "Overseas Private Investment Corporation" or "Development Credit Authority" with "United States International Development Finance Corporation"; and

(d) by adding the following new heading and section at the end of title VII:

"AVAILABILITY OF FUNDS FOR THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

Sec. 7078. (a) Funds transferred to the United States International Development Finance Corporation pursuant to section 1434(j) of division F of Public Law 115-254 shall only be initially made available consistent with the purposes of the account into which they were initially appropriated, and may be deemed to meet minimum funding requirements upon deobligation and reobligation for a use other than for the original purpose of such funds.

(b) Funds transferred from the "Development Credit Authority" account of the United States Agency for International Development to the "United States International Development Finance Corporation—Corporate Capital Account" pursuant to section 1434(i) of division F of Public Law 115-254 shall be transferred to and merged with such account, and may thereafter be deemed to meet any minimum funding requirements that apply to such funds at the time of the deposit into the "Development Credit Authority" account."

Language is needed to move appropriations enacted for the Overseas Private Investment Corporation (OPIC) and the U.S. Agency for International Development (USAID) to the newly authorized U.S. International Development Finance Corporation into the proposed FY 2020 Budget request structure for the period of the CR. Additionally, the anomaly provides necessary authorities required by the BUILD Act of 2018, such as the authority to collect specific fees and pay amounts for subsidy costs associated with loans and loan guarantees, administrative expenses, and other programmatic activities. A total of \$20

million is provided for subsidy costs and \$98 million for administrative expenses and project specific transaction costs, which is an increase of \$9 million from the FY 2019 enacted levels for USAID and OPIC. Without the anomaly, these funds would be executed within OPIC and USAID during the period of the CR, and if the proposed budget structure is adopted in the final FY 2020 appropriations, manual adjustments of the obligations and disbursements would be required.

### ***2020 Dubai Expo: Funding for U.S. Participation in the Dubai 2020 World's Fair***

Sec. \_\_\_\_ . Notwithstanding section 204 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b) and section 104 of this Act, amounts made available by this or prior Acts to the Department of State for "Administration of Foreign Affairs—Diplomatic Programs", except for amounts designated for Overseas Contingency Operations/Global War on Terrorism or as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, may be made available for U.S. participation in international fairs and expositions abroad, including for construction and operation of U.S. pavilions or other major exhibits, and to solicit funds to pay expenses for such U.S. pavilions or other major exhibits: *Provided*, That in addition to amounts provided by section 101, amounts are provided to the Department of State for "Administration of Foreign Affairs—Diplomatic Programs" at a rate for operations of \$30,000,000, for an additional amount to provide for such U.S. participation: *Provided further*, That such amounts may be apportioned up to the rate for operations necessary to provide for such U.S. participation.

Language is needed: to authorize the Department of State to use appropriated funding provided by the CR and prior appropriations Acts for the Diplomatic Programs account to support U.S. participation in the International Exposition (Expo) to be held in Dubai, United Arab Emirates in 2020; to solicit funds to pay expenses associated with participation; to provide the Department of State, Diplomatic Programs account with an additional rate for operations of \$30 million for this purpose; and to provide authority to obligate this funding at a rate for operations necessary to construct a pavilion and fund related activities beginning in October 2019. Current law restricts the Department of State from using appropriated funding for this purpose, which has necessitated private funding of U.S. participation in Expos. Private sector support is inadequate to advance U.S. interests and diplomacy efforts in Expo Dubai 2020. Without the anomaly, the United States would be unable to participate in the first-ever Expo to be held in the Middle East and engage audiences from key strategic regions.

## **Transportation, Housing and Urban Development, and Related Agencies**

### ***Section 202 Housing for the Elderly***

Sec. \_\_\_\_ . Amounts made available by section 101 to the Department of Housing and Urban Development for "Housing Programs—Housing for the Elderly" may be apportioned at a rate for operations necessary to maintain project rental assistance for the elderly under section 202(c)(2) of the Housing Act of 1959, including making amendments to contracts for such assistance and renewing expiring contracts for such assistance for up to a 1-year term.

Language is needed to authorize the Department of Housing and Urban Development (HUD) to obligate funding under the CR formula in the Housing Programs, Housing for the Elderly account at a rate for operations necessary to maintain project rental assistance for the elderly under section 202(c)(2) of the Housing Act of 1959, including contract renewals and service coordinator needs. Without the anomaly, HUD would be unable to renew some of the existing 12-month contracts during the period of the CR which would critically degrade the program by delaying rental subsidy payments to owners. In addition, without an anomaly, HUD would likely obligate any available funds during the period of the CR to contract renewals instead of committing those funds to service coordinators, which would adversely affect the timely payment of those service coordinators.