

# Section-by-Section Summary Of FY 2010 Continuing Resolution

## *Basic Funding Provisions*

Section 101 of the FY 2010 continuing resolution (“CR”) continues federal programs and activities at the FY 2009 level, under the terms and conditions established in the applicable FY 2009 appropriations legislation.

The programs and activities continued are all those which received funding in: Chapter 2 of title IX of the FY 2008 Supplemental Appropriations Act (PL 110-252, which includes the Defense Bridge Fund Appropriations for FY 2009); Sections 155(a) and (b) of division A (which includes appropriations for LIHEAP), and all of divisions C, D, and E of the FY 2009 Consolidated Security, Disaster Assistance, and Continuing Appropriations Act (PL 110-329); divisions A through I of the FY 2009 Omnibus Appropriations Act (PL 111-8); and titles III, VI and X of the FY 2009 Supplemental Appropriations Act (PL 111-32).

Section 102 is a somewhat more detailed version of the “new starts” restriction applying to Defense Department funds, and is similar to language carried in previous years’ CRs that covered the Defense Department.

Section 103 provides that funds in the CR are available to the extent and manner that they would be provided in the relevant appropriations Act.

Section 104 is the standard prohibition on “new starts” under a CR, prohibiting use of funds in the CR to initiate or resume any project or activity for which appropriations were not available during FY 2009.

Section 105 provides that the CR will cover all obligations and expenditures that are incurred for any project or activity during the CR period.

Section 106 specifies that funding provided by the CR terminates after October 31, 2009, or, if earlier, upon enactment of the applicable regular appropriations bill.

Section 107 contains the standard rule requiring expenditures under the CR to be charged against the applicable regular appropriations bills once those bills are enacted.

Section 108 waives time limitations for submission and approval of apportionments.

Section 109 is customary CR language stating that, for programs which would normally have high initial rates of operation or complete distribution of funds at the start of the fiscal year, such high rates of operation or complete distributions should not be undertaken under the CR and that no grants should be awarded for such programs that would impinge on final funding prerogatives.

Section 110 is another customary provision, stating that the CR shall be implemented so that only the most limited funding action of that permitted by the resolution shall be taken.

Section 111 is standard language allowing entitlements and similar programs that received mandatory appropriations in FY 2009 to continue at the funding level needed to maintain benefits under current law through the termination date of the CR (and for benefits due on or about the first day of the following month).

Section 112 permits funds to be spent at greater than the proportional annual rate under the CR if doing so is necessary to avoid furloughs of personnel, provided that all necessary actions to reduce or defer other administrative expenses are taken first.

### *Provisions to Cover Specific Situations*

Like prior years' CRs, this resolution also includes a number of sections addressing specific situations, often referred to as funding anomalies. In most cases, these extend particular provisions of law needed to allow certain federal operations and programs to continue. Unless otherwise noted, all of the following sections apply only through the general termination date of the CR, which is October 31.

Section 113 provides the specific authorization needed under current law to continue to expend funds during the CR period for intelligence activities, the State Department, and international assistance programs.

Sections 114 designates that funds contained in Chapter 2 of title IX of the FY 2008 Supplemental Appropriations Act (PL 110-252, which includes the Defense Bridge Fund Appropriations for FY 2009); and titles III, VI and X of the FY 2009 Supplemental Appropriations Act (PL 111-32) are Overseas Deployment and Other Activities and cannot exceed \$129,989,000,000.

Section 115 continues the prohibition contained in the 2009 Supplemental on the use of funds for the release or transfer of an individual detained at Naval Station, Guantanamo Bay.

Sections 116-120 provide authorization extensions to continue Child Nutrition Programs.

Section 121 allows the Census Bureau's periodic censuses and programs account to operate at an annual rate of \$7,065,707,000 billion, in order to accommodate the ramping up of activities in preparation for the 2010 census.

Section 122 extends the specific authorization needed under current law to continue Stop-Loss payments to service members who are serving in that status. Authority and funding for stop-loss was provided initially in the FY 2009 DoD bill and again in the FY 2009 supplemental (111-32).

Section 123 extends, until the earlier of the date of enactment of the FY 2010 Defense authorization bill or the CR ending date, authority for the Commanders' Emergency Response Program, which provides commanders of tactical units with a source of funds to address the emergency needs of local civilians.

Section 124 extends the authority that allows the use of DoD resources for counterdrug activities. This authority has been used recently in Afghanistan, and has been used to track flows of drug related funding. (Also referred to as Sec 1022 authority)

Section 125 extends the authority that allows DoD to provide equipment for detection and monitoring of aerial and maritime transit of illegal drugs (Referred to as 1033 authority.)

Section 126 provides authority necessary to allow the District of Columbia Government to spend funds collected through local taxes. These funds require appropriation by Congress, and this section of the CR allows spending consistent with the D.C. Government's FY 2009 budget rather than at the FY 2008 rate.

Section 127 extends through the end date of the CR authority for agencies to test alternate approaches to paying and managing employee relocation costs (with approval from the General Services Administration) in order to simplify or otherwise improve the relocation reimbursement process.

Section 128 extends the "E-verify" program through the ending date of the CR.

Section 129 extends the National Flood Insurance Program through the ending date of the CR.

Section 130 extends requirements relating to EB-5 visa program through the ending date of the CR.

Section 131 extends authority for Chemical Facility Anti-Terrorism Standards (CFATS) through the ending date of the CR.

Section 132 extends authority for the Pre-Disaster Mitigation Grant Program through the ending date of the CR.

Section 133 extends authority for Special Immigrant Status to Religious Workers Other than Ministers; Preferential Treatment for Certain Religious Refugees, through the ending date of the CR.

Section 134 extends waiver of Foreign Residence Requirements for Physicians Working in Underserved Areas through the ending date of the CR.

Section 135 extends section 717(a) of the Defense Production Act of 1950 through the ending date of the CR.

Section 136 extends authority for the Colorado Good Neighbor Program through the ending date of the CR.

Section 137 extends the Forrest Service abilities able to collect fees for the sale of botanical products through the ending date of the CR.

Section 138 extends authority for grazing permits through the ending date of the CR.

Section 139 extends the authority to use funds for primary and secondary schooling for employees stationed in Puerto Rico through the ending date of the CR.

Section 140 extends the authority to continue the Ryan White Care Act, which provides medical care, including prescription drugs and early intervention services, to those with HIV/AIDS, through the ending date of the CR.

Section 141 extends the Republic of Palau's eligibility for certain education programs through the ending date of the CR.

Section 142 provides \$47.4 billion (including \$2.9 billion in collections) for the total of the three medical care appropriations – Medical Services, Medical Administration, and Medical Facilities.

Section 143 extends the authority contained in section 1106(b) of the Supplemental Appropriations Act, 2009 (Public Law 111-32) which requires that the Government of Iraq match certain U.S. assistance funding levels through the ending date of the CR.

Section 144 extends the authority contained in section 1107 of the Supplemental Appropriations Act, 2009 (Public Law 111-32) which permits some funding for a power-sharing government if the President certifies that such government and all of its ministers has accepted and is complying with the 2006 Palestinian Anti-Terrorism Act (PATA) principles through the ending date of the CR.

Section 145 extends the authority contained in section 1108 of the Supplemental Appropriations Act, 2009 (Public Law 111-32) that restricts certain foreign assistance for Iraq through the ending date of the CR.

Section 146 extends the authority contained in section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111-32) which provides temporary authority for an Overseas Comparability Pay Adjustment, through the ending date of the CR.

Section 147 extends the authority of the Broadcasting Board of Governors to make grants in support of the operations and programs of Radio Free Asia through the ending date of the CR.

Section 148 extends the authority for the United States Advisory Commission on Public Diplomacy through the ending date of the CR.

Section 149 extends for the duration of the CR the exception in current law from applying the full Accountability Review Board requirements of Title 22 to facilities in Afghanistan and Iraq through the ending date of the CR.

Section 150 relieves the Project-Based Rental Assistance account, the Housing for the Elderly account, and the Housing for Persons with Disabilities account from the OMB seasonal rate to ensure that all low-income housing contracts are paid for the CR period.

Section 151 sets the daily rate for loans insured by the Mutual Mortgage Insurance (MMI) Fund through the ending date of the CR.

Section 152 sets the daily rate for loans issued by the Government National Mortgage Association (GNMA) through the ending date of the CR.

Section 153 extends authority for the Federal Housing Administration to ensure Home Equity Conversion Mortgages (“reverse mortgages”) at a slightly reduced formula (in effect reducing the amount seniors can take out of their homes by 10%).

Section 154 extends authority for the “HOPE VI” program for revitalization of severely distressed public housing through the ending date of the CR.

Section 155 extends authority for the National Transportation Safety Board to make payments under a capital lease for its training facility through the ending date of the CR.

Sections 156 and 157 extend authorizations and taxes for federal aviation programs through the ending date of the CR.

Sections 158-163 extend authorization of surface transportation programs through the ending date of the CR.

Section 164 prohibits funds in Act or any prior act from being provided to ACORN or any of its affiliates, subsidiaries, or allied organizations.

Section 165 lowers the 2009 payment, required on September 30<sup>th</sup>, to the Postal Annuitant’s Health Benefits Trust Fund, as passed by the House by a vote of 388-32 on September 15, 2009.