

# FY 2022 Continuing Resolution (CR) Appropriations Issues (anomalies required for a short-term CR)

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## 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 2021, 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 2021, 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 2021 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.

### *Continuing Rescissions of Discretionary 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, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(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 applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2021, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than November 22, 2021, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2021, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.*

Language is needed to allow continuing 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. The language provides a reporting date on the comprehensive lists of rescissions that will allow final data to be reported.

#### ***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, United States Agency for Global Media, 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.

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

##### ***Rural Microentrepreneur Assistance Program Loan Level***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are available in the "Rural Business-Cooperative Service—Rural Microentrepreneur Assistance Program" account of the Department of Agriculture for gross obligations for the principal amount of direct loans as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s) not to exceed \$150,000,000.

Language is needed to provide the Department of Agriculture with a loan limitation for direct loans in the Rural Microentrepreneur Assistance Program to ensure continued operation of the program during the period of the CR. In FY 2021 the program has a positive subsidy rate, but beginning in FY 2022 it will have a negative subsidy rate. This anomaly would provide a loan limitation of \$150 million, ensuring that the program can continue to operate at needed levels and in compliance with the Federal Credit Reform Act.

### ***Special Supplemental Nutrition Program for Women, Infants, and Children***

Sec. \_\_\_\_ . Section 722 of Division A of Public Law 116-260 shall be applied by substituting "\$225,000,000" for "\$1,250,000,000".

Language is needed to reduce the level of the recurring rescission in the Department of Agriculture, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) account from \$1,250 million to \$225 million. The American Rescue Plan provided funding to increase the Cash Value Voucher for WIC participants to purchase fruits and vegetables to \$35 per person per month, but that dedicated funding will expire at the end of FY 2021. Without this anomaly, the program would be forced to reduce the value of the Cash Value Voucher, and WIC participants would lose about \$25 per person per month for fruits and vegetables.

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

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

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Department of Commerce—Bureau of the Census—Periodic Censuses and Programs" at a rate for operations of \$1,132,537,000.

Language is needed to provide the Department of Commerce, Periodic Censuses and Programs account with a rate for operations of \$1.1 billion to cover key operations of the 2020 and 2030 Decennial Censuses, the Economic Census, and the Data Ingest and Collection for the Enterprise program. Funding enacted for this account in FY 2021 relied on significant unobligated balances, which are now depleted. Without the anomaly, Decennial Census operations, preparations for the 2022 Economic Census, and development of the Data Ingest and Collection for the Enterprise program will be negatively impacted.

## **Defense**

### ***Defense Working Capital Fund Advanced Billing Limitation***

Sec. \_\_\_\_ . Notwithstanding section 106, for fiscal year 2022, the limitation at section 2208(l)(3) of title 10, United States Code, shall not apply with respect to advance billing for orders for relief efforts related to the COVID-19 pandemic and relief efforts following a declaration of a major disaster or emergency 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 Defense (DOD) to exceed the annual limitation on advance billing of working capital fund services and products ordered by the

Federal Emergency Management Agency (FEMA). 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 the event of natural disasters and emergencies, extensive FEMA mission assignments deplete cash balances below levels necessary for timely liquidation of obligations incurred. The anomaly would authorize DOD to advance bill FEMA during FY 2022 without regard to the \$1 billion limitation so that DOD is better positioned to provide timely services in the ongoing response to the COVID-19 pandemic or in the event of a natural disaster or other emergency.

### ***Military Global Positioning System User Equipment Procurement***

Sec. \_\_\_\_ . Amounts made available by section 101 for "Department of Defense—Procurement—Procurement, Defense-Wide" may be apportioned up to the rate for operations necessary for the procurement of Military Global Positioning System User Equipment Increment 1 Application Specific Integrated Circuits.

Language is needed to authorize the Department of Defense to obligate funding under the CR formula in the Procurement, Defense-Wide account at a rate for operations necessary for procurement of Military Global Positioning System User Equipment during the period of the CR. Without this anomaly, military-code positioning, navigation, and timing weapon system requirements would be negatively affected.

### ***Strategic Microelectronic Supply***

Sec. \_\_\_\_ . Notwithstanding sections 102 and 104, in addition to amounts otherwise provided by section 101, an additional amount is provided for "Department of Defense—Procurement—Other Procurement, Air Force" at a rate for operations of \$885,000,000, for the procurement of equipment for the Strategic Microelectronic Supply program: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to carry out such procurements.

Language is needed to provide an additional rate for operations of \$885 million for the Procurement—Other Procurement, Air Force account within the Department of Defense (DOD) and authority to obligate this funding at a rate for operations necessary to support the Strategic Microelectronic Supply program. The Strategic Microelectronic Supply program relies on equipment that will no longer be available after the end of FY 2022, once the sole-source vendor that currently produces it is sold. Without the anomaly, DOD would be unable to meet the December 15, 2021 deadline to contract for a lifetime buy of the equipment from the vendor in order to receive the order prior to the sale.

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

### ***Uranium Enrichment Decontamination and Decommissioning Fund***

Sec. \_\_\_\_ . Section 506 of division D of Public Law 116-260 shall be applied by substituting "\$841,000,000" for "\$291,000,000".



Language is needed to provide the Department of Energy, Uranium Enrichment Decontamination and Decommission Fund (UED&D) with a transfer of \$841 million from the United States Enrichment Corporation (USEC) Fund, in order to align the transferred amount to the full FY 2021 enacted level. In FY 2021, a significant portion of the total appropriation was able to be derived from existing UED&D Fund balances. However, prior to the transfer from the USEC Fund, the estimated balance of the UED&D Fund at the beginning of FY 2022 is only \$36 million. Without this anomaly, the program will not have sufficient total resources to continue cleanup activities and maintain the workforce at the Oak Ridge, Portsmouth, and Paducah sites during the period of the CR.

### ***Expiring Authorities***

Sec. \_\_\_\_\_. (a) During the period covered by this Act, title I of Public Law 108-361 (the CALFED Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 4007(k) of Public Law 114-322, shall be applied by substituting "2022" for "2021" in each place it appears.

(b) During the period covered by this Act, section 9106(g)(2) of Public Law 111-11 (Omnibus Public Land Management Act of 2009) shall be applied by substituting "2022" for "2021".

(c) During the period covered by this Act, section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) shall be applied by substituting "2022" for "2021".

(d) During the period covered by this Act, section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) shall be applied by substituting "2022" for "2021".

Language is needed to extend authorities for three programs, which expire on September 30, 2021, for the Department of the Interior, Bureau of Reclamation during the period of the CR: 1) Reclamation States Emergency Drought Relief Act of 1991; 2) Omnibus Public Land Management Act of 2009; and 3) CALFED Bay-Delta Authorization Act. Without this anomaly, the Bureau of Reclamation may not be able to continue Drought Response Program activities including drought emergency response activities; to provide WaterSMART grants; or to provide assistance for new feasibility studies, water purchases, and implementation of levee reconstruction activities in the Delta.

### ***WIIN Act Storage, Desalination, and Title XVI Projects***

Sec. \_\_\_\_\_. (a) Funding provided in fiscal years 2019, 2020, and 2021 under the heading "Department of the Interior—Bureau of Reclamation—Water and Related Resources" for carrying out section 4007 of Public Law 114-322 shall be made available, in accordance with that section and as recommended by the Secretary in a letter dated July 23, 2021, for the construction, pre-construction, or study of the North-of-the-Delta Off Stream Storage (Sites Reservoir Project), the Los Vaqueros Reservoir Phase 2 Expansion Project, the B.F. Sisk Dam Raise and Reservoir Expansion Project, and the Del Puerto Canyon Reservoir;

(b) Funding provided in fiscal year 2021 under the heading "Department of the Interior—Bureau of Reclamation—Water and Related Resources" for carrying out section 4009(a) of Public Law 114-322 shall be made available, in accordance with that section and as recommended by the Secretary in a letter dated July 23, 2021, for the El Paso Aquifer Storage and Recovery Using Reclaimed Water Project, the Pure Water Soquel: Groundwater Replenishment and Seawater Intrusion Prevention Project, the North San Diego Water Reuse Coalition Project, the Pure Water Oceanside Project, the City of Santa Fe Reuse Pipeline Project, the Replenish Big Bear Project, the Central Coast Blue: Recycled Water Project, the Harvest Water Program, the East County Advanced Water Purification Program: Phase Two, the Ventura Water Pure Program, and the San Juan Watershed Project; and

(c) Funding provided in fiscal year 2021 under the heading "Department of the Interior—Bureau of Reclamation—Water and Related Resources" for carrying out section 4009(c) of Public Law 114-322 shall be made available, in accordance with that section and as recommended by the Secretary in a letter dated July 23, 2021, for the North Pleasant Valley Desalter Facility, the Mission Basin Groundwater Purification Facility Well Expansion and Brine Minimization Project, the Los Robles Desalter Project and the Regional Brackish Water Reclamation Program.

Language is needed to provide the Department of the Interior, Bureau of Reclamation with the authority to initiate construction on four specific Water Infrastructure Improvements for the Nation (WIIN) Act projects, using funds already appropriated in prior years for this purpose. The WIIN Act requires that construction for projects funded using appropriations provided in fiscal years 2019 to 2021 be initiated no later than December 2021, and that the specific projects be named in an Appropriations Act before construction begins. Without this anomaly, there will be significant delays initiating these projects, many of which will support drought resilience in the western United States, and the projects may become ineligible for WIIN Act funding in the future.

## **Financial Services and General Government**

### ***Financial Crimes and Enforcement Network***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Department of the Treasury—Financial Crimes Enforcement Network—Salaries and Expenses" at a rate for operations of \$190,539,000.

Language is needed to provide a rate for operations of \$191 million for the Salaries and Expenses account within the Financial Crimes Enforcement Network (FinCEN) bureau of the Department of the Treasury, in order to carry out new statutory requirements and responsibilities enacted in 2021 in the Anti-Money Laundering Act of 2020 and the Corporate Transparency Act. Without this anomaly, FinCEN would not have sufficient resources to support its ongoing workload and meet the statutory deadlines in these Acts, which significantly expanded FinCEN's mission

### ***The White House***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Executive Office of the President and Funds Appropriated to the President—The White House—Salaries and Expenses" at a rate for operations of \$66,500,000.

Language is needed to provide the Executive Office of the President, The White House, Salaries and Expenses account, with a rate for operations of \$67 million to maintain core operations and support additional activities including COVID-19 management and testing. Without the anomaly, the White House would not have sufficient funds to support core ongoing operations, maintain additional operating requirements for responding to the COVID-19 pandemic, and establish a White House coordinator to respond to the current situation in Afghanistan.

### ***Allowances and Office Staff for Former Presidents***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "General Services Administration—Allowances and Office Staff for Former Presidents" at a rate for operations of \$5,000,000.

Language is needed to provide the General Services Administration (GSA) a rate for operations of \$5 million for the Allowances and Office Staff of Former Presidents account, which includes a \$0.6 million increase for the statutorily-required pension and office support costs of the newest former President's office. The FY 2021 enacted appropriation for this account included only partial-year funding for these costs, and without this anomaly, GSA cannot absorb these additional costs during the CR period under the rate for operations provided by the CR.

### ***Business Loan Programs***

Sec. \_\_\_\_ . Amounts made available by section 101 for "Small Business Administration—Business Loans Program Account" 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)), for commitments to guarantee trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

Language is needed to provide the Small Business Administration (SBA) with authority to obligate funding provided under the CR at a rate for operations necessary to accommodate potential demand increases during the period of the CR for business loan commitments, commitments to guarantee trust certificates, and commitments to guarantee loans for debentures in SBA's 7(a), Small Business Investment Company, Secondary Market Guarantee, and 504 programs. Without this anomaly, these lending programs will not have sufficient funds to meet demands in FY 2022, forcing these programs to shut down or delay financing to thousands of small businesses during the CR period.

## ***Pretrial Services Agency***

Sec. \_\_\_\_ . In addition to amounts provided by section 101, amounts are provided for "Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia" at a rate for operations of \$3,831,000, for an additional amount for Pretrial Services Agency costs associated with pretrial supervision, including GPS monitoring within the District of Columbia.

Language is needed to provide the Federal Payment to the Court Services and Offender Services Agency for the District of Columbia account with an additional rate for operations of \$4 million for Pretrial Services Agency costs associated with pretrial supervision, including Global Positioning System (GPS) monitoring within the District of Columbia. Due to the COVID-19 pandemic, demand for pretrial supervision, including GPS monitoring, has increased in volume and in length due to increases in court processing times for defendants awaiting trial. Without this anomaly, the Pretrial Services Agency would be unable to achieve the staffing level necessary to perform adequate pretrial supervision during the period of the CR.

## ***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 2022 Local Budget Act of 2021 (D.C. Bill 24-275), 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 2022 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 2022 Local Budget Act of 2021. This language is similar to that enacted in prior years.

## **Homeland Security**

### ***COVID-19 Pandemic Protocols for Migrants***

Sec. \_\_\_\_ . Notwithstanding section 104, amounts made available by section 101 for "Department of Homeland Security—U.S. Customs and Border Protection—Operations and Support" and "Department of Homeland Security—U.S. Immigration and Customs Enforcement—Operations and Support" may be used to provide or reimburse third-parties for the provision of COVID-19 testing and shelter for the purpose of voluntary isolation of persons encountered by U.S. Customs and Border Protection after entering the United States along the southwest border and deemed inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)): *Provided*, That such testing and shelter shall be provided immediately after such persons leave Department of Homeland Security custody: *Provided further*, That for purposes of this section, funds may only be used in States or jurisdictions that do not have an agreement with the Federal government for the provision or reimbursement of such services.

Language is needed to authorize the Customs and Border Protection and Immigration and Customs Enforcement agencies in the Department of Homeland Security (DHS) to reimburse third parties for costs associated with COVID-19 pandemic testing and isolation shelter services for select migrants who are released from DHS custody. Without this anomaly, migrants would either need to remain in DHS custody in order to receive these services, or, if provided by Non-Governmental Organizations (NGOs), those organizations would not be reimbursed. Without reimbursement, NGOs may be unable to provide testing and isolation services.

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

Sec. \_\_\_\_ . (a) Amounts made available by section 101 for "Department of Homeland Security—U.S. Customs and Border Protection—Operations and Support" may be apportioned up to the rate for operations necessary to respond to changing migration patterns across the southwest land border, including to mitigate the effects of the COVID-19 pandemic on migrants in U.S. Customs and Border Protection custody, to process evacuees from Afghanistan into the United States, and to maintain not more than the number of Office of Field Operations staff achieved on September 30, 2021.

(b) Amounts made available by section 101 for "Department of Homeland Security—U.S. Immigration and Customs Enforcement—Operations and Support" may be apportioned up to the rate for operations necessary to maintain Alternatives to Detention program operations and detention and removal operations for non-citizens apprehended crossing the southwest land border between ports of entry.

(c) Amounts made available by section 101 for "Department of Homeland Security—Transportation Security Administration—Operations and Support" may be apportioned up to the rate for operations necessary to support security operations and provide vetting assistance related to the arrival of evacuees from Afghanistan in to the United States.

Language is needed to authorize the Department of Homeland Security to obligate funding under the CR formula in the Operations and Support accounts of Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and Transportation Security Administration at a rate for operations necessary to sustain operations on the southern border for both CBP and ICE, to facilitate entry of evacuees from Afghanistan into the United States for CBP and TSA, and to maintain staffing levels as achieved on September 30, 2021 for the Office of Field Operations within CBP. Without the anomaly, these components risk not being able to support urgent contingency operations while continuing to perform their statutory missions.

### ***Family Reunification***

Sec. \_\_\_\_ . Notwithstanding section 104, amounts provided by this Act to the Department of Homeland Security for "U.S. Customs and Border Protection—Operations and Support" and "U.S. Immigration and Customs Enforcement—Operations and Support" may be used for the reunification of children separated from a parent or legal guardian at the United States-Mexico border between January 20, 2017, and January 20, 2021, including the provision of shelter, temporary housing, subsistence expenses, transportation, med-

ical care, access to legal services, and such other assistance or relief for separated families that the Secretary of Homeland Security determines necessary to accomplish reunification: Provided, That the Secretary may provide the services and assistance authorized by this section through the use of grants and cooperative agreements: Provided further, That funds made available pursuant to this section shall be used solely to support the reunification of separated families: Provided further, That amounts made available to the Department of Homeland Security for enforcement of the immigration laws in any other provision of law may be used to carry out this section.

Language is needed to authorize the Department of Homeland Security (DHS) to use funding provided to the Operations and Support accounts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement for costs related to the reunification of families separated at the United States-Mexico border between January 20, 2017 and January 20, 2021 and to spend immigration enforcement funds on these costs. Without this anomaly, DHS would be limited in its ability to facilitate the entry of separated family members into the United States.

#### ***Federal Emergency Management Agency Disaster Relief Fund***

Sec. \_\_\_\_\_. Amounts made available by section 101 to the Department of Homeland Security under the heading "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 provide the Department of Homeland Security with authority to obligate funding provided under the CR in the Disaster Relief Fund at a rate for operations necessary to support operations for response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Without this anomaly, comprehensive disaster response and recovery could be impeded should a catastrophic event be declared during the period of the CR.

#### ***Management Directorate Reprogramming Relief***

Sec. \_\_\_\_\_. Amounts made available by section 101 to the Department of Homeland Security under the heading "Management Directorate—Operations and Support" may be obligated in the account and budget structure set forth in the fiscal year 2022 President's Budget, submitted pursuant to section 1105(a) of title 31, United States Code, and accompanying justification materials.

Language is needed to authorize the Department of Homeland Security (DHS) to obligate funds provided by the CR in the Management Directorate (MGMT), Operations and Support account using the budget structure proposed in the FY 2022 Budget request instead of through DHS's reprogramming procedures. For FY 2022, DHS anticipates executing the Office of Program Accountability and Risk Management as a separate program, project, or activity (PPA) instead of as part of the Office of Chief Procurement Officer PPA. Without this anomaly and until reprogramming procedures can be completed, MGMT would need to execute these activities in the Operations and Support account under the FY 2021 Budget structure during the CR. Manual adjustments of the obligations and disbursements would

then be required. This administrative burden would adversely impact MGMT's mission execution, as staff would devote more time to duplicative administrative work.

### ***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 substituting the date specified in section 106(3) of this Act for "September 30, 2021".

(b) Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by substituting the date specified in section 106(3) of this Act for "September 30, 2021".

(c) (1) This section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2021, this section shall be applied as if it were in effect on September 30, 2021.

Language is needed to continue the authority for the National Flood Insurance Program (NFIP), which expires on September 30, 2021. Without the anomaly, NFIP would be unable to renew or sell new flood insurance policies during the period of the CR.

### ***U.S. Citizenship and Immigration Services Application Processing PPA Authority***

Sec. \_\_\_\_ . In addition to amounts otherwise provided by section 101, an additional amount is provided for "Department of Homeland Security—U.S. Citizenship and Immigration Services—Operations and Support" for application processing, the reduction of backlogs within asylum, field, and service center offices, and support of the refugee program at a rate for operations of \$342,000,000: *Provided*, That such amounts shall be in addition to any other funds made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

Language is needed to provide the Department of Homeland Security an additional rate for operations of \$342 million in the U.S. Citizenship and Immigration Services, Operations and Support account to support processing increased refugee applications and begin addressing the application backlog. Without this anomaly, this account will not have the authority or resources to address the backlog of applications, which was estimated at four million in May 2021, or meet the target of up to 125,000 refugee admissions in FY 2022.

### ***U.S. Coast Guard Common Appropriation Structure***

Sec. \_\_\_\_ . Amounts made available by section 101 to the Department of Homeland Security under the heading "Coast Guard" may be obligated in the account and budget structure set forth in the fiscal year 2022 President's Budget, submitted pursuant to section 1105(a) of title 31, United States Code, and accompanying justification materials.

Language is needed to authorize the Department of Homeland Security to obligate funds provided by the CR in the Coast Guard, Operations and Support account using the budget structure proposed in the FY 2022 Budget request. Without this anomaly, the Coast Guard

would need to execute the activities in the Operations and Support account under the FY 2021 Budget structure during the CR. If the proposed budget structure is adopted in the final FY 2022 appropriations, manual adjustments of the obligations and disbursements would be required. This administrative burden would adversely impact the Coast Guard's mission execution, as staff would devote more time to duplicative administrative work.

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

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

Sec. \_\_\_\_ . (a) In addition to amounts provided by section 101, amounts are provided for "Department of Health and Human Services—Indian Health Service—Indian Health Services" at a rate for operations of \$115,093,000 for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal year 2021: *Provided*, That 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 for "Department of Health and Human Services—Indian Health Service—Indian Health Facilities" at a rate for operations of \$9,984,000 for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal year 2021: *Provided*, That 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 (IHS), Indian Health Facilities account an additional rate for operations of \$10 million and the IHS, Indian Health Services account an additional rate for operations of \$115 million, and authority to obligate both accounts at a rate for operations necessary to support staffing and operating costs at healthcare facilities that were newly-constructed, renovated, or expanded in FY 2021.

Without this anomaly, IHS would have to reduce funding for other direct patient care services to pay for these additional operating and staffing costs, or operate at minimal levels at their new facilities.

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

### ***Account Maintenance Fees***

Sec. \_\_\_\_ . Section 458(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(4)) shall be applied through the date specified in section 106(3) of this Act by substituting "2022" for "2021".

Language is needed to extend authority for payments to student loan guaranty agencies in the Federal Family Education Loan program. Authorization to make these payments, which cover administrative costs, ceases on September 30, 2021. Without the anomaly, the Department of Education would not be authorized to provide payments.



### ***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, 2021".

Language is needed to extend authorization, which expires on September 30, 2021, for the 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 are critical to the Secretary's determination of whether to grant or discontinue recognition of accrediting entities.

### ***Excess Accrued Leave for the U.S. Public Health Service Commissioned Corps***

Sec. \_\_\_\_ . (a) For purposes of annual leave accumulated in fiscal year 2021, the authority provided in section 2106 of division C of Public Law 116–159 shall apply to such leave by substituting "2021" for "2020" in subsections (a) and (d) and by substituting "2022" for "2023" in subsection (b).

Language is needed to extend the authority for members of the Commissioned Corps to carry over annual leave balances in excess of the 60 days already allowed under current law. The anomaly would allow carryover of excess leave from FY 2021 to the end of FY 2022, in cases where members have been unable to utilize leave due to the COVID-19 pandemic. This authority was also provided to Commissioned Corps members at the end of FY 2020. Without this anomaly, Commissioned Corps members who have been responding to the COVID-19 pandemic will lose excess amounts of accumulated annual leave on September 30, 2021.

### ***Family Violence Prevention and Services Act***

Sec. \_\_\_\_ . In addition to amounts provided by section 101, an additional amount is provided to the Department of Health and Human Services for "Administration for Children and Families—Children and Families Services Programs" for necessary administrative expenses to carry out sections 303, 309 and 319 of the Family Violence Prevention and Services Act and section 2204 of the American Rescue Plan Act of 2021 at a rate for operations of \$6,750,000: *Provided*, That during the period covered by this Act, amounts made available by section 101 and prior appropriations Acts to the Department of Health and Human Services under the heading "Administration for Children and Families—Children and Families Services Programs" may be used for the same purposes as the funds provided in the preceding proviso.

Language is needed to provide the Department of Health and Human Services, Administration for Children and Families (ACF) with an additional rate for operations of \$7 million for the Children and Families Services (CFS) Programs account for the administrative expenses

of Family Violence Prevention and Services Act (FVPSA) base emergency shelters and supportive services programs, as well as two new FVPSA grant programs that were authorized by the American Rescue Plan Act of 2021. Language is also needed to provide the authority to use existing funds within the CFS account to carry out these new programs. Without this anomaly, ACF would be limited to the \$3 million provided by the American Rescue Plan Act of 2021 to administer the new programs.

### ***National Institutes of Health Extended Disbursement Anomaly***

Sec. \_\_\_\_ . (a) Funds made available in Public Law 114–113 to the accounts of the National Institutes of Health that were available for obligation through fiscal year 2016 and were obligated for multi-year research grants shall be available through fiscal year 2022 for the liquidation of valid obligations incurred in fiscal year 2016 if the Director of the National Institutes of Health determines the project suffered an interruption of activities attributable to SARS–CoV–2.

(b)(1) This section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2021, this section shall be applied as if it were in effect on September 30, 2021.

Language is needed for the Department of Health and Human Services, National Institutes of Health (NIH) to extend disbursement authority through FY 2022 for obligations that were incurred using FY 2016 appropriations. Similar to language provided in the FY 2022 House Labor, Health and Human Services, and Education, and Related Agencies Appropriations bill, this anomaly would provide NIH an additional fiscal year to disburse funds on projects that were interrupted by the COVID-19 pandemic. Without the anomaly, targeted funds would not be available for disbursement and affected projects would be negatively impacted.

### ***National Suicide Prevention Lifeline Program***

Sec. \_\_\_\_ . In addition to amounts provided by section 101, amounts are provided for "Department of Health and Human Services—Substance Abuse and Mental Health Services Administration—Mental Health" at a rate for operations of \$77,621,000, for an additional amount for carrying out section 520E-3 of the Public Health Service Act (42 U.S.C. 290bb-36c): *Provided*, That such amounts may be apportioned up to the rate for operations necessary to operate and maintain the National Suicide Prevention Lifeline program.

Language is needed to provide the Department of Health and Human Services an additional rate for operations of \$78 million for the Substance Abuse and Mental Health Services Administration, Mental Health account and authority to obligate this funding at a rate for operations necessary to implement infrastructure upgrades to increase call center capacity for the National Suicide Prevention Lifeline (NSPL). To comply with a new Federal Communications Commission requirement, telecommunication carriers are establishing a new three-digit number connecting users to the NSPL, as well as expanding the use of text and chat messaging. Without this anomaly, the NSPL call centers would be unable to support the significant increases in call, text, and chat volume that is expected due to these upgrades.

### ***Office of Refugee Resettlement - Unaccompanied Children***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance" at a rate for operations of \$7,991,945,000: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to carry out section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and to maintain activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980.

Language is needed to provide the Department of Health and Human Services (HHS) a rate for operations of \$8.0 billion in the Office of Refugee Resettlement (ORR), Refugee and Entrant Assistance account, and authority to obligate this funding at a rate for operations necessary to care for unaccompanied children referred to HHS care in the first quarter. Of the annualized budget authority, \$7.4 billion is for the Unaccompanied Children program, and the projected needs for this program during the first quarter are currently about \$3.3 billion. The anomaly would provide funding for ORR to begin investing in additional licensed bed capacity, which would reduce reliance on more expensive unlicensed capacity later in the fiscal year. Without this anomaly, ORR will not have sufficient resources to care for or place additional unaccompanied children in shelters during the period of the CR.

### ***Office of Refugee Resettlement - Family Reunification***

Sec. \_\_\_\_ . (a) Notwithstanding sections 104 and 106 of this Act, amounts made available to the Department of Health and Human Services under the heading "Administration for Children and Families—Refugee and Entrant Assistance" in this or any subsequent fiscal year may be used to provide, including through grants, contracts, or cooperative agreements, mental health and other supportive services, including access to legal services, to children, parents, and legal guardians who were separated at the United States-Mexico border between January 20, 2017 and January 20, 2021 and who are in the United States in parole status under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)): *Provided*, That such services shall also be available to immediate family members of such individuals if such family members are in the United States in such parole status: *Provided further*, That amounts made available to the Department of Health and Human Services for refugee and entrant assistance activities in any other provision of law may be used to carry out the purposes of this section: *Provided further*, That the Secretary of Health and Human Services may identify the children, parents, and legal guardians eligible to receive mental health and other supportive services described under this section through reference to the identified members of the classes, and their minor children, in the class-action lawsuits *Ms. J.P. v. Barr* and *Ms. L. v. ICE*.

(b) Notwithstanding any other provision of law, individuals described in subsection (a), including immediate family members of such individuals, who have been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) shall, for as long as they are in such parole status, be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

(d) Amounts repurposed or provided by this section are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

Language is needed to ensure that the Department of Health and Human Services, Office of Refugee Resettlement (ORR) has the authority to use funds provided in any act for refugee and entrant assistance activities to provide Family Support Services, legal services and representation, and Resettlement Support Services to all of the people who were separated at the United States-Mexico border, including their immediate family members who are in the United States in parole status. In addition, language is needed to provide these separated families with resettlement assistance, access to entitlement programs, and other benefits for as long as they remain in parole status in the United States. Without the anomaly, ORR would be unable to provide the full spectrum of benefits and services that the Interagency Task Force on the Reunification of Families recommends be provided to eligible families.

### ***Quarantine Activities***

Sec. \_\_\_\_ . In addition to amounts provided by section 101, amounts are provided for "Department of Health and Human Services—Centers for Disease Control and Prevention—Emerging and Zoonotic Infectious Diseases" at a rate for operations of \$30,000,000, for an additional amount for carrying out quarantine activities.

Language is needed to provide the Department of Health and Human Services an additional rate for operations of \$30 million in the Centers for Disease Control and Prevention (CDC), Emerging Zoonotic Infectious Diseases account to support quarantine activities related to the COVID-19 pandemic. Without this anomaly, CDC would not be able to maintain staffing levels at the Boston and Dallas Quarantine Stations or support the enhanced maritime response team during the period of the CR.

### ***Vessel Sanitation Program***

Sec. \_\_\_\_ . In addition to amounts otherwise provided by section 101, for "Department of Health and Human Services—Centers for Disease Control and Prevention—Environmental Health", there is appropriated \$3,000,000, for fiscal year 2022, for the Vessel Sanitation Program: *Provided, That such funds are in addition to any other funds available for such purposes.*

Language is needed to appropriate \$3 million to the Department of Health and Human Services, Centers for Disease Control and Prevention, Environmental Health account to compensate for the loss of user fee revenue in the Vessel Sanitation Program (VSP) due to the COVID-19 pandemic. VSP operates solely through user fee revenue collected from cruise ship inspections. During the COVID-19 pandemic, cruise ship inspections and fee collections have been suspended and remaining balances available for operation of VSP activities have been depleted. Without this anomaly, the VSP program will continue to have insufficient funds available to operate once the cruise industry becomes fully operational and demand for VSP activities resumes.

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

### ***Deferred FY 2017 Military Construction Projects***

Sec. \_\_\_\_ . Notwithstanding section 101, section 116 of Division J of Public Law 116-260 shall be applied during the period covered by this Act by substituting "fifth fiscal year" for "fourth fiscal year".

Language is needed to waive the restrictions provided in section 116 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2021 in order for the Department of Defense (DOD) to obligate funding during the period of the CR for military construction projects that first received appropriations in FY 2017 but were previously deferred under 10 U.S.C. 2808. Without this anomaly, DOD would be unable to continue these projects during the CR.

### ***Asset and Infrastructure Review Commission***

Sec. \_\_\_\_ . Notwithstanding sections 101 and 104, amounts are provided for "Department of Veterans Affairs—Departmental Administration—Asset and Infrastructure Review Commission" at a rate for operations of \$5,000,000, for carrying out the VA Asset and Infrastructure Review Act of 2018 (subtitle A of title II of Public Law 115-182).

Language is needed to provide the Department of Veterans Affairs (VA) a rate for operations of \$5 million in the Asset and Infrastructure Review (AIR) Commission account to support start-up costs associated with the establishment of the Commission. The VA MISSION Act of 2018 (Public Law 115-182) established the AIR Commission, and requires hiring staff to conduct day-to-day operations. Without this anomaly, VA would not have funding available under the CR to begin hiring and other preparatory work in advance of the AIR Commission's authorized start date on January 1, 2022, delaying the start of the Commission's work.

### ***Veterans Disability Compensation - New Presumptive Conditions***

Sec. \_\_\_\_ . Notwithstanding section 101, and in addition to any other amounts available for such purposes, amounts made available to the Department of Veterans Affairs under the heading "Veterans Health Administration—Medical Services" in this or any prior Act may be transferred to the following accounts of the Department, subject to the amount limitations specified, for personnel costs and other expenses to implement the interim final rule entitled "Presumptive Service Connection for Respiratory Conditions Due to Exposure to Particulate Matter", published on August 5, 2021 (86 FR 42724):

(1) "Veterans Benefits Administration—General Operating Expenses, Veterans Benefits Administration", in an aggregate amount not to exceed \$178,000,000;

(2) "Departmental Administration—Board of Veterans Appeals", in an aggregate amount not to exceed \$5,800,000; and

(3) "Departmental Administration—Information Technology Systems", in an aggregate amount not to exceed \$9,700,000.

Language is needed to provide the Department of Veterans Affairs (VA) with the authority to transfer existing funds from the Medical Services account to the Board of Veterans Appeals, Information Technology Systems, and General Operating Expenses, Veterans Benefits Administration accounts to support the anticipated increase in claims resulting from an interim final rule issued in August 2021. The new rule established three new presumptive disability compensation conditions for certain veterans who served in Southwest Asia and other areas. Without this anomaly, VA would be faced with processing and appeals delays on these new claims.

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

### ***Continue Temporary Passport Security Surcharge and Immigrant Visa Security Surcharge Spending Authority***

Sec. \_\_\_\_ . Section 21009 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) shall continue in effect through the date specified in section 106(3) of this Act.

Language is needed to extend authority, originally provided in the CARES Act, authorizing the Department of State to use passport and immigrant visa security surcharges for the cost of providing consular services. With the continued decline in travel due to the COVID-19 pandemic, fees that pay for the cost of consular services have decreased significantly and the authority to use surcharges collected during the period of the CR for these costs is needed to maintain these activities.

### ***President's Emergency Refugee and Migration Assistance Fund***

Sec. \_\_\_\_ . In addition to amounts otherwise provided by section 101, for "Bilateral Economic Assistance—Funds Appropriated to the President—United States Emergency Refugee and Migration Assistance Fund", there is appropriated \$100,000,000, for an additional amount for fiscal year 2022, to remain available until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act, as amended (22 U.S.C. 2601(c)(2)), for necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)).

Language is needed to appropriate \$100 million to the United States Emergency Refugee and Migration Assistance Fund account which is appropriated to the President under the Department of State Title to enable the United States to respond to unexpected and urgent global humanitarian or migration emergencies in FY 2022, should they occur. Without the anomaly, the United States would be unable to address to any global unexpected urgent refugee and migration needs during the period of the CR due to recently depleted balances and likely higher humanitarian requirements anticipated in FY 2022.

### ***Debt Service Suspension Initiative and Common Framework***

Sec. \_\_\_\_ . In addition to amounts otherwise provided by section 101, for "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring", there is appropriated \$52,000,000, to remain available until September 30, 2023, for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans

and loan guarantees for, or credits extended to, such countries as the President may determine, including the costs of selling, reducing, or cancelling amounts owed to the United States, pursuant to the "Common Framework for Debt Treatments beyond the Debt Service Suspension Initiative (DSSI)", and for reducing interest rates paid by any country eligible for the DSSI: *Provided*, That such amounts may be used notwithstanding any other provision of law.

Language is needed to appropriate \$52 million to the Debt Restructuring account in the Department of the Treasury and authority to carry out the Debt Service Suspension Initiative (DSSI) and Common Framework program. Without the anomaly, Treasury could not undertake DSSI restructurings on terms consistent with other G7 creditors, nor restructurings and relief pursuant to the Common Framework program.

#### ***Development Finance Corporation Loan Modification Authority***

Sec. \_\_\_\_ . Amounts made available by section 101 to the United States International Development Finance Corporation under the heading "Corporate Capital Account" and paid to the "Program Account" shall be available for the costs of modifying loans and loan guarantees transferred to the Corporation pursuant to section 1465(d) of the BUILD Act of 2018 (division F of Public Law 115-254): *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

Language is needed to authorize the Development Finance Corporation (DFC) to use the funds provided under the CR to pay for the cost of modifying legacy loans and loan guarantees that DFC inherited from its predecessor agencies. DFC currently has the authority to use funding appropriated in FY 2019 for this purpose, but that funding will expire at the end of FY 2021. Without this anomaly, DFC will not be able to prudently manage their entire loan portfolio.

#### ***Development Finance Corporation Administrative and Program Expenses***

Sec. \_\_\_\_ . In addition to amounts provided by section 101, amounts are provided to the United States International Development Finance Corporation for "Corporate Capital Account" at a rate for operations of \$431,000,000, of which \$81,000,000 shall be for an additional amount for administrative expenses to carry out authorized activities and project-specific transaction costs described in section 1434(k) of the BUILD Act of 2018 (division F of Public Law 115-254), and of which \$350,000,000 shall be for an additional amount for activities described in subsections (b), (c), (e), (f), and (g) of section 1421 of such Act.

Language is needed to provide the Development Finance Corporation (DFC) an additional rate for operations of \$431 million in the Corporate Capital Account to cover administrative and program activities authorized in the BUILD Act of 2018 (division F of Public Law 115-254). Without this anomaly, DFC would not have sufficient resources to fully support the Build Back Better World Initiative.

### ***Export-Import Bank Default Rate***

Sec. \_\_\_\_ . (a) Notwithstanding section 106, section 6(a)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(3)) shall be applied through September 30, 2022, by substituting "4 percent" for "2 percent" in each place it appears.

(b) Notwithstanding section 106, section 8(g) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(g)) shall be applied through September 30, 2022, by substituting "4 percent" for "2 percent" in each place it appears.

Language is needed to increase the default rate cap applicable to the Export-Import Bank of the United States (EXIM) from two percent to four percent for FY 2022. As a result of the COVID-19 pandemic, defaults have significantly increased and recovery efforts have been delayed. In the event that borrower defaults reach above two percent, without the anomaly, all EXIM financing products including loans, guarantees, and insurance are immediately frozen, limiting the capacity of the agency to authorize any new transactions until the default rate falls back under two percent.

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

### ***Title VI of NAHASDA -- Loan Limitation***

Sec. \_\_\_\_ . Amounts made available by section 101 to the Department of Housing and Urban Development in the third paragraph under the heading "Public and Indian Housing—Native American Programs" may be apportioned up to the rate for operations necessary to accommodate demand for guaranteed notes and other obligations as authorized by title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.).

Language is needed to authorize the Department of Housing and Urban Development to obligate funding under the CR formula in the Public and Indian Housing, Native American Programs account at a rate for operations necessary to support loan guarantees for larger loans that are currently in process and may reach firm commitment during the CR period. Without this anomaly, there could be delays in loan closings, increased transaction costs, and loss of project funding sources.

### ***Essential Air Service***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Department of Transportation—Payments to Air Carriers" at a rate for operations of \$318,000,000: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to maintain Essential Air Service program operations.

Language is needed to provide the Department of Transportation a rate for operations of \$318 million in the Payments to Air Carrier account and authority to obligate this funding at a rate for operations necessary to maintain the Essential Air Service program at current levels. Collections of overflight fees, which fund a portion of the Essential Air Service program, have been significantly lower in FY 2020 and FY 2021 due to the effect that the COVID-19 pandemic has had on the aviation industry. Overflight fees are expected to remain



lower than usual in FY 2022. Without this anomaly, the Essential Air Service program would not have sufficient resources to maintain the current level of program operations.

## **Afghan Resettlement Requirements**

### ***Afghanistan Evacuation and Resettlement Assistance***

Sec. \_\_\_\_.

(a) Notwithstanding any other provision of law, an Afghan national shall hereafter be eligible for the benefits described in subsection (c), if the Afghan national:

(1) was paroled into the United States between July 31, 2021 and September 30, 2022; and

(2) successfully completed background checks and screening in accordance with the policies and procedures put in place as part of Operation Allies Welcome (or any predecessor or successor operation) or equivalent background checks and screening.

(b) Additional Screening – The Secretary of Homeland Security may, at any time, specify and require the completion of additional background checks and screening for any or all Afghan nationals described in subsection (a).

(c) Benefits – Notwithstanding any other provision of law, an Afghan national described in subsection (a), whose parole has not been terminated, shall be:

(1) eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (INA) (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees;

(2) considered to be in a lawful status for the purpose of eligibility for a driver's license or identification card under section 202 of the REAL ID Act of 2005, Pub. L. No. 109-13, Div. B (49 U.S.C. 30301 note); and

(3) eligible for any or all services described under section 412(d)(2)(B) of INA (8 U.S.C. 1522(d)(2)(B)), if under the age of 18 (or such higher age as the State's child welfare services plan under part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) prescribes for the availability of such services to any other child in that State) and unaccompanied as defined by 6 U.S.C. 279(g)(2).

(d) Spouses and Children – A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E) of the Immigration and Nationality Act) of any Afghan national described in subsection (a) who is subsequently paroled or admitted into the United States at any point after the entry of that Afghan national shall be entitled to the same treatment described in subsections (c) and (f).

(e) Parents and Legal Guardians of Unaccompanied Children - A parent or legal guardian of an Afghan national who is described in subsection (a) and who has been

determined to be an unaccompanied child, shall be entitled to the same treatment described in subsections (c) and (f), if the parent or legal guardian has been paroled or admitted into the United States at any point after such child.

(f) Adjustment of Status – The Secretary of Homeland Security may adjust the status of an Afghan national described in subsection (a), whose parole has not been terminated, to that of an individual lawfully admitted for permanent residence provided that the Afghan national:

(1) has been present in the United States for at least one year;

(2) is otherwise admissible to the United States as an immigrant, excluding the grounds of inadmissibility specified in section 212(a)(4), (5), and (7)(A) of the INA (8 U.S.C. 1182(a)(4), (5), (7)(A)); and

(3) clears any additional background checks and screening, as specified by the Secretary.

(g) Waiver of Certain Grounds of Inadmissibility – For purposes of subsection (f)(2), the Secretary may waive any applicable provision of section 212 of the INA (8 U.S.C. 1182) on a case-by-case basis for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(h) Report - Secretary of Homeland Security shall, no later than November 1, 2022, submit a report to Congress that includes an accounting of the numbers of Afghan nationals described in subsection (a) and any other information deemed relevant by the Secretary.

(i) Definition – For purposes of this section, the term “Afghan national” includes a citizen or national of Afghanistan or any other person who last habitually resided in Afghanistan who has no nationality.

(j) Waiver of Fees – The Secretary of Homeland Security shall allow for requests for waiver of any fees in connection with any application filed pursuant to subsection (f) of this section.

(k) No offset in number of visas available — When an individual is granted the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act.

(l) Date of Approval – Upon approval of such an application for adjustment of status, the Secretary shall create a record of the alien’s admission as an alien lawfully admitted for permanent residence as of the date of the alien’s inspection and parole described in subsection (a)(1).

(m) There is appropriated for “U.S. Citizenship and Immigration Services–Immigration Examination Fee Account”, \$193,000,000, to remain available until expended, for necessary expenses to implement this section: Provided, That such amounts may be used as described in section 286(m) and (n) of the Immigration and Nationality Act (8 U.S.C.

1356(n)): Provided further, That such amounts shall be in addition to any other amounts made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(n) Amounts repurposed or provided by this section are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(o) The provisions of this section shall apply notwithstanding any other provision of this Act.

Language is needed to authorize individuals from Afghanistan paroled into the United States between July 31, 2021 and September 30, 2022 to be eligible for refugee and other public benefits upon being paroled into the United States. Without the anomaly, paroled individuals from Afghanistan would not be eligible for resettlement assistance, entitlement programs such as Medicaid and Supplemental Nutrition Assistance Program food assistance, and other benefits. The language also authorizes the Secretary of Homeland Security to adjust the status of these individuals to that of a lawful permanent resident upon meeting requisite criteria. Language is also needed to appropriate \$193 million to the U.S. Citizenship and Immigration Services to support adjudication requirements and this expanded authority.

#### ***Intelligence Community Support to Operation Allies Welcome***

Sec. \_\_\_\_ . Notwithstanding any other provision of law, departments and agencies in the Intelligence Community may use any funds made available in this or prior fiscal years for the purpose of assisting U.S. government agencies charged with the processing and resettlement of refugees from Afghanistan: Provided, That the assistance provided pursuant to this section may include the use of grants and cooperative agreements: Provided further, That this authority shall expire on September 30, 2022.

Language is needed to authorize the Departments and Agencies of the Intelligence Community (IC) to use appropriated funding to provide assistance to U.S. Government agencies charged with the processing and resettlement of refugees from Afghanistan. Without this anomaly, Departments and Agencies within the IC will not be able to support the processing and resettlement of refugees from Afghanistan.

#### ***Disposition of Supplies and Equipment Funded by the Afghanistan Security Forces Fund Account***

Sec. \_\_\_\_ . (a) Title IX of division C of Public Law 116-260 is amended under the heading “Afghanistan Security Forces Fund” by inserting before the penultimate proviso: Provided further, That such funds shall be available to the Secretary of Defense to recover, repair, store, and dispose of any equipment or supplies previously acquired for or provided to the security forces of Afghanistan using amounts provided under this heading in prior Acts or under any other provision of law: Provided further, That such funds shall be available to the Secretary of Defense to provide temporary assistance to members of the security forces of Afghanistan who were receiving United States Government-funded training on August 15, 2021, and have been absent from Afghanistan since: Provided further, That the Secretary of Defense may obligate and expend funds

made available under this heading for costs associated with the termination of contracts previously funded with amounts provided under this heading in prior Acts, and to pay valid invoices in satisfaction of liabilities under such contracts for which the applicable prior appropriation cannot be identified.

(b) Amounts repurposed by subsection (a) are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

Language is needed to authorize amounts appropriated in FY 2021 in the Afghanistan Security Forces Fund account to be available for costs associated with the recovery, repair, storage, and disposal of equipment and supplies previously acquired for or provided to the Afghanistan National Defense and Security Forces. Language is also needed to authorize costs associated with the termination of previous contracts funded by the account, and for temporary support for members of the Afghanistan security forces who were receiving U.S. Government-funded training on August 15, 2021 and have been absent from Afghanistan since. Without this anomaly, funding will not be available to satisfy ongoing costs associated with the Afghanistan Security Forces Fund in conjunction with the withdrawal of military forces from Afghanistan.

#### ***Increase General Transfer Authority***

Sec. \_\_\_\_ . (a) Section 8005 of the Department of Defense Appropriations Act, 2020 (division A of Public Law 116-93), is amended by striking "\$4,000,000,000" and inserting "\$4,100,000,000".

(b) Section 8005 of the Department of Defense Appropriations Act, 2021 (division C of Public Law 116-260), is amended by striking "\$4,000,000,000" and inserting "\$4,500,000,000".

Language is needed to increase the amounts authorized to be transferred by the Department of Defense (DOD) under section 8005 of DOD's general provisions for FYs 2020 and 2021, in order to replace the general transfer authority that was used to fund the relocation and support of Afghanistan personnel. Without this anomaly, funding will not be available for future high priority unforeseen military requirements.

#### ***Supplemental Appropriations for Military Pay and Operations and Maintenance***

Sec. \_\_\_\_ . (a) In addition to amounts otherwise provided by section 101, for "Department of Defense—Military Personnel—Army", there is appropriated \$49,000,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2022: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(b) In addition to amounts otherwise provided by section 101, for "Department of Defense—Military Personnel—Marine Corps", there is appropriated \$4,000,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2022: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(c) In addition to amounts otherwise provided by section 101, for "Department of Defense—Military Personnel—Air Force", there is appropriated \$6,000,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2022: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(d) In addition to amounts otherwise provided by section 101, for "Department of Defense—Operation and Maintenance—Army", there is appropriated \$145,000,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2022: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(e) In addition to amounts otherwise provided by section 101, for "Department of Defense—Operation and Maintenance—Marine Corps", there is appropriated \$9,000,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2022: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(f) In addition to amounts otherwise provided by section 101, for "Department of Defense—Operation and Maintenance—Air Force", there is appropriated \$14,000,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2022: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(g) In addition to amounts otherwise provided by section 101, for "Department of Defense—Operation and Maintenance—Overseas Humanitarian, Disaster, and Civic Aid", there is appropriated \$2,200,000,000, for an additional amount for fiscal year 2022, to remain available through September 30, 2023: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

Language is needed to appropriate a total of \$2.4 billion to three Military Personnel (MilPers) accounts, three Operation and Maintenance (O&M) accounts, and the Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) account within the Department of Defense. Amounts are needed for the Army, Marine Corps, and Air Force MilPers and O&M accounts, and for the OHDACA account for U.S. military costs related to the relocation of individuals from Afghanistan. Without the anomaly, there may be impacts to readiness or other planned operations that are implemented using these accounts.

### ***Centers for Disease Control and Prevention Screening Activities***

Sec. \_\_\_\_\_. In addition to amounts otherwise provided by this Act, for "Department of Health and Human Services—Centers for Disease Control and Prevention—Emerging and Zoonotic Infectious Diseases", there is appropriated \$21,500,000, for an additional amount for fiscal year 2022, for activities related to Afghan arrivals and refugees: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

Language is needed to appropriate \$22 million to the Emerging and Zoonotic Infectious Diseases account within the Department of Health and Human Services (HHS), Centers for Disease Control and Prevention for activities related to the relocation of individuals from Afghanistan. Without the anomaly, HHS would be unable to fund medical support and service delivery for screening individuals from Afghanistan.

### *Refugee Transitional and Support Services*

Sec. \_\_\_\_ . (a) In addition to amounts otherwise provided by this Act, for “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance”, there is appropriated \$1,617,093,000 for an additional amount for fiscal year 2022, to remain available until September 30, 2024, for carrying out refugee and entrant assistance activities in support of citizens or nationals of Afghanistan paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act and other populations for whom such refugee and entrant assistance activities are authorized: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(b) In addition to amounts otherwise provided by section 101, for “Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs”, there is appropriated \$7,773,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2023, for necessary administrative expenses to carry out title IV of the Immigration and Nationality Act: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(c) Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

“(d) EMERGENCY ASSISTANCE FOR AFGHAN ARRIVALS.—

“(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury of the United States not otherwise appropriated, \$63,000,000, to remain available until expended, to carry out this subsection. Such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

“(2) ALLOTMENT FORMULA.—The Secretary shall allot to each State based on the number of Afghan arrivals in such State relative to the total number of Afghan arrivals in fiscal years 2019 and 2020, as reported by the Department of State.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—A State to which funds are provided under this subsection may use the funds only for the purpose of providing assistance.

“(B) NONSUPPLANTATION.—Funds provided under this subsection shall be used to supplement and not supplant other Federal, State, or tribal funds for services and activities that promote the purposes of this part.

"(4) DEFINITIONS.—In this subsection:

"(A) ASSISTANCE.—The term ‘assistance’ has the meaning given the term in section 260.31 of title 45, Code of Federal Regulations (or any successor regulation).

"(B) STATE.—The term ‘State’ means the 50 States of the United States, the District of Columbia, and each territory.

"(C) TERRITORY.—The term ‘territory’ includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

Language is needed to appropriate \$1.6 billion to the Refugee and Entrant Assistance account and \$8 million to the Children and Families Services Programs account within the Department of Health and Human Services (HHS), Administration for Children and Families, in order to provide resettlement and other support services to individuals relocated to the United States from Afghanistan. Language is also needed to appropriate \$63 million for Temporary Assistance for Needy Families grants to States. Without the anomaly, HHS would be unable to provide services such as securing housing on short notice, case management, English language classes, job training, cash and medical assistance, and other integration services to this population, due to the large number of individuals expected to arrive in a compressed time period, nor would HHS be able to accommodate the increase in staffing necessary to administer these services.

#### ***Cross Component Reimbursement Authority for Afghanistan and the Southwest Border***

Sec. \_\_\_\_ . The personnel of any component of the Department of Homeland Security may be deployed to support activities of the Department of Homeland Security related to the evacuation and reception in the United States of individuals fleeing violence in Afghanistan and the apprehension of non-citizens at the southwest border, without reimbursement for base salaries and benefits as jointly agreed by the detailing components.

Language is needed to authorize the Department of Homeland Security (DHS) to deploy personnel from any DHS component to support activities related to the evacuation and reception in the United States of those fleeing violence in Afghanistan, and to respond to the migrant situation on the southwest border, without needing to reimburse those components for base salaries and benefits. Without this anomaly, DHS components that are responding to these urgent situations with limited resources may be unable to deploy the personnel necessary to support critical operations because they would be required to reimburse other components for base salaries and benefits.

#### ***Authority to Hire Afghanistan Staff***

Sec. \_\_\_\_ . Notwithstanding any other provision of law, including sections 104 and 106 of this Act, during fiscal years 2022 and 2023, the authorities of section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)), section 636(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)(3)), and section 5(a)(6) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2605(a)(6)) may be exercised, without regard to the geographic limitations referenced therein, particularly to enter into,

extend, and maintain contracts with individuals who have served as locally employed staff of the United States mission in Afghanistan.

Language is needed to extend authority for the Department of State and U.S. Agency for International Development (USAID) to employ individuals previously employed at the U.S. Mission in Afghanistan in personal service contracts within the United States. Under current law, the Department of State and USAID are only authorized to employ such individuals internationally. Without the anomaly, these agencies would be unable to employ individuals evacuated from Afghanistan in positions that would enable the agencies to benefit from their expertise.

### ***Refugees, Special Immigrant Visas, and Vulnerable Afghans***

Sec. \_\_\_\_ . (a) In addition to amounts otherwise provided by section 101, for "Department of State—Administration of Foreign Affairs—Emergencies in the Diplomatic and Consular Service", there is appropriated \$276,900,000, for an additional amount for fiscal year 2022, to remain available until expended: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(b) In addition to amounts otherwise provided by this Act, for "Bilateral Economic Assistance—Funds Appropriated to the President—United States Emergency Refugee and Migration Assistance Fund", there is appropriated \$976,100,000, for an additional amount for fiscal year 2022, to remain available until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)(2)), for necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)): Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(c) In addition to amounts otherwise provided by section 101, for "Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance", there is appropriated \$415,000,000, for an additional amount for fiscal year 2022, to remain available until expended, to address humanitarian needs in Afghanistan and to assist Afghan refugees: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

(d) In addition to amounts otherwise provided by section 101, for "Bilateral Economic Assistance—Funds Appropriated to the President—International Disaster Assistance", there is appropriated \$400,000,000, for an additional amount for fiscal year 2022, to remain available until expended, to carry out section 491 of the Foreign Assistance Act of 1961, as amended: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget.

Language is needed to appropriate a total of \$2.1 billion for the Department of State and U.S. Agency for International Development (USAID) in four accounts for costs associated with the evacuation of individuals from Afghanistan: Emergencies in the Diplomatic and Consular Service (\$277 million); United States Emergency Refugee and Migration Assistance Fund (\$976 million) which is appropriated to the President under the Department of State



title; Migration and Refugee Assistance (\$415 million); and International Disaster Assistance (\$400 million). Without the anomaly, the Department of State and USAID would be unable to complete evacuation and relocation efforts from Kabul and worldwide midway points; provide subsistence benefits for evacuated Department personnel; provide medical testing, processing through ports of entry, and respond to basic needs requirements of new arrivals; or respond to growing humanitarian needs of vulnerable populations inside Afghanistan and Afghans in neighboring countries.

## Disaster Relief Funding

*Note: The following information is provided for your consideration in addition to the attached continuing resolution appropriations anomalies.*

The Administration supports including necessary emergency funding in any continuing resolution to respond to unmet needs resulting from natural disasters that have occurred in CY 2020 and most of 2021. The estimates for the programs listed below will need to be adjusted as the damage and costs from Hurricane Ida are ascertained. The Administration is committed to working with the Congress to ensure an appropriate and robust response to Hurricane Ida, as well as other ongoing natural disasters and extreme weather events.

For the following programs the Administration has estimated additional disaster funding which may be required to address unmet needs stemming from natural disasters that occurred in CY 2020 and most of 2021. These estimates are not inclusive of the anticipated needs stemming from Hurricane Ida. Note that the following list is not necessarily exhaustive and the estimates are preliminary and may change with additional information and as conditions change.

- **Community Development Block Grant – Disaster Recovery (CDBG-DR) Program** (*Department of Housing and Urban Development*): \$2.3 billion
- **Emergency Watershed Protection Program** (*Department of Agriculture*): \$275.0 million
- **Wildfire and Hurricane Indemnity Program** (*Department of Agriculture*): \$9.0 billion
- **Reclamation Projects to Address Western Drought** (*Department of the Interior*): \$100.0 million
- **Federal Highway Emergency Relief** (*Department of Transportation*): \$2.6 billion

The Administration looks forward to working with the Congress to determine appropriate funding amounts for these or other programs to provide critical disaster relief.

In addition, the costs and needs stemming from Hurricane Ida will be significant—likely exceeding \$10 billion—and additive to the funding described above. The Administration anticipates that, as a result of Hurricane Ida, additional funding will be required for the Community Development Block Grant – Disaster Recovery of at least \$7 billion (given the level of support provided by Congress following Hurricane Harvey, for example), Federal Highway Emergency Relief, Federal Transit Emergency Relief, Small Business Administration Disaster Loans, and the Disaster Relief Fund among others. In addition, the accompanying continuing resolution anomalies includes language needed to provide the Department of Homeland Security with authority to obligate funding provided under the CR in the Disaster Relief Fund at a rate for operations necessary to support operations for response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. This would give the Disaster Relief Fund access to an additional \$18.8 billion in funding.

We are committed to working with Congress to respond effectively and rapidly to Hurricane Ida, and we will be following up with updated estimates as they become available.