



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

September 25, 2014

OMB BULLETIN NO. 14-03

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Apportionment of the Continuing Resolution(s) for Fiscal Year 2015

1. Purpose and Background. H.J. Res. 124 will provide continuing appropriations for the period October 1, 2014, through December 11, 2014. As of October 1, 2014, I am automatically apportioning this continuing resolution (CR) as specified in section 3 of this Bulletin for amounts provided by section 101, as well as for amounts for any section that replaces the rate for operations provided by section 101 with a legislative anomaly that specifies an alternate rate for operations ("anomaly"). This Bulletin supplements instructions for apportionment of CRs in OMB Circular No. A-11, sections 120 and 123.

2. Amounts Provided. Section 101(a) of H.J. Res. 124 provides such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year (FY) 2014 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in H.J. Res. 124, that were conducted in FY 2014, and for which appropriations, funds, or other authority were made available in Divisions A through L of the Consolidated Appropriations Act, 2014 (Public Law 113-76).

Section 101(b) of H.J. Res. 124 reduces the rate for operations provided by section 101(a) for each account by 0.0554 percent (see Attachment A, item 2 for additional information).

3. Automatic Apportionments. Attachment A contains more detailed instructions on calculating the annualized amount provided by the CR. In order to calculate the amount automatically apportioned through the period ending December 11, 2014, (and any extensions thereof), multiply the annualized amount provided by the CR in section 101 (or in an anomaly) by the percentage of the year (pro-rata) covered by the CR (e.g., for H.J. Res. 124 use 19.73 percent).

Unless determined otherwise by your RMO, all automatically apportioned CR funds are apportioned as Category B (lump sum), regardless of quarterly restrictions (i.e., amounts on Category A) imposed in last year's apportionments. Limitations on programs (i.e., other Category Bs) and footnotes included in last year's apportionments remain in effect under the CR.

During the period of the CR, section 115 applies the 0.0554 percent reduction specified in section 101(b) to FY 2015 discretionary advance appropriations enacted in a prior-year bill that become available on October 1, 2014. This automatic apportionment does not apply to those accounts. Your RMO will apportion those accounts separately.

4. Accounts with Zero Funding Excluded from Automatic Apportionment. As has been the case in recent CR Bulletins, including FY 2014, if either the House or Senate has reported or passed a bill that provides no funding for an account at the time the CR is enacted or extended, this automatic apportionment does not apply to that account. Reported bills are those that have been filed by the full House or Senate Appropriations Committee for floor action. The agency may submit a written apportionment to OMB to request funds for the account during the period of the CR, if needed.

5. Programs under Section 111. Funds for appropriated entitlements and other mandatories and activities under the Food and Nutrition Act of 2008, as defined in item 9 of Attachment A, are automatically apportioned amounts as needed to carry out programs at a rate to maintain program levels under current law, i.e., at the FY 2015 level less any applicable 2015 sequestration pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA). This automatic apportionment does not, however, apply to programs with more complex funding structures. Agencies should contact their RMO representatives to determine if their account is automatically apportioned or if a written apportionment is required.

With regard to the associated discretionary administrative expenses for those programs, section 111 does not apply. The associated discretionary administrative expenses are automatically apportioned at the pro-rata level based on FY 2014 annualized levels in section 101.

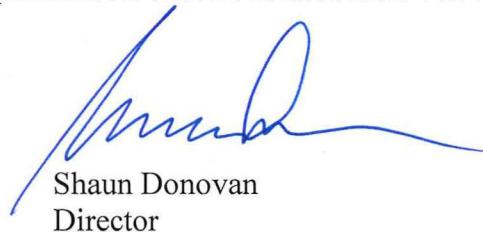
6. Credit Limitations. If there is an enacted credit limitation (i.e., a limitation on loan principal or commitment level) in FY 2014, then the automatic apportionment is the pro-rata share of the credit limitation or the budget authority (i.e., for subsidy cost), whichever is less. To calculate amounts available, see exhibit 123 of OMB Circular No. A-11.

7. Written Apportionments for Amounts Provided by Section 101 and Anomalies. If an agency seeks an amount for an account that is more than the amount automatically apportioned under section 101 or an anomaly, a written apportionment must be requested from OMB. These are referred to as "exception apportionments." Each of these requests must be accompanied by a written justification that includes the legal basis for the exception apportionment (see section 123.7 of OMB Circular No. A-11). OMB expects to grant these written apportionment requests only in extraordinary circumstances.

Conversely, an RMO or an agency may determine that an amount for a program should be less than the amount automatically apportioned to ensure that an agency does not impinge on the final funding prerogatives of the Congress and to encourage prudent financial management and execution of mission. In these cases, a written apportionment will also be required.

Agencies do not need to request a new written apportionment for each extension of the CR (unless otherwise required by your RMO). Instead, in the case of accounts that receive a written apportionment at any time during the CR period, the automatic apportionment will apply to such accounts under any subsequent extensions of the CR, provided that the total amount apportioned during the CR period does not exceed the total annualized level of the CR. However, any footnotes on the written apportionment continue to apply to the accounts, when subsequently operating under the automatic apportionment.

The requirements described in this section are not intended to address the written apportionments for accounts with zero funding. That requirement is described in section 4 above.



Shaun Donovan
Director

Attachment(s)

Attachment A: Continuing Resolution Frequently Asked Questions

Attachment B: Non-CHIMP Cancellations Recurring in a 2015 Continuing Resolution

Attachment C: Changes in Mandatory Programs Recurring in a 2015 Continuing Resolution

Attachment A

Continuing Resolution Frequently Asked Questions

1. What is the rate for operations provided by the section 101 of the Continuing Resolution (CR)?

To calculate the FY 2015 CR rate for operations (annualized level):

- take the full year amount enacted in the appropriations acts making funds available for FY 2014 (i.e., FY 2014 enacted appropriations net of any account-specific rescissions followed by agency-specific and then bill-wide reductions, if any), including obligation limitations. *Attachment B identifies those recurring account specific rescissions in excess of \$500,000. Any recurring rescissions identified that are less than \$500,000 should be factored in, as well;*
- add or subtract transfers mandated by law (only "shall transfer," not "may transfer" or "shall transfer up to" language); and
- reduce the calculated total level by 0.0554 percent. *Item 2 provides further instructions.*

2. What funding levels are excluded from the 0.0554 percent reduction in section 101(b)?

The following are not reduced by section 101(b):

- amounts designated under subsection (a) of section 114 (designated Overseas Contingency Operations/Global War on Terrorism and disaster relief);
- amounts made available by section 101(a) by reference to the second paragraph under the heading "Social Security Administration—Limitation on Administrative Expenses" in division H of Public Law 113-76; and
- anomalies that replace the rate for operations provided by section 101 with an alternate rate for operations.

3. What is the automatic apportionment for amounts provided by section 101 and anomalies?

The amount automatically apportioned (whole dollars) through the period ending December 11, 2014 (and any CR extensions of that period) is calculated by multiplying the **rate for operations provided by the CR** (see item number 1) by the **percentage of the year** covered by the CR (rounded to the nearest hundredth). For H.J. Res. 124, use 72 days/365 days = 19.73 percent.

4. How should discretionary advance appropriations, mandatory appropriations, public enterprise and other revolving funds, reimbursements, and balances of prior year budget authority (BA) be treated?

A continuing resolution continues the prior-year discretionary appropriations, and thus it normally does not affect discretionary advance appropriations, mandatory appropriations provided in substantive or authorizing legislation, public enterprise and other revolving funds, reimbursements, or mandatory or discretionary balances of prior year BA. Therefore, for accounts with a mix of discretionary and mandatory appropriations, the mandatory BA component that is enacted in substantive or authorizing legislation should be taken out before calculating the amount provided by the CR.

In addition, discretionary advance appropriations, public enterprise and other revolving funds, reimbursements, and balances of prior-year discretionary BA should not be factored into the rate for operations. Changes in and limitations on mandatory programs that were enacted in FY 2014 Appropriations Acts and rescissions of balances of prior year BA are assumed to continue during the duration of the CR under the terms and conditions provided in such Acts. Attachments B and C list the recurring changes (for those in excess of \$500,000) in prior-year discretionary balance rescissions and in mandatory programs.

5. How will section 112 of H.J. Res. 124 regarding civilian personnel compensation and benefits be apportioned by OMB?

Section 112 allows limited authority to mitigate furloughs under the short-term CR. It does not provide additional total BA for the fiscal year; rather, it allows OMB to apportion the BA at a level above the daily rate (pro-rata share). OMB expects that there will be very few, if any, written apportionments pursuant to this authority. Before requesting a written apportionment from OMB, you must receive pre-approval from your RMO representative with budget responsibility for the account. In addition to any other standard justification materials, OMB will require written documentation that the following pre-condition from section 112 of the CR has been satisfied by the agency: *"except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses."*

6. If my account received a CR written apportionment, what amounts are available to my account once the full-year appropriation is enacted and until OMB approves my first apportionment for the fiscal year?

Once a full-year FY 2015 appropriation is enacted, accounts that received a CR written apportionment may continue at that CR apportioned rate until they receive their first written apportionment for the fiscal year only IF the final enacted level of appropriations is equal to or greater than the FY 2015 short-term CR (H.J. Res. 124) annualized level. This guidance supplements instructions in OMB Circular No. A-11, section 120.41. If the final enacted FY

2015 appropriation is lower than the FY 2015 short-term CR annualized level, then Circular No. A-11, section 120.41 applies.

7. Do I have to execute the recurring rescissions identified in Attachments B and C during the period covered by the short-term CR?

No. No action is to be taken to execute the rescission amounts identified in Attachments B and C. Recurring rescission amounts are not returned to the Treasury and no negative warrant is issued during the duration of the CR. Instead, the recurring rescission amounts are factored into the rate for operations calculation, as specified in section 1, in order to determine your annualized level during the period covered by the short-term CR. The purpose of factoring the rescission amounts into the rate for operations is to ensure that the agency does not impinge on the final funding prerogatives of the Congress.

8. If a program, project or activity (PPA) within an account is zero-funded, is the PPA excluded from the automatic apportionment?

No. If either the House or Senate has reported or passed a bill that provides no funding for an account at the time the CR is enacted or extended, the automatic apportionment does not apply to that account. By contrast, if it is just a PPA within an account that is zero-funded by such a bill, the account still receives the automatic apportionment and the agency, at its discretion, may fund the PPA within the account total during the period of the CR.

9. In section 111, what are “appropriated entitlements and other mandatories and activities under the Food and Nutrition Act of 2008”?

These programs include those accounts identified in the joint explanatory statement of managers accompanying the conference report on the Balanced Budget Act of 1997 (Report 105-217), or accounts with legislatively enacted directed scoring making otherwise discretionary appropriations mandatory.

ATTACHMENT B: Non-CHIMP¹ Cancellations Recurring in a 2015 Continuing Resolution
 (budget authority in millions of dollars)

	2014 Enacted	2015 CR
<u>Appropriations Bill:</u>		
<i>Cancellations of Unobligated Balances:</i>		
Agriculture and Rural Development:		
USDA, Agriculture Buildings and Facilities and Rental Payments.....	-30	---
USDA, Resource Conservation and Development.....	-2	---
USDA, Rural Housing Insurance Fund Program Account.....	-1	---
Total, Agriculture and Rural Development.....	-33	---
Commerce, Justice, Science:		
DOC, Public Telecommunications Facilities, Planning and Construction.....	-9	-1
DOJ, Working Capital Fund.....	-30	-30
DOJ, Research, Evaluation, and Statistics.....	-4	-4
DOJ, State and Local Law Enforcement Assistance.....	-45	-45
DOJ, Juvenile Justice Programs.....	-10	-10
DOJ, Community Oriented Policing Services.....	-26	-26
DOJ, Violence Against Women Prevention and Prosecution Programs.....	-12	-12
Total, Commerce, Justice, Science.....	-136	-128
Defense:		
DOD, Research, Development, Test and Evaluation, Army.....	-46	---
DOD, Research, Development, Test and Evaluation, Navy.....	-59	---
DOD, Research, Development, Test and Evaluation, Air Force.....	-39	---
DOD, Other Procurement, Army.....	-85	-45
DOD, Research, Development, Test and Evaluation, Defense-wide.....	-15	---
DOD, Aircraft Procurement, Navy.....	-122	-112
DOD, National Defense Sealift Fund.....	-24	-24
DOD, Weapons Procurement, Navy.....	-38	-5
DOD, Other Procurement, Navy.....	-274	-8
DOD, Procurement, Marine Corps.....	-13	-13
DOD, Aircraft Procurement, Air Force.....	-689	-239
DOD, Missile Procurement, Air Force.....	-65	-55
DOD, Other Procurement, Air Force.....	-45	-45
DOD, Procurement, Defense-wide.....	-104	-104
DOD, Defense Health Program.....	-250	-104
DOD, Cooperative Threat Reduction Account.....	-38	-6
DOD, Ship Modernization, Operations and Sustainment Fund ²	-1,920	-1,920
Total, Defense.....	-3,826	-2,680
Energy and Water Development:		
NNSA, Weapons Activities.....	-64	-64
DOE, Energy Efficiency and Renewable Energy.....	-10	-5
Total, Energy and Water Development.....	-74	-69
Homeland Security:		
DHS, Citizenship and Immigration Services.....	-2	-2
DHS, Operating Expenses [United States Secret Service].....	-1	-1
DHS, Aviation Security.....	-37	-2
DHS, Immigration and Customs Enforcement.....	-4	-3
DHS, Customs and Border Protection.....	-1	-1
DHS, Operating Expenses [United States Coast Guard].....	-4	-4
DHS, Federal Air Marshals.....	-1	---
DHS, Surface Transportation Security.....	-20	---
DHS, Border Security Fencing, Infrastructure, and Technology.....	-67	-67
DHS, State and Local Programs.....	-1	-1
DHS, Working Capital Fund [Departmental Management and Operations].....	-1	---
DHS, Transportation Security Support.....	-1	---
DHS, Acquisition, Construction, and Improvements.....	-149	-135
DHS, National Pre-disaster Mitigation Fund.....	-2	-2

ATTACHMENT B: Non-CHIMP¹ Cancellations Recurring in a 2015 Continuing Resolution
 (budget authority in millions of dollars)

	2014 Enacted	2015 CR
<u>Appropriations Bill:</u>		
DHS, Disaster Relief Fund.....	-301	-301
Total, Homeland Security.....	-592	-519
Interior and Environment:		
DOI, Wildland Fire Management.....	-8	---
Total, Interior and Environment.....	-8	---
Military Construction and Veterans Affairs:		
DOD, Military Construction, Army.....	-200	-200
DOD, Military Construction, Navy and Marine Corps.....	-12	-12
DOD, Military Construction, Air Force.....	-40	-40
DOD, Military Construction, Defense-wide.....	-14	-14
DOD, Homeowners Assistance Fund.....	-100	-100
DOD, Military Construction, Air National Guard.....	-14	-14
VA, Medical Services.....	-179	---
VA, General Administration.....	-2	---
VA, National Cemetery Administration.....	-1	---
VA, Construction, Major Projects.....	---	-91
VA, Construction, Minor Projects.....	---	-91
Total, Military Construction and Veterans Affairs.....	-562	-562
State and Foreign Operations:		
Export-Import Bank Loans Program Account.....	-23	-23
Total, State and Foreign Operations.....	-23	-23
Transportation and Housing and Urban Development:		
DOT, Miscellaneous Expired Accounts [Federal Transit Administration].....	-1	---
DOT, Job Access and Reverse Commute Grants.....	-16	---
DOT, Interstate Transfer Grants-transit.....	-3	---
DOT, Washington Metropolitan Area Transit Authority.....	-1	---
DOT, Formula Grants.....	-65	-40
DOT, Capital Investment Grants.....	-11	-11
DOT, Next Generation High-speed Rail.....	-2	-2
DOT, Northeast Corridor Improvement Program.....	-4	-1
DOT, Transportation Planning, Research, and Development.....	-3	---
DOT, Research, Engineering and Development (Airport and Airway Trust).....	-26	-26
HUD, Housing Certificate Fund.....	-26	-15
HUD, Other Assisted Housing Programs.....	-4	---
Total, Transportation and Housing and Urban Development.....	-162	-95
Subtotal, Rescissions/Cancellations of Unobligated Balances.....	-5,416	-4,076
Cancellations of Advance Appropriations:		
Military Construction and Veterans Affairs:		
VA, Medical Support and Compliance (reappropriation) ²	-150	---
VA, Medical Services (reappropriation) ²	-1,400	---
VA, Medical Facilities (reappropriation) ²	-250	---
Total, Military Construction, Veterans Affairs.....	-1,800	---
TOTAL, Cancellations of Balances & Advance Appropriations.....	-7,216	-4,076

ATTACHMENT B: Non-CHIMP¹ Cancellations Recurring in a 2015 Continuing Resolution
(budget authority in millions of dollars)

	2014 Enacted	2015 CR
<u>Appropriations Bill:</u>		
<i>Cancellations of Overseas Contingency Operations Funding:³</i>		
Defense:		
DOD, Military Personnel, Army.....	-22	---
DOD, Military Personnel, Navy.....	-1	---
DOD, Other Procurement, Army.....	-87	-87
DOD, Military Personnel, Marine Corps.....	-6	---
DOD, Military Personnel, Air Force.....	-24	---
Total, Defense.....	-140	-87
State and Foreign Operations:		
State, Diplomatic and Consular Programs.....	-427	-427
Total, State and Foreign Operations.....	-427	-427
Subtotal, Rescissions of Overseas Contingency Operations Funding.....	-567	-514
<i>Grand Total, All Cancellations.....</i>	-7,783	-4,590

¹ Excludes offsets that are the result of cancelling or blocking spending from mandatory programs. See Attachment C on CHIMPs for this information.

² These funds were rescinded in the appropriations bills and immediately reappropriated. This rescission-reappropriation mechanism extends the period of availability.

³ These enacted rescissions of funding were designated as Overseas Contingency Operations pursuant to Section 251(b)(2)(A) of BBEDCA, as amended. Rescissions may recur in amounts less than \$500,000.

ATTACHMENT C: Changes in Mandatory Programs Recurring in a 2015 Continuing Resolution

(Budget authority in millions of dollars)

	2014 Enacted ¹	2015 CR
CHIMPs by Appropriations Subcommittee:		
Agriculture and Rural Development:		
USDA, Funds for Strengthening Markets, Income, and Supply (Section 32).....	-189	-189
USDA, Watershed Rehabilitation Program.....	-153	-142
USDA, Energy Assistance Payments.....	-8	---
USDA, Farm Security and Rural Investment Programs.....	-274	-133
USDA, Rural Economic Development Grants (Cushion of Credit).....	-171	-128
USDA, Biorefinery Assistance Program Account.....	-41	-41
USDA, Supplemental Nutrition Assistance Program.....	-11	---
USDA, Child Nutrition Programs (Obligation Delay).....	-119	-119
Total, Agriculture and Rural Development.....	-966	-752
Commerce, Justice, and Science:		
DOC, NOAA, Promote and Develop Fishery Products Transfer.....	-115	-115
DOJ, Assets Forfeiture Fund.....	-84	-84
DOJ, Crime Victims Fund (Obligation Delay).....	-9,328	-11,029
DHS, Citizenship and Immigration Services Transfer.....	-4	-4
Total, Commerce, Justice, and Science.....	-9,531	-11,232
Financial Services:		
Treasury, Forfeiture Fund.....	-736	-736
OPM, Revolving Fund.....	-7	---
FDIC, Deposit Insurance Fund Transfer to the OIG.....	-35	-35
Postal Service, Transfers to the OIG & Postal Regulatory Commission (PRC).....	-255	-255
Postal Service, Discretionary Offsetting Collections for Transfers to the OIG & PRC.....	+255	+255
Securities and Exchange Commission Reserve Fund.....	-25	-25
Total, Financial Services.....	-803	-796
Homeland Security:		
Treasury, Forfeiture Fund.....	-100	-100
Total, Homeland Security.....	-100	-100
Interior and Environment:		
USDA, Forest Service Permanent Appropriations.....	-17	-17
USDA, Stewardship Contracting Product Sales.....	+1	---
DOI, Mineral Leasing and Associated Payments.....	-40	---
DOI, NPS, Land Acquisition and State Assistance.....	-28	-28
DOI, Compact for Free Association.....	+13	+13
Total, Interior and Environment.....	-71	-32
Labor, HHS, and Education:		
HHS, Children's Health Insurance Fund, CHIPRA Performance Bonus.....	-6,317	-1,751
HHS, CMS Program Management, High Risk Pools.....	+22	+22
HHS, Transfer to Independent Payment Advisory Board (HI).....	-6	-6
HHS, Transfer to Independent Payment Advisory Board (SMI).....	-4	-4
HHS, Prevention and Public Health Fund Transfers.....	-928	-928
HHS, CDC Transfer from Prevention and Public Health Fund.....	+831	+831
HHS, SAMHSA Transfer from Prevention and Public Health Fund.....	+62	+62
HHS, Healthcare Research and Quality Transfer from Prevention and Public Health Fund.....	+7	+7
HHS, Aging and Disabilities Services Transfer from Prevention and Public Health Fund.....	+28	+28
Total, Labor, HHS, and Education.....	-6,305	-1,739
Legislative Branch:		
Member Pay Freeze.....	-1	---
Total, Legislative Branch.....	-1	---

ATTACHMENT C: Changes in Mandatory Programs Recurring in a 2015 Continuing Resolution

(Budget authority in millions of dollars)

	2014 Enacted ¹	2015 CR
CHIMPs by Appropriations Subcommittee:		
Transportation and Housing and Urban Development:		
DOT, Aviation Insurance Revolving Fund ²	-109	---
Total, Transportation and Housing and Urban Development.....	-109	---
TOTAL, Changes to Mandatory Programs (CHIMPs).....	-17,886	-14,651

¹ All FY 2014 CHIMPs have been rebased as mandatory and are not included in any FY 2014 Enacted levels. They are only displayed for comparison purposes.

² Reauthorization of the Aviation Insurance Revolving Fund does not recur as a term and condition of H.J. Res. 124, but instead as a specific reauthorization for the term of the Continuing Resolution. Thus, the cost of the reauthorization in H.J. Res. 124 for section 148 is not shown on this table.