



FY2013 Continuing Resolution: Analysis of Components and Congressional Action

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Summary

This report provides analysis of the components of the FY2013 continuing resolution (CR) and congressional action on that CR.

The House and Senate Appropriations Committees have each reported 11 regular appropriations bills. Seven regular appropriations bills have been passed by the House; no regular appropriations bills have been passed by the Senate. None of the regular appropriations bills has been enacted. The continuing resolution for FY2013 was signed into law on September 28, 2012 (H.J.Res. 117; P.L. 112-175).

The CR for FY2013 covers all 12 regular appropriations bills by providing budget authority for projects and activities that had been funded in FY2012 by P.L. 112-55, P.L. 112-74, and P.L. 112-77, with specified exceptions. Funding in the CR is effective October 1, 2012, through March 27, 2013, a duration of nearly the first six months of the fiscal year. Budget authority for projects and activities funded in last year's bills is provided at the rate they were funded in FY2012. Most of these projects and activities are also subject to an across the board increase of less than 1% (0.612%). The CR includes several "anomalies," provisions that provide exceptions to the general formula and purpose for which FY2012 funding is continued.

The Congressional Budget Office (CBO) estimates that the total annualized level of budget authority for regular appropriations provided by P.L. 112-175, including projects funded by the rate for operations, the across the board increase, and anomalies, is \$1.047 trillion. When spending is included that was designated as being for the purposes of Overseas Contingency Operations/Global War on Terror, continuing disability reviews and redeterminations, health care fraud abuse control, or disaster relief, the total CBO-estimated amount of annualized budget authority in the CR is \$1.154 trillion. Such designations are pursuant to Section 251(b) of the Balanced Budget and Emergency Deficit Control Act, 2 U.S.C. 901.

The CR includes two new reporting requirements for specified departments and agencies as well as the Office of Management and Budget (OMB). On or before October 28, 2012, certain departments and agencies must submit to the House and Senate Appropriations Committees a "spending, expenditure, or operating plan." In addition, beginning on November 1, 2012, the OMB director is required to submit a monthly report to the House and Senate Appropriations Committees on all obligations incurred by each department and agency in the period covered by the continuing resolution.

This report will be updated if further FY2013 continuing resolutions are enacted.

For general information on the content of CRs and historical data on CRs enacted between FY1977 and FY2012, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

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Introduction

Congress uses an annual appropriations process to fund discretionary spending, which comprises the projects and activities of most federal government agencies.¹ This process anticipates the enactment of 12 regular appropriations bills each fiscal year.² If regular appropriations are not enacted by the start of the fiscal year (October 1), continuing appropriations (often referred to as “continuing resolutions” or CRs) may be used to provide funding until the annual appropriations process has been concluded.³

As of the date of this report, none of the 12 regular appropriations bills for FY2012 had been enacted. On September 28, 2012, H.J.Res. 117, a continuing resolution for FY2013, was enacted (P.L. 112-175). This CR provides funds for covered projects and activities from the beginning of the fiscal year, October 1, 2012, through March 27, 2013.

This report provides analysis of the components of the FY2013 continuing resolution and congressional action on that CR. The report will be updated if additional CRs for FY2013 are enacted.

For general information on the content of CRs and historical data on CRs enacted between FY1977 and FY2012, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

Congressional Action on FY2013 Appropriations

The House and Senate Appropriations Committees have each reported 11 of the 12 regular appropriations bills. Seven regular appropriations bills have been passed by the House; no regular appropriations bills have been passed by the Senate. None of the regular appropriations bills has been enacted. The continuing resolution for FY2013 was signed into law on September 28, 2012 (H.J.Res. 117; P.L. 112-175).

¹ The federal budget process distinguishes between discretionary spending, which is controlled through appropriations acts, and direct (or mandatory) spending, which is controlled through permanent law. For further information on the types of spending in the congressional budget process, see CRS Report 98-721, *Introduction to the Federal Budget Process*, coordinated by Bill Heniff Jr. For further information on the appropriations process, see CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by Jessica Tollestrup.

² Under current practice, each House and Senate Appropriations subcommittee typically drafts one regular appropriations bill for the activities under its jurisdiction, for a total of 12 bills each fiscal year. The full Appropriations Committee considers and reports each bill to the House. Consolidated appropriations measures, sometimes referred to as “omnibus bills,” where two or more of the regular bills are combined into one legislative vehicle, have also been enacted. For further information, see CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by Jessica Tollestrup.

³ Continuing appropriations acts are commonly referred to as “continuing resolutions” because they usually provide appropriations in the form of a joint resolution rather than a bill. Continuing appropriations, however, are occasionally provided in bill form.

Status of Regular Appropriations

The House Appropriations Committee reported 11 regular appropriations bills prior to the beginning of the fiscal year. The first bills, for Energy and Water Development and Related Agencies (H.R. 5325) and Commerce, Justice, Science, and Related Agencies (H.R. 5326), were both reported on May 2. The last bill, for the Department of the Interior, Environment, and Related Agencies (H.R. 6091), was reported on July 10. Only the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations bill has not been reported by the House Appropriations Committee.

Seven regular appropriations bills were considered and passed by the House, all prior to the beginning of the fiscal year. Consideration of the first of these bills, for Commerce, Justice, Science, and Related Agencies (H.R. 5326), began on May 8. The last bill to receive consideration prior to the beginning of the fiscal year, Department of Defense (H.R. 5856), was passed by the House on July 19. The other five bills passed by the House during this period were Energy and Water Development and Related Agencies (H.R. 5325), the Department of Homeland Security (H.R. 5855), the Legislative Branch (H.R. 5882), the Military Construction and Veterans Affairs and Related Agencies (H.R. 5854), and the Transportation, Housing and Urban Development, and Related Agencies (H.R. 5972). No other regular appropriations bills received consideration.

The Senate Appropriations Committee reported 11 regular appropriations bills, all prior to the beginning of the fiscal year. On April 19, Transportation, Housing, and Urban Development, and Related Agencies (S. 2322) and Commerce, Justice, Science, and Related Agencies (S. 2323) were the first bills reported from the committee. The Department of Defense (H.R. 5856) and Legislative Branch (H.R. 5882) Appropriations bills were the last bills reported, on August 2. Out of the 12 regular appropriations bills, only the Department of the Interior, Environment, and Related Agencies Appropriations bill has not been reported by the Senate Appropriations Committee.

As of the beginning of the fiscal year, the Senate had not considered any of the reported regular appropriations bills.

For further information on regular appropriations for FY2013, see FY2013 Appropriations Status Table, by Justin Murray, Merete F. Gerli, and Jared Conrad Nagel (available at <http://crs.gov/Pages/AppropriationsStatusTable.aspx>).

FY2013 Continuing Resolution

Table 1 summarizes congressional action for the FY2013 continuing resolution (P.L. 112-175).

Table 1. FY2013 Continuing Resolution: Congressional Action

Measure	Vote on Initial Consideration		Conference Report or Amendment Exchange	Vote on Resolving Differences		Public Law
	House	Senate		House	Senate	
H.J.Res. 117	9/13/2012 (329-91)	9/22/2012 (62-30)	—	—	—	P.L. 112-175 (9/28/2012)

Source: Compiled by the author using data from the Legislative Information System, <http://www.congress.gov>.

H.J.Res. 117, the Continuing Appropriations Resolution for FY2013, was introduced in the House on September 10, 2012. The measure was considered in the House on September 13 pursuant to a special rule (H.Res. 778),⁴ which provided for one hour of debate and made no amendments in order, although it allowed one motion to recommit.⁵ The CR passed the House that same day, by a vote of 329-91. In the Senate, cloture⁶ on the motion to proceed to the measure was invoked on September 19, by a vote of 76-22; the motion to proceed was adopted on September 20, by a vote of 67-31.⁷ That same day, the Senate began consideration of H.J.Res. 117, and cloture was filed on the joint resolution. On September 21, a unanimous consent agreement was propounded that allowed for a vote on cloture and final passage of the CR beginning that evening.⁸ Early in the morning of September 22, the CR passed the Senate, 62-30. Because the Senate made no changes to H.J.Res. 117 as passed by the House, no further House action was required. The CR was signed into law by President Obama on September 28.

⁴ A special rule is a simple resolution reported by House Rules Committee that sets the terms for considering a measure. For further information, see CRS Report 98-354, *How Special Rules Regulate Calling up Measures for Consideration in the House*, by Richard S. Beth, and CRS Report 98-612, *Special Rules and Options for Regulating the Amending Process*, by Megan Suzanne Lynch.

⁵ The motion to recommit is offered prior to the vote on final passage after the previous question has been ordered. In practice, it allows the House a final opportunity to consider and agree to amendatory language or send the bill back to committee. CRS Report 98-383, *Motions to Recommit in the House*, by Betsy Palmer. During consideration of H.J.Res. 117, the motion to recommit failed, by a vote of 189-232. For House consideration of H.J.Res. 117, see *Congressional Record*, daily edition, vol. 158 (September 13, 2012), pp. H5949-H5956, H5969-H5972.

⁶ Cloture is a procedure by which the Senate can vote to limit debate on a pending measure or matter. For further information, see CRS Report 98-425, *Invoking Cloture in the Senate*, by Christopher M. Davis.

⁷ For Senate consideration of H.J.Res. 117, see *Congressional Record*, daily edition, vol. 158 (September 19, 2012), pp. S6405-S6422; *Congressional Record*, daily edition, vol. 158, (September 20, 2012), pp. S6500-S6502; *Congressional Record*, daily edition, vol. 158 (September 21, 2012), pp. S6582, S6603-S6604.

⁸ This agreement also allowed for votes related to S.J.Res. 41, S. 3525, and S. 3576. For further information on unanimous consent agreements, see CRS Report RS20594, *How Unanimous Consent Agreements Regulate Senate Floor Action*, by Richard S. Beth.

FY2013 Continuing Resolution: Components

Table 2 summarizes the components of the FY2013 continuing resolution (P.L. 112-175).

Table 2. FY2013 Continuing Resolution: Components

Measure/P.L.	Full Year Appropriations Acts Included	Interim Funding				Total Regular Appropriations (millions) ^c	Total Spending (millions) ^d
		Coverage ^a	Duration	General Formula	Anomalies ^b		
H.J.Res. 117/ P.L. 112-175	None	AG, CJS, DOD, DHS, EW, FSGG, INT, LHHS, LB, MCVA, SFO, THUD, The Disaster Relief Appropriations Act of 2012 ^e	March 27, 2013	Rate for operations at FY2012 level, plus 0.612 across- the-board increase for many accounts	Yes	\$1,047,000	\$1,153,824

Source: Compiled by the author using data from the Legislative Information System (www.congress.gov), and CBO, “The Continuing Appropriations Resolution, 2013 (H.J.Res. 117) as Introduced in the House: Discretionary spending, in millions of dollars,” September 11, 2012, at <http://www.cbo.gov/publication/43581>.

- a. AG=Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; CJS=Commerce, Justice, Science, and Related Agencies; DOD=Department of Defense; EW=Energy and Water Development and Related Agencies; FSGG=Financial Services and General Government; DHS=Department of Homeland Security; INT=Department of the Interior, Environment, and Related Agencies; LHHS=Departments of Labor, Health and Human Services, and Education, and Related Agencies; LB=Legislative Branch; MCVA=Military Construction and Veterans Affairs and Related Agencies; SFO=Department of State, Foreign Operations, and Related Programs; THUD=Transportation, Housing and Urban Development, and Related Agencies.
- b. “Anomalies” are provisions that provide exceptions to the general formula and purpose for which the previous fiscal year’s funding is extended. There is no standard method for counting the number of anomalies provided by provisions in a CR. See the section, “Anomalies”, in this report for a discussion of these provisions.
- c. CBO estimate of annualized discretionary budget authority. This total includes only budget authority subject to the discretionary spending limits established by the Budget Control Act (P.L. 112-25).
- d. CBO estimate of annualized discretionary budget authority. Includes “total regular appropriations” (contained in the previous column), plus budget authority designated for the purposes of §251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901), which is not subject to the discretionary spending limits established by the Budget Control Act.
- e. The CR extended budget authority for the Disaster Relief Appropriations Act of 2012 (P.L. 112-77), except for appropriations under the account heading “Corps of Engineers-Civil.” See P.L. 112-175, §101(a)(13).

Coverage

A continuing resolution’s “coverage” relates to the purposes for which funds are provided. The projects and activities funded by a CR are typically specified with reference to regular and supplemental appropriations acts from the previous fiscal year. When a CR refers to one of those

appropriations acts and provides funds to the projects and activities included in such an act, the CR is often referred to as “covering” that act.⁹

The CR for FY2013 covers all 12 regular appropriations bills by providing budget authority¹⁰ for projects and activities funded in FY2012 by the Consolidated and Further Continuing Appropriations Act of 2012 (P.L. 112-55) and the Consolidated Appropriations Act of 2012 (P.L. 112-74),¹¹ with an exception for some appropriations where funding that was designated as being for disaster relief.¹² The additional FY2012 funding provided by the Disaster Relief Appropriations Act of 2012 (P.L. 112-77) was also continued, with an exception.¹³

The Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA; 2 U.S.C. 901), as amended by the Budget Control Act of 2011 (BCA; P.L. 112-25), established annual limits on discretionary spending;¹⁴ the budget authority provided by the CR is subject to these limits. However, budget authority that is designated as for “Overseas Contingency Operations/Global War on Terrorism” (OCO/GWOT), “continuing disability reviews and redeterminations,” “health care fraud abuse control,” and “disaster relief,” is exempt from these limits under Section 251(b) of the BBEDCA.¹⁵ The CR generally covers FY2012 projects and activities that were thus exempted from the BCA limits.¹⁶

Budget authority is provided by the CR under the same terms and conditions as the three FY2012 appropriations acts.¹⁷ Effectively, this provision extends many of the provisions in the FY2012 acts that stipulated or otherwise placed limits on agency authorities during FY2012. In addition, under the terms of this CR, none of the funds provided may be used to initiate or resume an

⁹ For further information on the concept of “coverage,” see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

¹⁰ Appropriations bills provide agencies with *budget authority*, which is defined as authority provided by federal law to enter into contracts or other financial *obligations* that will result in immediate or future expenditures (or *outlays*) involving federal government funds. For explanations of these terms, see GAO, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 2005, pp. 20-21, <http://www.gao.gov/>. For the purposes of this report, the terms *budget authority* and *funding* are used interchangeably.

¹¹ The FY2012 regular appropriations were enacted in these two omnibus acts. P.L. 112-55 contained the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, the Commerce, Justice, Science, and Related Agencies Appropriations Act, and the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act. P.L. 112-74 contained the nine remaining regular appropriations acts.

¹² See P.L. 112-175, §101(a). For P.L. 112-55, funding that was not extended includes provisions designated as being for “disaster relief” in Section 735, appropriations so designated in the second paragraph under the heading “Department of Commerce—Economic Development Administration—Economic Development Assistance Programs,” provisions so designated under the heading “Department of Transportation—Federal Highway Administration—Emergency Relief,” and provisions so designated in the last proviso in Section 239.

¹³ See P.L. 112-175, §101(a). P.L. 112-77 provided additional funding for several projects and activities for which budget authority had also been provided by P.L. 112-55 and P.L. 112-74. The CR did not extend the additional FY2012 funds that had been provided by P.L. 112-77 under the heading “Corps of Engineers-Civil.”

¹⁴ For further information on the Budget Control Act, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

¹⁵ Budget authority is designated pursuant to Section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA; 2 U.S.C. 901). In addition to the above designations, budget authority may also be designated pursuant to this section as being for the purposes of “emergency requirements.”

¹⁶ P.L. 112-175, §101(a) and 115.

¹⁷ P.L. 112-175, §103. This section also stipulates that budget authority is available in the same way it was provided in the referenced FY2012 appropriations acts, which includes any requirements in committee reports that are included in the terms of the acts.

activity for which budget authority was not available in FY2012.¹⁸ A goal of these provisions, and many of the other provisions discussed in the sections below, is to protect Congress's constitutional authority to provide annual funding in the manner it chooses.¹⁹

Duration

The duration of a continuing resolution refers to the period for which budget authority is provided for covered activities. Funding in this CR is effective October 1, 2012, through March 27, 2013, nearly the first six months of the fiscal year. On March 28, 2013, the budget authority in the CR will have expired and agencies would no longer be able to obligate those funds. The CR provides that budget authority for some or all projects and activities may be superseded by the enactment of the applicable regular appropriations act prior to or on March 27.²⁰ In the event that any of the projects and activities funded in the CR are not funded in an applicable regular appropriations act enacted prior to or on March 27, budget authority immediately ceases under the CR for such projects and activities.²¹

Formula

Continuing resolutions usually fund projects and activities using a formula to provide budget authority at a restricted level, but do not prescribe a specified amount. The formula is used to calculate an annualized rate of budget authority for each project and activity.²² This CR provides budget authority for projects and activities that were funded in last year's appropriations acts, at the rate the projects and activities were funded therein. This rate is calculated based on the amount of funding available for a project or activity under the terms of the FY2012 appropriations acts referenced in the CR. The rate is calculated as the net of any provisions reducing FY2012 budget authority that were included in those acts.²³ The budget authority provided by this formula is for a maximum of 178 days.

¹⁸ P.L. 112-175, §104.

¹⁹ P.L. 112-175, §109. This section requires that certain funding actions not be taken that would "impinge on final funding prerogatives." In addition, Section 110 directs that only the most limited funding actions allowed under the CR be taken.

²⁰ P.L. 112-175, §107. Once regular appropriations for FY2013 are provided, obligations and expenditures made between October 1 and that date are credited to the annual account. For further information, see U.S. Executive Office of the President (EOP), Office of Management and Budget (hereafter, OMB), *Circular No. A-11: Preparation, Submission, and Execution of the Budget*, August 2012, §123, p. 11, at http://www.whitehouse.gov/omb/circulars_a11_current_year_a11_toc.

²¹ In such instances, as well as instances where annual appropriations are ultimately less than the CR's funding rate, funds that were provided by the CR until it was superseded are still available to the agency to satisfy obligations made during that period. New obligations, however, must not be made and agencies are instructed by OMB to reduce obligations "to the maximum extent possible." OMB, *Circular No. A-11: Preparation, Submission, and Execution of the Budget*, August 2012, §123, p. 12-13, at http://www.whitehouse.gov/omb/circulars_a11_current_year_a11_toc.

²² For further information on the formula and rate for operations in a CR, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

²³ Any rescissions or changes in mandatory budget authority for FY2012 that were included in P.L. 112-55, P.L. 112-74, and P.L. 112-77 apply to the budget authority provided by the CR. For further information as to how these are calculated, see OMB, OMB Bulletin No. 12-02, "Apportionment of the Continuing Resolution(s) for Fiscal Year 2013," September 28, 2012, at <http://www.whitehouse.gov/sites/default/files/omb/bulletins/fy2012/b12-02.pdf>.

Many projects and activities funded in the CR are subject to an across-the-board increase of less than 1% (0.612%).²⁴ This increase does not apply to appropriations designated as for OCO/GWT, or budget authority provided with reference to the Disaster Relief Appropriations Act of 2012.²⁵ It also does not apply to certain other items extended through the terms of the CR, such as advance appropriations.²⁶

The CR modifies the formula under which some of the funds designated for the purposes of Section 251(b) of the BBEDCA are extended. In the case of FY2012 budget authority designated as for OCO/GWOT, the CR extends funding at the rate for operations in the President's FY2013 budget request.²⁷ In many instances, this rate results in a lower level of annualized funding than would otherwise have been provided under FY2012 levels.²⁸ Additionally, the CR does not extend funding for some of the appropriations in the Consolidated and Further Continuing Appropriations Act of 2012 that were designated as being for disaster relief.²⁹

Anomalies

The CR includes some provisions that designate exceptions to the formula and purpose for which FY2012 funding is extended. Such provisions are often referred to as “anomalies.”³⁰

Many of the anomalies in the CR affect the funding levels that would otherwise be provided by the formula for activities covered by the CR. For example, a provision in the CR states, “Notwithstanding Section 101, amounts are provided for ‘Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program,’ at a rate for operations of \$253,952,000, of which \$186,935,000 shall be for the Commodity Supplemental Food Program.”³¹ In such instances, an alternative amount of annualized funding is provided for a specified project or activity, which may be higher or lower than what the CR's formula would provide.

Other anomalies affect the purpose for which appropriations could be spent with reference to FY2012 appropriations. For example, the CR provides, “Notwithstanding Section 101, amounts are provided for ‘District of Columbia—Federal Funds—Federal Payment for Emergency Planning and Security Costs in the District of Columbia’ at a rate for operations of \$24,700,000, of which not less than \$9,800,000 shall be used for costs associated with the Presidential

²⁴ P.L. 112-175, §101(c).

²⁵ P.L. 112-175, §101(c).

²⁶ Advance appropriations are budget authority that becomes available one or more fiscal years after the fiscal year covered by the appropriations act. For further information, see U.S. Government Accountability Office, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 2005, p. 8, at <http://www.gao.gov>.

²⁷ P.L. 112-175, §101(b).

²⁸ CBO, “The Continuing Appropriations Resolution, 2013 (H.J.Res. 117) as Introduced in the House: Discretionary spending, in millions of dollars,” September 11, 2012, at <http://www.cbo.gov/publication/43581>. The difference in annualized funding levels between FY2012 appropriations and the FY2013 CR was calculated using the amounts for FY2012 discretionary appropriations included in U.S. Congress, House Committee on Appropriations, *Semiannual Report of Committee Activities*, 112th Cong., 1st sess., H.Rept. 112-354 (Washington, DC: GPO, 2011), p. 7.

²⁹ P.L. 112-175, §101(a).

³⁰ For further information on anomalies, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

³¹ P.L. 112-175, §119.

Inauguration.”³² The Presidential Inauguration is a purpose for which budget authority had not been provided in the FY2012 appropriations acts.³³

Anomalies in the CR also extend expiring statutory authorities. For example, the CR provides, “The authority provided by Section 801 of the National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-84; 123 Stat. 2399) shall continue in effect, notwithstanding subsection (f) of such section, through the earlier of the date specified in section 106(3) of this joint resolution or the date of enactment of an Act authorizing appropriations for fiscal year 2013 for military activities of the Department of Defense.”³⁴ Extensions of statutory authorities, unless otherwise indicated, are through March 27, 2013.

Total Regular Appropriations and Total Spending

The Congressional Budget Office (CBO) estimated the annualized amount of discretionary spending under the continuing resolution using two different measures: “total regular appropriations” and “total spending.”³⁵

According to CBO, the total amount of annualized budget authority for regular appropriations in the CR, including projects and activities funded at the rate for operations, the across-the-board increase, and anomalies, is \$1.047 trillion. This total regular appropriations amount is an increase of \$4.001 billion from FY2012.³⁶

When spending is included that was designated under Section 251(b) of the BBEDCA for OCO/GWOT, continuing disability reviews and redeterminations, health care fraud abuse control, or disaster relief, the total CBO-estimated amount of annualized budget authority in the CR is \$1.154 trillion. This total spending amount is a decrease of \$26.665 billion from FY2012.³⁷

Additional Reporting Requirements

The continuing resolution includes two new reporting requirements for certain departments and agencies as well as for the Office of Management and Budget (OMB). These reports are in addition to any reports required under the terms and conditions in the FY2012 appropriations acts.

³² P.L. 112-175, §128.

³³ For further information on funding for the Presidential Inauguration, see CRS Report R42657, *FY2013 Appropriations: District of Columbia*, by Eugene Boyd.

³⁴ P.L. 112-175, §122.

³⁵ CBO did not estimate the effect of any future sequester pursuant to the Budget Control Act of 2011 (BCA) on the level of budgetary resources available to agencies under P.L. 112-175. For background on the BCA, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan, and CRS Report R42050, *Budget “Sequestration” and Selected Program Exemptions and Special Rules*, coordinated by Karen Spar.

³⁶ CBO, “The Continuing Appropriations Resolution, 2013 (H.J.Res. 117) as Introduced in the House: Discretionary spending, in millions of dollars,” September 11, 2012, at <http://www.cbo.gov/publication/43581>. The difference in annualized funding levels between FY2012 appropriations and the FY2013 CR was calculated using the amounts for FY2012 discretionary appropriations included in U.S. Congress, House Committee on Appropriations, *Semiannual Report of Committee Activities*, 112th Cong., 1st sess., H.Rept. 112-354 (Washington, DC: GPO, 2011), p. 7.

³⁷ Ibid.

On or before October 28, 2012, certain departments and agencies must submit to the House and Senate Appropriations Committees a “spending, expenditure, or operating plan.”³⁸ The content that such plans must include in a given context appears to be determined by the department or agency’s relationship with the relevant Appropriations subcommittee. Affected entities are required to report at the applicable program, project, or activity level.³⁹ The reports are to cover the period from the beginning of the fiscal year through March 27, 2013. Not later than 30 days after the date on which any sequestration is ordered by the President pursuant to Section 251A of the BBEDCA, those same departments and agencies must submit an updated operating plan to reflect any adjustments to funding as a result of the sequestration, as well as any extension of the CR’s expiration date that may have occurred in the interim.⁴⁰

In addition, beginning on November 1, 2012, the OMB director is required to submit a monthly report to the House and Senate Appropriations Committees on all obligations incurred by each department and agency in the period covered by the continuing resolution.⁴¹ The level of detail in the report is at the account level.⁴² The report must also compare the obligations incurred during this period to the obligations incurred during the same period in FY2012.

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³⁸ P.L. 112-175 §116(a). The list of departments and agencies subject to this requirement appears in Section 116(c).

³⁹ Potentially, additional detail or forms of reporting may be required, based on the joint explanatory statements accompanying P.L. 112-55 (H.Rept. 112-284) and P.L. 112-74 (H.Rept. 112-331). No joint explanatory statement accompanied P.L. 112-77 because there was no conference on the legislation (H.R. 3672).

⁴⁰ P.L. 112-175, §116(b).

⁴¹ P.L. 112-175, §117.

⁴² This report must specify all executive branch accounts that receive an exception apportionment, that is, an apportionment at a different rate for operations than the formula provided in the CR (§101). For further information on the apportionment under P.L. 112-175, see EOP, OMB, OMB Bulletin No. 12-02, “Apportionment of the Continuing Resolution(s) for Fiscal Year 2013,” September 28, 2012, at <http://www.whitehouse.gov/sites/default/files/omb/bulletins/fy2012/b12-02.pdf>.