

# FY 2017 Continuing Resolution (CR) Appropriations Issues (anomalies required for a CR through mid-December)

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*Drafted language cites section 101 and 106 and assumes that section 101 refers to the "authority and conditions" section and that section 106 refers to the expiration date of the continuing resolution (CR). These anomalies are needed for a CR through mid-December. Section 101 is assumed to include the following:*

- Divisions A through L of the Consolidated Appropriations Act, 2016 (Public Law 114-113), excluding the following specific provisions and funding:
  - The funding designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA) in the Emergency Watershed Protection Program appropriation; the Emergency Forestry Restoration Program appropriation; and the Emergency Conservation Program appropriation in section 728 of title VII of Division A, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2016.
  - The funding designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of BBEDCA in the Community Planning and Development, Community Development Fund appropriation in section 420 of title IV of Division L, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016.
  - Title IX of Division K, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 that contains funding designated by the Congress as being an emergency requirement pursuant to section 251(b)(2)(A)(i) of BBEDCA.

## General

### *Appropriated Entitlements*

Sec. \_\_\_\_ . (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2016, 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 2016, 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 2016 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 and Permanency; Payments to Health Care Trust Funds; Supplemental Nutrition Assistance Program; Child Nutrition Programs; the Supplemental Security Income Program; readjustment benefits for veterans; and compensation, pension, and burial benefits to veterans and their spouses and dependent children.

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

Sec. \_\_\_\_ . Funds appropriated by this joint resolution 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. Intelligence Program components include: the Departments of Defense, Energy, the Treasury, State, Homeland Security, and Justice; the Office of the Director of National Intelligence and the Central Intelligence Agency. Intelligence activities will not continue in the absence of this authority. In addition, in the absence of an authorization bill, the Department of State, U.S. Agency for International Development, Broadcasting Board of Governors, and other agencies that operate under the authority of the State Department Basic Authorities Act and Foreign Relations Authorization Act also need waiver language that enables them to expend funds.

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

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

Sec. \_\_\_\_ . Amounts provided by section 111 to the Department of Agriculture for "Corporations—Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses" may be used, prior to the completion of the report described in section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11), to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, as reflected in the June 2016 report of its financial condition.

Language is needed to accelerate reimbursement to the Commodity Credit Corporation (CCC) during the period of the CR for net realized losses incurred. The CCC has a limitation on outstanding borrowing of \$30 billion, which are replenished by an annual reimbursement for net realized losses as included in the annual appropriations Acts. The statute requires that the net realized losses be appropriated based on the calculation for the financial statements at the close of each fiscal year, expected this year to be completed by early November 2016. However, CCC anticipates it will exceed the statutory limitation on borrowing during the period of the CR, and before the close of the fiscal year audit is completed. The majority of the first quarter FY 2017 payments are due to occur on October 1, 2016 or shortly thereafter as prescribed by law. The anomaly authorizes reimbursement to CCC for net realized losses incurred based on CCC's June 30, 2016, audit report. Without the anomaly, CCC would have to stop making payments as soon as the borrowing ceiling is reached, posing a serious risk for the farmers and ranchers supported by these programs.

### ***Rural Housing Service - Rental Assistance Program***

Sec. \_\_\_\_ . Amounts made available by section 101 for "Department of Agriculture—Rural Housing Service—Rental Assistance Program" may be apportioned up to the rate for operations necessary to pay ongoing debt service for the multi-family direct loan programs under sections 514 and 515 of the Housing Act of 1949 (42 U.S.C. 1484 and 1485).

Language is needed to allow the Department of Agriculture's Rental Assistance Program to obligate funding under the CR formula at a rate for operations necessary to pay ongoing debt service for the section 514 and 515 multi-family direct loan programs. Due to the shortfall in funding over multiple years, the timing of contract renewals has shifted heavily to the first few months of the fiscal year. The demand for renewal needs in FY 2017 is 283,000, and it is expected that almost 40 percent of the renewals will occur in the first quarter of the fiscal year. Without this anomaly during the CR, the Rental Assistance Program will be unable to meet the renewal needs as they come due.

### ***Commodity Supplemental Food Program***

Sec. \_\_\_\_ . 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 \$310,139,000, of which \$236,120,000 shall be for the Commodity Supplemental Food Program.

Language is needed to provide a rate for operations of \$310.1 million for the Department of Agriculture (USDA), Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program account. Of the amount requested, \$236.1 million will be used for the Commodity Supplemental Food Program (CSFP). Operating the CSFP at the FY 2016 funding level would result in approximately 20,000 participants—primarily seniors—being removed from the program. Because regulations require USDA to issue annual caseloads on January 1, caseloads would be reduced without the anomaly. The level requested also allows the program to expand caseloads by an additional 20,000 in FY 2017 (increasing caseloads to an average of 639,000 participants each month), as requested in the FY 2017 Budget and as provided for in the House and Senate Appropriations Committee-reported bills.

## **Defense**

### ***National Background Investigations Bureau IT System***

Sec. \_\_\_\_ . Notwithstanding sections 101 and 102, within amounts provided for "Department of Defense—Operation and Maintenance, Defense-Wide" and "Department of Defense—Research, Development, Test and Evaluation, Defense-Wide", the Secretary of Defense may develop, replace, and sustain Federal Government security and suitability background investigation information technology system requirements of the Office of Personnel Management at a rate for operations of \$95,000,000.

Language is needed to authorize the Department of Defense (DOD) to provide information technology (IT) services to the Office of Personnel Management's (OPM) National Background Investigation Bureau (NBIB) from amounts provided within the DOD—Operation and Maintenance, Defense-wide and DOD—Research, Development, Test and Evaluation, Defense-wide accounts, at a rate for operations of \$95 million. Without the anomaly, OPM would be required to significantly increase the prices it charges its customers for security clearance investigations or put IT development on hold for the period of the CR. This would delay the effort to stand up more secure IT systems and prolong NBIB's reliance on existing systems that are vulnerable to security breaches.

## **Financial Services and General Government**

### ***Presidential Transition Account, EXOP***

Sec. \_\_\_\_ . Notwithstanding section 101, for expenses of the Office of Administration to carry out the Presidential Transition Act of 1963, as amended, and similar expenses, in addition to amounts otherwise appropriated by law, amounts are provided to "Presidential Transition Administrative Support" at a rate for operations of \$7,582,000: Provided, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this joint resolution or any other Act, to carry out such purposes.

Language is needed to provide funding for the orderly transition between Administrations in accordance with the Presidential Transition Act of 1963, as amended (3 U.S.C. § 102 note). No discretionary funds were provided in FY 2016, and the FY 2017 Budget requested

\$7.6 million. If the full balance of these funds is not received in early October, the Executive Office of the President will be unable to perform a timely transition to the next Administration. A lack of funding will inhibit the transfer of electronic records to the National Archives and result in severe bottlenecks in the administrative out-processing and in-processing of Administration staffs.

#### ***Presidential Transition, GSA***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "General Services Administration—Expenses, Presidential Transition" for necessary expenses to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note), at a rate for operations of \$9,500,000, of which not to exceed \$1,000,000 is for activities authorized by sections 3(a)(8) and 3(a)(9) of such Act: Provided, That such amounts may be transferred and credited to the "Acquisition Services Fund" or "Federal Buildings Fund" to reimburse obligations incurred prior to enactment of this Act for the purposes provided herein related to the Presidential election in 2016: Provided further, That amounts available under this section shall be in addition to any other amounts available for such purposes.

Language is needed to provide the General Services Administration with funding to support the orderly transition between Administrations, with obligations beginning on November 9. No funds were provided in FY 2016, and the \$9.5 million requested in the FY 2017 Budget for Presidential Transition conforms to the authorized level in the Presidential Transition Act of 1963, as amended (3 U.S.C. § 102 note).

#### ***D.C. Presidential Inaugural Costs***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "District of Columbia—Federal Payment for Emergency Planning and Security Costs in the District of Columbia" at a rate for operations of \$34,895,000: Provided, That, of the amount provided pursuant to this section, a rate for operations of up to \$19,995,000 shall be used for costs associated with the Presidential Inauguration.

Language is needed to provide a rate for operations of \$34.9 million for the District of Columbia, Federal Payment for Emergency Planning and Security Costs in the District of Columbia (D.C.). Of the amount provided, \$20 million would be for costs associated with the 58th Presidential Inauguration activities.

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

Sec. \_\_\_\_ . Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under the District of Columbia Appropriations Act, 2016 (title IV of division E of Public Law 114-113) at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2017 Budget Request Act of 2016 (D.C. Act 21-414), as modified as of the date of the enactment of this joint resolution.

Language is proposed to clarify that the District of Columbia (D.C.) has the authority to spend in FY 2017 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 FY 2017 Local Budget Act of 2016. The Administration strongly supports home rule for D.C., and the President has long called for authority allowing D.C. to spend its own local taxes and other non-Federal funds without congressional approval. This language is similar to that enacted in prior years.

### ***Presidential Transition Activities, NARA***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "National Archives and Records Administration—Operating Expenses" at a rate for operations of \$377,243,000.

Language is needed to provide the National Archives and Records Administration (NARA) with an additional \$4.9 million for the costs of ongoing transfers of electronic and paper Presidential records, as well as artifacts, which began in May 2016 and will continue through Inauguration Day 2017. Without this anomaly, NARA would have to slow these transfers, increasing the risk that sensitive and high-profile Federal records might be damaged, corrupted, or lost. In addition, any delay in transfer activities would increase the risk that not all Obama Administration records would be transferred before the next President assumes power.

## **Homeland Security**

### ***Common Appropriation Structure***

Sec. \_\_\_\_ . Amounts provided by section 101 for the Department of Homeland Security may be obligated in the account and budget structure set forth in the table provided by the Chief Financial Officer of the Department to the Committees on Appropriations of the Senate and the House of Representatives prior to the end of fiscal year 2016 pursuant to section 563(e) of the Department of Homeland Security Appropriations Act, 2016 (Public Law 114-113).

Language is needed to allow the Department of Homeland Security (DHS) to obligate funds under a CR in the account and budget structure set forth in its Common Appropriations Structure (CAS). This anomaly requires DHS to prepare and submit to the Committees on Appropriations of the Senate and House of Representatives a baseline table that identifies an agreed-upon budget structure for each component. Without this anomaly, DHS is limited during the CR period to account structures for components that were either previously enacted or included in the FY 2017 Budget request, excluding subsequent changes to the CAS carried in FY 2017 appropriations bills.

### ***Continuation of Increased Manpower for Transportation Security Workers***

Sec. \_\_\_\_ . 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 maintain not less than the number of screeners achieved on September 30, 2016.



Language is needed to authorize the Department of Homeland Security, Transportation Security Administration (TSA) to obligate the amount provided under the CR formula at a rate for operations necessary to maintain airport screener staffing levels in place on September 30, 2016. During FY 2016, TSA realigned funding from other sources to allow for additional hiring of Transportation Security Officers and the conversion of about 50 percent of part-time screeners to full-time at the 20 busiest airports nationwide. Without this anomaly, TSA will not have sufficient funds to maintain these staffing levels under a CR.

### ***Customs and Border Protection Staffing***

Sec. \_\_\_\_ . 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 maintain not less than the number of staff achieved on September 30, 2016.

Language is needed to authorize the Department of Homeland Security, U.S. Customs and Border Protection (CBP) to obligate the amount provided under the CR formula at a rate for operations necessary to sustain its current border security and immigration enforcement operations and frontline law enforcement staffing levels in place on September 30, 2016. This flexibility is needed to cover projected personnel compensation requirements for current employees, as well as onboarding costs, through the first quarter of FY 2017. Without this anomaly, CBP will not have sufficient funds to meet payroll and staffing requirements in the first quarter of FY 2017, due to higher overall spending needed to sustain current staffing levels and fewer fee collections available in the first quarter.

### ***Special Acquisition Authority for Homeland Security Research and Development***

Sec. \_\_\_\_ . The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3).

Language is needed to extend authorization for the Department of Homeland Security to access certain procurement techniques for research and development, such as other transaction agreements that facilitate the Department's ability to work with non-traditional Government contractors. This authorization is set to expire on September 30, 2016, and without this authority, some projects, depending on their stage of development, may have to stop and be suspended until the authority is provided.

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

### ***Forest Service Facility Realignment and Enhancement Act***

Sec. \_\_\_\_ . The authority provided by section 503(f) of the Forest Service Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note) shall continue in effect through the date specified in section 106(3).

Language is needed to extend the authority, which expires September 30, 2016, to convey unneeded administrative sites and retain proceeds for building maintenance, rehabilitation,

and construction. Excluding this authority during the CR period will preclude actions to reduce the backlog of deferred maintenance of Forest Service facilities.

### ***Recreation Fee Authority Extension***

Sec. . Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking "September 30, 2017" and inserting "September 30, 2018".

Language is needed to extend the authority for the recreation fee programs at the Department of the Interior and the Department of Agriculture, which are set to expire on September 30, 2017. The recreation fee program includes the sale of annual passes, and the revenues generated by these fees are used to repair, maintain, and enhance facilities, provide interpretation, information, or other public lands visitor services, restore habitat directly related to wildlife-dependent recreation, and provide law enforcement related to public use. Due to the September 30, 2017 termination date, annual passes cannot be sold beyond September 30, 2016, since any sales of annual passes beyond that point could not be honored for a full year.

### ***Applications for Permits to Drill Available Receipts***

Sec. . Notwithstanding section 101, subsection 35(d) of the Mineral Leasing Act (30 U.S.C. 191(d)) shall be applied, at a rate for operations, through the date specified in section 106(3), as if the following new paragraph were added at the end: "(5) There is appropriated to the Fee Account established in subsection (c)(3)(B)(ii) of this section, out of any money in the Treasury not otherwise appropriated, \$16,000,000 for fiscal year 2017, to remain available until expended, for the processing of applications for permit to drill and related use authorizations, to be reduced by amounts collected by the Bureau and transferred to such Fee Account pursuant to subsection (d)(3)(A)(ii) of this section, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than \$0."

Language is needed to provide the Department of the Interior, Bureau of Land Management (BLM) a rate for operations of \$16 million, to be offset by fees collected for Applications for Permits to Drill (APD) for oil and gas development on Federal lands. Under current law (and pursuant to the FY 2015 National Defense Authorization Act), mandatory budget authority is available as APD fees are collected over the course of the year. An anomaly making resources available on October 1 is needed to provide BLM necessary operating funds during the period of the CR for the APD program. Due to significant unanticipated year-to-date declines in industry APD submissions (and corresponding fee collections) resulting from the steep decline in the oil and gas markets, BLM estimates carryover balances at the beginning of FY 2017 to be minimal, and anticipates fewer APD submissions through the remainder of FY 2016 and into FY 2017. As a result, available funding to support the program on October 1 will be inadequate in the first quarter of FY 2017. This anomaly would provide necessary up-front funding, apportioned at the pro-rata rate, until the APD fees are collected.

### ***National Park Service - Presidential Inaugural Costs***

Sec. \_\_\_\_ . Notwithstanding section 101, amounts are provided for "Department of the Interior—National Park Service—Operation of the National Park System" at a rate for operations of \$2,373,796,000.

Language is needed to provide one-time funding of \$4.2 million requested in the FY 2017 Budget for the U.S. Park Police and the National Capital Region to support security and visitor safety needs related to the Presidential Inaugural Ceremonies in January 2017.

### ***Toxic Substance Control Act Service Fee Fund Appropriation***

Sec. \_\_\_\_ . In addition to amounts otherwise made available by section 101, and notwithstanding section 104, amounts are provided for "Environmental Protection Agency—Environmental Programs and Management" at a rate for operations of \$4,000,000, to remain available until expended, and such amounts may be apportioned up to the rate for operations needed, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): Provided, That fees collected pursuant to such section of such Act and deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2017 shall be retained and used for necessary salaries and expenses under the above heading and shall remain available until expended: Provided further, That the sum provided by this section of this joint resolution from the general fund for fiscal year 2017 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2017, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than \$0: Provided further, That to the extent that amounts realized from such receipts exceed \$4,000,000, those amounts in excess of \$4,000,000 shall be deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2017, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: Provided further, That of the amounts provided under this heading by section 101, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees made available, not less than the amount of appropriations for that program project for fiscal year 2014.

Language is needed to authorize a higher rate for operations funding and faster spend rate within the Environmental Protection Agency's (EPA's) Environmental Programs Management (EPM) account in order to implement immediate, new requirements and activities called for in the Chemical Safety for the 21st Century Act (Act). Enacted in June 2016, the Act updates the Toxic Substance Control Act (TSCA) and requires publication of three proposed chemical regulation rules within the first three months of FY 2017 after conducting appropriate analysis and outreach. In addition, EPA is also expected within the same timeframe to propose a rule to effectuate new authorities on fee collection and use, which will ultimately be used by the program to offset program costs. Because enactment was subsequent to submission of the FY 2017 Budget request, necessary funding for this level of rulemaking and other new activities is not included in FY 2017 base funding for EPA's account. The anomaly would provide an additional \$4 million rate for operations to the EPM account for this purpose, to be offset by the fees following the rulemaking, and authorize EPA to obligate the amount provided under the CR formula at a rate for operations necessary to cover expenses associated with these new statutory activities. Without this anomaly, EPA would

risk missing the new statutory deadlines under the Act or would need to obtain the necessary funding by reducing other Operating Budget activities such as enforcement or technical assistance to States and Tribes that implement many of the health and environmental laws, which is already significantly below the FY 2017 Budget request.

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

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

Sec. \_\_\_\_ . Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2016".

Language is needed to extend authorization for the Department of Education's National Advisory Committee on Institutional Quality and Integrity (NACIQI) to operate, which expires on September 30, 2016. NACIQI helps ensure that students who enroll in institutions participating in the Federal student aid programs are attending quality postsecondary institutions by providing recommendations to the Secretary of Education on whether accrediting entities' standards are sufficiently rigorous and effective. NACIQI also provides recommendations on whether the entity is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits. Without the anomaly, the Secretary of Education would not receive these recommendations, which play a critical role in whether the Secretary grants or discontinues recognition of accrediting entities.

### ***Temporary Assistance for Needy Families/Child Care Entitlement Reauthorization***

Sec. \_\_\_\_ . Notwithstanding section 106, in addition to amounts and authorities provided by section 101, obligations for grants and payments under section 230(a) of title II of division H of Public Law 114-113 due on or about the first day of a fiscal quarter that begins after October 2016 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 authorize the Department of Health and Human Services (HHS) to make Temporary Assistance for Needy Families (TANF) and Child Care Entitlement (CCE) grant payments in a timely manner. As TANF and CCE grant funding is awarded by quarter, without the anomaly, HHS would be unable to make second quarter grants for TANF and CCE to States in a timely manner.

### ***Child Care and Development Block Grant***

Sec. \_\_\_\_ . The first proviso under the heading "Department of Health and Human Services—Administration for Children and Families—Payments to States for the Child Care and Development Block Grant" in title II of division H of Public Law 114-113 shall not apply during the period covered by this joint resolution.

Language is needed to ensure that Federal child care funding is correctly allocated during the CR period. Funding provided in FY 2016 for the Child Care and Development Block Grant (CCDBG) required States to spend \$127 million of their CCDBG allotment to improve the quality of infant and toddler care. Beginning in FY 2017, section 658G of the Child

Care and Development Block Grant of 2014 (Act) requires States to spend at least three percent of their total Federal child care funding allocation for the same purpose. Without the anomaly, States would be required to allocate both the \$127 million in CCDBG funding and an additional three percent of their total Federal child care funding under the Act on infant and toddler quality activities, reducing the level of CCDBG funding available for child care slots. The FY 2017 House and Senate Appropriations Committee-adopted bills both include language requested in the FY 2017 Budget removing the \$127 million allocation.

### ***Head Start Base Grant***

Sec. \_\_\_\_ . (a) The second proviso under the heading "Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs" in title II of division H of Public Law 114-113 shall be applied during the period covered by this joint resolution as if the following were struck from such proviso: ", of which \$141,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act".

(b) Amounts identified in the third proviso under the heading "Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs" in title II of division H of Public Law 114-113 shall not be included in the calculation of the "base grant", as such term is used in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)), during the period of availability of such funds.

Language is needed to ensure that the base grant amount for Head Start grantees is calculated correctly during the CR period. Section 640 of the Head Start Act provides a statutory formula for allocating Head Start funding and specifies that a grantee's base grant include all permanent, ongoing funding provided to grantees in the previous fiscal year. Funding appropriated in FY 2016 included a cost of living adjustment (COLA) for grantees that replaced the statutory funding formula in section 640. Without this anomaly, the COLA amounts would not be included in the grantees' base grant calculation for FY 2017, resulting in incorrect base grant amounts during the period of the CR. In addition, funding appropriated in FY 2016 included supplemental funding to increase the duration of Head Start programs. Language is needed to exclude this supplemental funding from the FY 2017 base grant calculation during the period the CR. Without this anomaly, this funding would be included in the base grant calculation and allocated through the statutory funding formula, rather than being reserved for the specific purpose Congress originally intended—to support longer service hours.

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

### ***Iraq Sovereign Loan Guarantee***

Sec. \_\_\_\_ . Notwithstanding sections 101 and 104, section 7034(o) of division K of the Consolidated Appropriations Act, 2016 (Public Law 114-113) shall be applied by inserting "Iraq," after "Jordan," and by inserting at the end the following new provisos: ": Provided further, That such costs, including the cost of modifying such loans and loan guarantees, shall be as defined in section 502 of the Congressional Budget Act of 1974, and may include the costs of selling, reducing, or cancelling any amounts owed to the

United States or any agency of the United States by any country: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans, and total loan principal, any part of which is to be guaranteed, not to exceed \$3,000,000,000: Provided further, That the Government of the United States may charge fees for loans and loan guarantees under this heading, which shall be collected from borrowers or third parties on behalf of such borrowers in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided further, That amounts made available pursuant to this subsection from prior Acts that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 20 251(b)(2)(A)(ii) of such Act and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress."

Language is needed to authorize a \$1 billion sovereign loan guarantee (SLG) to Iraq from amounts provided within the Economic Support Fund. The Iraqi budget is severely strained and faces a multi-billion dollar budget shortfall due to the combined costs of fighting the Islamic State of Iraq and the Levant (ISIL) and addressing related humanitarian crises, which is compounded by continued low oil revenues. The Administration has committed to extend an up to \$1 billion SLG to Iraq in the first quarter of FY 2017 as part of a larger international effort spearheaded by the International Monetary Fund (IMF), which will also require Iraq to undertake significant reforms to reduce its economic vulnerabilities going forward. Delaying the SLG beyond this time frame could endanger the IMF's \$5.4 billion program, as well as additional \$2.6 billion of support pledged by G7 partners. This support is critical for our ongoing efforts to partner with Iraq in the fight against ISIL, the economic stability of Iraq, and facilitating necessary reforms.

### ***Export-Import Bank Board Quorum***

Sec. \_\_\_\_ . Section 1 of Public Law 106-46 (12 U.S.C. 635a note) is amended by striking "July 21, 1999, and ends on December 2, 1999" and inserting "October 1, 2016, and ends on September 30, 2019": Provided, That the amendment made pursuant to this section to such law shall take effect upon enactment of this joint resolution.

Language is needed to amend the Export-Import Bank's statutory requirement that its Board of Directors have a quorum to be able to take any official action, the most notable of which is approving new transactions over \$10 million. Under current law, a quorum of three Board members is needed to approve transactions over \$10 million; the Board has been comprised of only two members since the December 2015 reauthorization of the Export-Import Bank, and the Administration's nominee to the Board has yet to be confirmed. Without the anomaly, the Export-Import Bank would be unable to approve new transactions valued at over \$10 million, which has significantly hampered the Export-Import Bank's operations and has caused a number of U.S. companies to relocate some of their business overseas in order to obtain financing from foreign Export Credit Agencies. Consistent with the House and Senate Appropriations Committee-reported bills, the anomaly would authorize the entire membership of the Board of Directors to approve such transactions, in the event that the Board consists of less than three members.

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

### ***Federal Railroad Administration - Amtrak***

Sec. \_\_\_\_ . (a) Amounts made available by section 101 for "Department of Transportation—Federal Railroad Administration—Operating Grants to the National Railroad Passenger Corporation" and "Department of Transportation—Federal Railroad Administration—Capital and Debt Service Grants to the National Railroad Passenger Corporation" may be obligated in the account and budget structure, and under the authorities and conditions, set forth for "Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad Passenger Corporation" and "Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation" in H.R. 5394 and S. 2844.

(b) Amounts made available pursuant to subsection (a) are provided for "Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad Passenger Corporation" at a rate for operations of \$370,000,000, to remain available until expended, and for "Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation" at a rate for operations of \$1,020,000,000, to remain available until expended.

Language is needed to allow the Department of Transportation to execute appropriations for Amtrak under a CR in the new budget account structure provided by the Fixing America's Surface Transportation Act (division A of Public Law 114-94, FAST Act), and subsequently adopted in the FY 2017 House Appropriations Committee-reported and Senate-passed bills. Amtrak is in the process of modifying its accounting methodologies, financial reporting system, and internal controls to implement this new account structure. In addition to incurring inefficiencies and potentially greater systems costs by pausing or reversing the progress made to comply with the FAST Act—or attempting to run pre- and post-FAST Act processes in parallel—the FAST Act account structure and reporting requirements are necessary to support the implementation of other provisions of the FAST Act related to Amtrak services on the Northeast Corridor and State-Supported routes.