



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

THE DIRECTOR

September 29, 2016

OMB BULLETIN NO. 16-01

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Apportionment of the Continuing Resolution(s) for Fiscal Year 2017

1. Purpose and Background. H.R. 5325 will provide continuing appropriations for the period October 1, 2016, through December 9, 2016. As of October 1, 2016, I am automatically apportioning, as specified in section 3 of this Bulletin, amounts provided by section 101 of this continuing resolution (CR), as well as amounts in any section that provides a CR funding level other than that provided by section 101 ("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 division C of H.R. 5325 provides such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year (FY) 2016 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.R. 5325, that were conducted in FY 2016, and for which appropriations, funds, or other authority were made available in divisions A through L (excluding division J), and in section 707 of division O, of the Consolidated Appropriations Act, 2016 (Public Law 114-113), and excluding the following: section 728 of division A; title IX of division K; and section 420 of division L of Public Law 114-113. Amounts provided by section 101(a) do not include amounts made available by the Zika Response and Preparedness Appropriations Act (Division B of H.R. 5325).

Section 101(b) of H.R. 5325 reduces the rate for operations provided by section 101(a) for each account by 0.496 percent (see Attachment A, item 3 for additional information).

3. Automatic Apportionments. Attachment A contains more detailed instructions on calculating the rate for operations provided by the CR. To calculate the amount automatically apportioned through the period ending December 9, 2016, (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 (for H.R. 5325 use 19.18 percent).

Unless determined otherwise by you and your RMO, all automatically apportioned CR funds are apportioned as Category B (lump sum), regardless of quarterly restrictions (e.g., amounts apportioned as Category A) imposed in last year's apportionments. Limitations on programs (e.g., 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 0.496 percent reduction specified in section 101(b) to FY 2017 discretionary advance appropriations that were provided in advance by appropriations Acts covered by section 101 of H.R. 5325 that become available on October 1, 2016. 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. 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. You may request that OMB provide an account-specific apportionment for such accounts 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 10 of Attachment A, are automatically apportioned as needed to carry out programs at a rate to maintain program levels under current law, i.e., at the FY 2017 level less any applicable FY 2017 sequestration pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985. 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 an account-specific apportionment is required.

Section 111 does not apply to the associated discretionary administrative expenses for those programs. The associated discretionary administrative expenses are automatically apportioned at the pro-rata amount based on FY 2016 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 2016, 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. Apportionments for Amounts In Excess of the Automatic Apportionment (Exception Apportionments). If you seek an amount for an account that exceeds the amount automatically apportioned by this bulletin, you must provide 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 approve exception apportionment requests only in extraordinary circumstances.

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

You do not need to request a new apportionment for subsequent extensions of the CR (unless otherwise required by your RMO). Instead, in the case of accounts that receive an account-specific 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 account-specific apportionment continue to apply to the accounts, when subsequently operating under the automatic apportionment.

The requirements described in this section do not apply to account-specific apportionments for accounts with zero funding. The requirements for those accounts are described in section 4 above.

A handwritten signature in blue ink, appearing to read 'Shaun Donovan', with a long horizontal flourish extending to the right.

Shaun Donovan  
Director

Attachment(s)

Attachment A: Continuing Resolution Frequently Asked Questions

Attachment B: Non-CHIMP Cancellations Recurring in a 2017 Continuing Resolution

Attachment C: Changes in Mandatory Programs Recurring in a 2017 Continuing Resolution

## Continuing Resolution Frequently Asked Questions

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

Follow these steps to calculate the FY 2017 CR rate for operations:

- a) Take the full-year amount enacted in the appropriations acts making funds available for FY 2016 (i.e., FY 2016 enacted appropriations net of any account-specific rescissions followed by agency-specific reductions, if any), including obligation limitations. For reference, Attachment B identifies recurring account- and agency-specific rescissions in excess of \$500,000, but any recurring rescissions that are less than \$500,000 should also be factored in.
- b) Subtract bill-wide reductions, if any.
- c) Add or subtract transfers mandated by the appropriations Acts referenced in section 101 (only "shall transfer," not "may transfer" or "shall transfer up to" language).
- d) Reduce the calculated total level by 0.496 percent. *Item 3 provides further instructions.*

### 2. What is the rate for operations when the CR provides funding level other than that provided by section 101 (i.e., an "anomaly")?

Follow these steps to calculate the FY 2017 CR rate for operations (annualized level) for an anomaly:

- a) Take the full-year amount specified in the anomaly.
- b) Subtract any recurring account-specific rescissions followed by agency-specific, if any. For reference, Attachment B identifies recurring account- and agency-specific rescissions in excess of \$500,000, but any recurring rescission identified that are less than \$500,000 should also be factored in.;
- c) Add or subtract any transfers mandated by the appropriations Acts (only "shall transfer," not "may transfer" or "shall transfer up to" language).

Note: If you have an anomaly that permits OMB to apportion at a rate for operations necessary to maintain program levels, the account is automatically apportioned the amounts provided in item 4. If you want additional amounts apportioned, you must seek an account-specific apportionment from your RMO.

### **3. What funding levels are excluded from the 0.496 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 114-113.
- Amounts made available by section 101(a) by reference to the paragraph under the heading "Centers for Medicare and Medicaid Services—Health Care Fraud and Abuse Control Account" in division H of Public Law 114-113.
- Anomalies that provide a rate for operations other than that provided by section 101.

### **4. What is the automatic apportionment for amounts provided by section 101 and anomalies?**

The amount automatically apportioned (whole dollars) through the period ending December 9, 2016 (and any CR extensions of that period) is calculated by multiplying the **rate for operations provided by the CR** (see items number 1 and 2) by the **percentage of the year** covered by the CR (rounded to the nearest hundredth). For H.R. 5325, use  $70 \text{ days} / 365 \text{ days} = 19.18 \text{ percent}$ .

### **5. 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. However, changes in and limitations on mandatory programs that were enacted in FY 2016 appropriations Acts and rescissions of balances of prior-year

BA or advance appropriations 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 rescissions (for those in excess of \$500,000) in prior-year discretionary balances and advance appropriations, as well as changes in mandatory programs. Furthermore, during the period of the CR, section 115 applies the 0.496 percent reduction specified in section 101(b) to FY 2017 discretionary advance appropriations that were provided in advance by appropriations Acts covered by section 101.

**6. How will OMB apportion section 112 of H.R. 5325 regarding civilian personnel compensation and benefits?**

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, apportionments pursuant to this authority. Before requesting an apportionment from OMB pursuant to section 112 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 agency has satisfied the following pre-condition from section 112 of the CR: *"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."*

**7. If my account received an account-specific apportionment under the CR, 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 2017 appropriation is enacted, accounts that received an account-specific apportionment under the CR may continue at that apportioned rate until they receive their first apportionment for the full fiscal year only if the final enacted level of appropriations is equal to or greater than the FY 2017 short-term CR (H.R. 5325) annualized level. This guidance supplements instructions in OMB Circular No. A-11, section 120.41. If the final enacted FY 2017 appropriation is lower than the FY 2017 short-term CR annualized level, then Circular No. A-11, section 120.41 applies.

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

No. You should take no action 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 items 1 and 2. They should not be shown separately on an account-specific apportionment or reports to Treasury on budget execution. 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.

**9. 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 only a PPA within an account is zero-funded by such a bill, the account still receives the automatic apportionment and the agency, at its discretion, may fund the PPA from within the account total during the period of the CR.

**10. In section 111, what are "appropriated entitlements and other mandatories and activities under the Food and Nutrition Act of 2008"?**

These programs are limited to the 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-CHIMP<sup>1</sup> Cancellations Recurring in a 2017 Continuing Resolution

(Budget authority in millions of dollars)

	FY 2016 Enacted	FY 2017 CR
<b>Appropriations Bill:</b>		
<b><i>Cancellations/Rescissions of Unobligated Balances:</i></b>		
<b>Agriculture and Rural Development:</b>		
USDA, Common Computing Environment.....	-1	---
USDA, Watershed and Flood Prevention Operations.....	-20	-1
USDA, Rural Water and Waste Disposal Program Account.....	-13	-13
USDA, Special Supplemental Nutrition Program for Women, Infants, and Children.....	-220	---
<b>Total, Agriculture and Rural Development.....</b>	<b>-254</b>	<b>-14</b>
<b>Commerce, Justice, Science:</b>		
DOC, Economic Development Assistance Programs.....	-10	-10
DOJ, Working Capital Fund.....	-69	-69
DOJ, Federal Prisoner Detention.....	-196	-196
DOJ, FBI, S&E, Criminal Justice Information Services User Surcharge Fees (FCT 050).....	-48	-48
DOJ, FBI, S&E, Criminal Justice Information Services User Surcharge Fees.....	-33	-33
DOJ, Research, Evaluation, and Statistics.....	-3	-3
DOJ, State and Local Law Enforcement Assistance.....	-31	-31
DOJ, Juvenile Justice Programs.....	-6	-6
DOJ, Community Oriented Policing Services.....	-10	-10
DOJ, Violence against Women Prevention and Prosecution Programs.....	-15	-15
<b>Total, Commerce, Justice, Science.....</b>	<b>-421</b>	<b>-421</b>
<b>Defense:</b>		
DOD, Cooperative Threat Reduction Account.....	-15	---
DOD, Procurement, Marine Corps.....	-66	-66
DOD, Aircraft Procurement, Navy.....	-65	-12
DOD, Weapons Procurement, Navy.....	-16	-15
DOD, Procurement of Ammunition, Navy and Marine Corps.....	-9	-9
DOD, Aircraft Procurement, Army.....	-34	-25
DOD, Procurement of Weapons and Tracked Combat Vehicles, Army.....	-8	-8
DOD, Other Procurement, Army.....	-70	-30
DOD, Aircraft Procurement, Air Force.....	-201	-199
DOD, Procurement of Ammunition, Air Force.....	-6	---
DOD, Missile Procurement, Air Force.....	-212	-212
DOD, Other Procurement, Air Force.....	-107	-17
DOD, Research, Development, Test, and Evaluation, Defense-wide.....	-3	---
DOD, Research, Development, Test, and Evaluation, Navy.....	-228	---
DOD, Research, Development, Test and Evaluation, Army.....	-9	---
DOD, Research, Development, Test, and Evaluation, Air Force.....	-718	---
DOD, Working Capital Fund, Defense-wide.....	-1,037	-1,037
<b>Total, Defense (all FCT 050).....</b>	<b>-2,804</b>	<b>-1,630</b>
<b>Energy and Water Development:</b>		
DOE-NNSA, Salaries and Expenses (FCT 050).....	-20	-19
DOE, Science.....	-3	-3
DOE, Energy Efficiency and Renewable Energy.....	-4	---
<b>Total, Energy and Water Development.....</b>	<b>-27</b>	<b>-22</b>

# ATTACHMENT B: Non-CHIMP<sup>1</sup> Cancellations Recurring in a 2017 Continuing Resolution

(Budget authority in millions of dollars)

Appropriations Bill:	FY 2016 Enacted	FY 2017 CR
<b>Homeland Security:<sup>2</sup></b>		
DHS, Analysis and Operations.....	-4	-4
DHS, Office of the Chief Information Officer.....	-1	---
DHS, Office of the Undersecretary for Management, Operations and Support.....	---	-1
DHS, Citizenship and Immigration Services, Operations and Support.....	-3	-3
DHS, United States Secret Service, Operations and Support.....	-4	-4
DHS, Transportation Security Administration (TSA), Aviation Security.....	-158	---
DHS, TSA, Surface Transportation Security.....	-14	---
DHS, Federal Law Enforcement Training Center, Operations and Support.....	-1	-1
DHS, Immigration and Customs Enforcement, Operations and Support.....	-2	-2
DHS, Customs and Border Protection (CBP), Operations and Support.....	-1	-17
DHS, CBP, Automation Modernization.....	-7	---
DHS, CBP, Procurement, Construction and Improvements.....	-4	-18
DHS, CBP, Border Security Fencing, Infrastructure, and Technology.....	-22	---
DHS, United States Coast Guard (USCG), Operating Expenses.....	-9	-9
DHS, USCG, Reserve Training.....	-1	-1
DHS, USCG, Acquisition, Construction, and Improvements.....	-23	-17
DHS, Federal Emergency Management Admin. (FEMA), Federal Assistance.....	---	-14
DHS, FEMA, Disaster Relief Fund.....	-1,022	-1,022
DHS, FEMA, Disaster Assistance Direct Loan Program.....	-27	-27
DHS, FEMA, National Pre-disaster Mitigation Fund.....	-14	---
DHS, Science and Technology (S&T), Operations and Support.....	-10	-1
DHS, S&T, Research and Development.....	---	-1
<b>Total, Homeland Security.....</b>	<b>-1,327</b>	<b>-1,142</b>
<b>Interior and Environment:</b>		
EPA, State and Tribal Assistance Grants.....	-40	-40
<b>Transportation and Housing and Urban Development:</b>		
DOT, Capital and Debt Service Grants to the National Railroad Passenger.....	-5	-5
DOT, Safety and Operations.....	-7	-7
DOT, Rail Line Relocation and Improvement Program.....	-2	-2
DOT, Next Generation High-speed Rail.....	-5	-4
DOT, Railroad Research and Development.....	-2	-2
DOT, Job Access and Reverse Commute Grants.....	-1	---
DOT, Transportation, Capital Investment Grants.....	-24	-13
HUD, Native American Housing Block Grant.....	-6	-1
HUD, Housing Certificate Fund.....	-71	-30
HUD, Rural Housing and Economic Development.....	-3	---
HUD, FHA-general and Special Risk Program Account.....	-6	-2
<b>Total, Transportation and Housing.....</b>	<b>-132</b>	<b>-66</b>
<b>TOTAL, Cancellations/Rescissions of Balances.....</b>	<b>-5,005</b>	<b>-3,335</b>

**Cancellations/Rescissions of Overseas Contingency Operations (OCO) Funding:<sup>3</sup>**

**Defense:**

DOD, Afghanistan Security Forces Fund.....	-400	---
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<b>Grand Total, All Rescissions/Cancellations.....</b>	<b>-5,405</b>	<b>-3,335</b>
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<sup>1</sup> Excludes offsets that are the result of cancelling or blocking spending from mandatory programs. See Attachment C this information.

<sup>2</sup> FY 2017 CR rescissions are shown as recurring in the account structure set forth in the table provided by the Chief Financial Officer of the Department of Homeland Security to the Committees on Appropriations of the Senate and House of Representatives pursuant to section 130 of H.R. 5325.

<sup>3</sup> These are enacted or proposed cancellations/rescissions of funding that were designated as Overseas Contingency Operations pursuant to Section 251(b)(2)(A) of BBEDCA.

# ATTACHMENT C: Changes in Mandatory Programs Recurring in a 2017 Continuing Resolution

(Budget authority in millions of dollars)

<b>Appropriations Subcommittee:</b>	<b>FY 2016 Enacted<sup>1</sup></b>	<b>FY 2017 CR</b>
<b>Agriculture and Rural Development:</b>		
USDA, Funds for Strengthening Markets, Income, and Supply (Section 32).....	-216	-232
USDA, Commodity Credit Corporation Fund (Biomass Crop Assistance Program).....	-20	-20
USDA, Commodity Credit Corporation Fund (Crop Certification).....	+5	---
USDA, Watershed Rehabilitation Program.....	-68	-66
USDA, Farm Security and Rural Investment Programs, EQIP.....	-209	-207
USDA, Rural Economic Development Grants (Cushion of Credit).....	-179	-162
USDA, Biorefinery Assistance Program Account.....	-20	---
USDA, Child Nutrition Programs (Obligation Delay).....	-125	-125
<b>Total, Agriculture and Rural Development.....</b>	<b>-832</b>	<b>-812</b>
<b>Commerce, Justice, and Science:</b>		
DOC, NOAA, Promote and Develop Fishery Products Transfer.....	-130	-130
DOJ, Assets Forfeiture Fund.....	-458	-458
DOJ, Crime Victims Fund (Obligation Delay).....	-9,100	-7,549
DOJ, Crime Victims Fund (Transfer to OVW account).....	-379	-379
DHS, Citizenship and Immigration Services Transfer.....	-4	-4
<b>Total, Commerce, Justice, and Science.....</b>	<b>-10,071</b>	<b>-8,520</b>
<b>Financial Services:</b>		
Treasury, Forfeiture Fund.....	-700	-700
FDIC, Deposit Insurance Fund Transfer to the OIG.....	-35	-35
Postal Service, Transfers to the OIG & Postal Regulatory Commission (PRC).....	-259	-259
Postal Service, Discretionary Offsetting Collections for Transfers to the OIG & PRC.....	+259	+259
Securities and Exchange Commission Reserve Fund.....	-25	-25
<b>Total, Financial Services.....</b>	<b>-760</b>	<b>-760</b>
<b>Homeland Security:</b>		
Treasury, Forfeiture Fund.....	-176	-176
<b>Interior and Environment:</b>		
USDA, Forest Service Permanent Appropriations.....	-16	-16
DOI, NPS, Land Acquisition and State Assistance.....	-28	-28
DOI, Compact for Free Association.....	+13	+13
<b>Total, Interior and Environment.....</b>	<b>-31</b>	<b>-31</b>
<b>Labor, HHS, and Education:</b>		
Commerce, Census, Current Surveys and Programs (Transfer from Contingency Fund).....	+10	+10
HHS, Children's Health Insurance Fund, CHIP National Allotment Cancellation.....	-4,679	-542
HHS, CHIP Enrollment Contingency Fund <sup>2</sup> .....	-2,048	-570
HHS, CHIPRA Performance Bonus Cancellation <sup>2</sup> .....	---	-5,669
HHS, Transfer to Independent Payment Advisory Board (HI/SMI).....	-15	-15
HHS, Federal Hospital Insurance Trust Fund (Wound Care).....	+5	---
HHS, Prevention and Public Health Fund Transfers.....	-932	-931
HHS, CDC Transfer from Prevention and Public Health Fund.....	+892	+891
HHS, SAMHSA Transfer from Prevention and Public Health Fund.....	+12	+12
HHS, Aging and Disabilities Services Transfer from Prevention and Public Health Fund.....	+28	+28
HHS, Welfare Research--Transfer from Contingency Fund.....	+15	+15
HHS, Contingency Fund Transfers to Census and Welfare Research.....	-25	-25
Education, Student Financial Assistance.....	+1	---
Education, Federal Family Education Loan Program.....	-83	---
<b>Total, Labor, HHS, and Education.....</b>	<b>-6,819</b>	<b>-6,796</b>
<b>TOTAL, Changes to Mandatory Programs (CHIMPS).....</b>	<b>-18,689</b>	<b>-17,095</b>

<sup>1</sup> All FY 2016 CHIMPs have been rebased as mandatory and are not included in any FY 2016 Enacted levels of this report. They are only displayed for comparison purposes.

<sup>2</sup> This CHIMP recurs pursuant to section 141 of H.R. 5325.