

**Senate Amendment to H.R. 5305, Extending Government Funding and
Delivering Emergency Assistance Act**
Section-by-Section Summary

DIVISION A – CONTINUING APPROPRIATIONS ACT, 2022

Section 101. Extension of FY 2021 Funding, with Exceptions.

Section 101 appropriates funding at the levels and under the conditions provided in fiscal year 2021 appropriations acts for continuing projects and activities, with exceptions including for technical budgetary issues and certain extensions and authorities.

Section 102. Prevention of New or Accelerated Production and New Multi-Year Activities at DOD.

Section 102 prevents the Department of Defense (DOD) from using funds provided by the CR for new or accelerated production of certain projects and other new starts and activities. It also prevents DOD from initiating certain multi-year procurements.

Section 103. Terms and Conditions.

Section 103 states that funds provided by section 101 shall be available to the extent and in the manner that would be provided in the pertinent appropriations Act.

Section 104. Prevention of New Starts and Activities.

Section 104 prevents appropriations provided by the CR from being used for new starts and new activities.

Section 105. Technical Budget Matter.

Section 105 contains technical budget matter providing that appropriations in the CR are to be used to conduct fiscal year 2022 activities and programs during the CR period.

Section 106. End Date of CR.

Section 106 continues the appropriations and authorities provided by the CR through the earlier of December 3, 2021, or the enactment of the applicable appropriations Act.

Section 107. Requirement to Charge CR Spending to Enacted Full-Year Appropriations Bill.

Section 107 requires that spending under the CR be charged to the full-year appropriations bill when such bill is enacted.

Section 108. Apportionment Timing During the CR.

Section 108 waives the normal time limitations for submission and approval of apportionments of accounts given the duration of a part-year CR.

Section 109. Expenditures for Grant Programs and Similar Payments.

Section 109 prevents agencies from spending money too quickly for grant programs and similar payments to preserve Congress's final funding prerogatives, as Congress has not made final funding determinations for fiscal year 2022.

Section 110. Reiterating That Funding Should be Spent in the Most Limited Manner Possible.

Section 110 reiterates that funding should be spent in the most limited manner possible to continue projects and activities, as Congress has not made final funding determinations for fiscal year 2022.

Section 111. Operations of Mandatory Programs and Appropriated Entitlements.

Section 111 continues mandatory programs and appropriated entitlements. In the case of a government shutdown after the CR end date, provides some of those programs with funding for payments that are due on or about the first day of January 2022.

Section 112. Restrictions on Furloughs or Termination of Employees.

Section 112 permits funds provided by the CR to be apportioned up to a rate for operations necessary to avoid furloughs, after the agency has taken all necessary action to reduce or defer non-personnel-related administrative expenses.

Section 113. Waiver Language for Intelligence Programs.

Section 113 provides waiver language for certain intelligence programs as well as agencies that operate under the State Department Basic Authorities Act and Foreign Relations Authorization Act.

Section 114. Specially Designated Funds Including Disaster, Emergency, and Program Integrity.

Section 114 dictates that specially designated funds in fiscal year 2021 appropriations Acts should be considered the same type of funding under the CR.

Section 115. Directions for OMB and Agencies on Executing a CR.

Section 115 directs the Office of Management and Budget (OMB) and agencies to execute a CR by accounting for the levels provided to them by this CR inclusive of any rescissions that were in last year's appropriations Acts.

Section 116. Agricultural Credit Insurance Fund Program.

Section 116 ensures the Department of Agriculture (USDA) can fully meet the demand for Direct and Guaranteed Farm Ownership loans, especially for beginning and socially disadvantaged farmers.

Section 117. Rural Microentrepreneur Assistance Program.

Section 117 enables USDA to continue to provide loans to help expand economic opportunity and create jobs in rural areas.

Section 118. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

Section 118 allows the Food and Nutrition Service to increase the amounts of fruits and vegetables in the WIC Food Package.

Section 119. Microelectronics.

Section 119 allows the Department of Defense (DoD) to support the Strategic Microelectronic Supply program to procure equipment through a lifetime buy before the supplier ceases operations.

Section 120. Military GPS.

Section 120 allows DoD to procure Military GPS User Equipment to avoid negatively effecting military-code positioning, navigation, and timing weapon system requirements.

Section 121. Air Force Research, Development, Test and Evaluation.

Section 121 allows a rate of operations necessary for the acquisition of real property.

Section 122. Working Capital Fund.

Section 122 allows DoD to exceed the limitation on advance billing of working capital fund services and products related to the covid-19 pandemic.

Section 123. Bureau of Reclamation WIIN Act Water Projects.

Section 123 names 19 western water projects authorized by the Water Infrastructure Investments for the Nation (WIIN) Act, pursuant to a July 23, 2021 recommendation from the Department of the Interior.

Section 124. Extension of Expiring Bureau of Reclamation Authorities.

Section 124 extends dates in the CALFED Bay-Delta Authorization Act, the Reclamation States Emergency Drought Relief Act of 1991, and section 9106(g)(2) of the Omnibus Public Land Management Act of 2009, ensuring the continuation of these Reclamation programs in 17 western states, including emergency drought relief.

Section 125. Uranium Enrichment Decontamination and Decommissioning.

Section 125 transfers funding to provide for nuclear cleanup at Uranium Enrichment Decontamination and Decommissioning sites and allows the Department of Energy to spend at a higher rate during the CR to avoid disruption of continuing projects or activities.

Section 126. Increased Flexibility for White House COVID Response.

Section 126 allows a higher spending rate for the White House to support continuing COVID-19 operations.

Section 127. Allowances and Office Staff for Former Presidents.

Section 127 allows a higher spending rate for the General Services Administration for the offices of former Presidents, which includes funding for office space, pensions, and other additional support.

Section 128. Increased Flexibility to Process Certain SBA Business Loans.

Section 128 allows the Small Business Administration flexibility to spend at the rate necessary to accommodate potential demand increases for commitments for business loans through the 7(a) and 504 business loans, for the Secondary Market Guarantee Program, and for the Small Business Investment Company (SBIC) program.

Section 129. District of Columbia - Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia.

Section 129 allows a higher spending rate for the Pretrial Services Agency to cover increased costs associated with pretrial supervision due to the COVID-19 pandemic.

Section 130. District of Columbia Local Funds.

Section 130 authorizes the District of Columbia to spend its locally raised revenue at rates provided for in the District's Fiscal Year 2022 Local Budget Act of 2021 with the same conditions of the prior fiscal year.

Section 131. Technical correction of the Bankruptcy Administration Improvement Act of 2020.

Section 131 provides a technical correction to avoid an unintentional disruption of payments to certain bankruptcy trustees under the new Bankruptcy Administration Improvement Act of 2020.

Section 132. U.S. Citizen and Immigration Services.

Section 132 provides new discretionary funding for U.S. Citizenship and Immigration Services for application processing, backlog reduction, and refugee program support.

Section 133. Disaster Relief Fund (DRF).

Section 133 allows the Federal Emergency Management Agency to access the entire DRF appropriation for fiscal year 2022 under the continuing resolution as necessary to respond to declared disasters.

Section 134. National Flood Insurance Program (NFIP).

Section 134 extends the National Flood Insurance Program authorization through the duration of the continuing resolution.

Section 135. National Heritage Areas.

Section 135 allows the Secretary of the Interior to provide financial assistance during the period of the CR to any National Heritage Area established as of September 1, 2021.

Section 136. Land and Water Conservation Fund (LWCF) Administrative Expenses.

Section 136 allows administrative expenses associated with the LWCF to be available during the period of the CR.

Section 137. Indian Health Service.

Section 137 allows for a higher rate for operations for costs of staffing and operating new Indian Health Service facilities.

Section 138. CDC Vessel Sanitation Program.

Section 138 provides funding for training in health and safety and inspections of cruise ships.

Section 139. Extending Availability of Funding for NIH Multiyear Research Grants.

Section 139 extends the availability of funding for multiyear research grants supported by the National Institutes of Health that were interrupted in fiscal year 2021 by COVID-19 and would have expired at the end of the fiscal year.

Section 140. National Suicide Prevention Lifeline.

Section 140 includes funding to upgrade infrastructure to increase call center capacity, as well as expand the use of text and chat messaging, for the new three-digit number (9-8-8) connecting users to the National Suicide Prevention Lifeline.

Section 141. Refugee and Entrant Assistance – Funding.

Section 141 provides additional funding to support shelter and services for unaccompanied minors referred to the Department of Health and Human Services, including funding to expand the capacity of State-licensed shelters.

Section 142. Refugee and Entrant Assistance – Operations.

Section 142 allows flexibility to spend at a higher rate during the CR to support shelter and services for unaccompanied minors referred to the Department of Health and Human Services, as well as provide services to refugees.

Section 143. Refugee and Entrant Assistance – Reporting.

Section 143 requires quarterly reporting on safety and welfare checks, as well as post-release services, for children released to sponsors in the United States.

Section 144. Refugee and Entrant Assistance – Transfers.

Section 144 requires a report on funding transfers during fiscal year 2021.

Section 145. Extending Current Authorities for the Community Service Block Grant Program.

Section 145 extends the authority for individuals earning up to 200 percent of the Federal poverty line to be eligible for services through the CSBG program.

Section 146. Excess Accrued Leave for Public Health Service Commissioned Corps.

Section 146 extends the authority for members of the PHS Commissioned Corps to carry over annual leave balances in excess of the current statutory cap.

Section 147. Maintaining Funding for the TANF.

Section 147 extends funding for the Temporary Assistance for Needy Families program during the period of the continuing resolution. The extension will allow HHS to make first-quarter payments to States.

Section 148. National Advisory Committee on Institutional Quality and Integrity (NACIQI).

Section 148 extends the authorization for NACIQI.

Section 149. Account Maintenance Fees.

Section 149 extends the Account Maintenance Fees authority.

Section 150. Fiscal Year 2017 Military Construction Projects.

Section 150 extends the authority for the Department of Defense to obligate funds during the period of the continuing resolution for military construction projects that first received funding in fiscal year 2017.

Section 151. Transfer Authority to Address Veterans Disability Claims for New Service-Connected Conditions.

Section 151 allows the Department of Veterans Affairs to transfer funding to support expedient processing of new disability compensation claims and to prevent further growth in the backlog of disability claims.

Section 152. United States Agency for Global Media, The Asia Foundation, United States Institute of Peace, and National Endowment for Democracy.

Section 152 authorizes OMB to make available to the United States Agency for Global Media, The Asia Foundation, the United States Institute of Peace, and the National Endowment for Democracy amounts above the rate of operations necessary to support the evacuation of Afghan journalists and other employees of each organization.

Section 153. Passport and Visa Security Fee Authority.

Section 153 carries forward during the period of the CR authority originally provided in the CARES Act permitting the use of certain passport and visa security surcharges for a broader array of Consular Services.

Section 154. United States International Development Finance Corporation (DFC).

Section 154 authorizes the DFC to use funds appropriated under the CR to pay for the cost of modifying legacy loans and loan guarantees that were previously managed under the Overseas Private Investment Corporation (OPIC). Without this authority, the DFC would be unable to provide any loan modifications to previously OPIC-managed transactions beginning on October 1, 2021, which could lead to these loans defaulting.

Section 155. United States Advisory Commission on Public Diplomacy.

Section 155 extends the authorization of the United States Advisory Commission on Public Diplomacy through the period of the CR. Absent this extension, the Commission's authority expires on October 1, 2021.

Section 156. Payments to Air Carriers.

Section 156 provides the Department of Transportation with funding to sustain operations of the Essential Air Service program, which subsidizes the cost of scheduled commercial air service for small communities.

Section 157. Native American Housing Finance Programs.

Section 157 ensures the Department of Housing and Urban Development can continue to process loans to fully meet the demand for the Title VI Loan Guarantee Program, which helps Native American and Native Alaskan tribes finance critically needed affordable housing and housing-related community development projects.

DIVISION B – DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2022

Title I – Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

Department of Agriculture, Office of the Secretary –\$10 billion to cover losses from natural disasters occurring in 2020 and 2021.

Natural Resources Conservation Service –\$275 million for the Emergency Watershed Protection Program to help communities address damages to infrastructure caused by natural disasters, including floods and fires, that impair watersheds.

Title II – Commerce, Justice, Science, and Related Agencies

National Institute of Standards and Technology – \$22 million for investigations of building collapses to reduce the risk of future similar building failures.

National Oceanic and Atmospheric Administration – \$345 million to respond to damages from hurricanes and wildfires in calendar years 2020 and 2021 as well as to mitigate the impact of future disasters, including:

- \$6.9 million to repair or replace assets, facilities, and equipment damaged by hurricanes or wildfires
- \$3.4 million for marine debris removal
- \$4.7 million for hydrographic mapping and charting
- \$35 million for research to improve forecasting of hurricanes and extreme precipitation events
- \$20 million for wildfire research to improve prediction, detection, and forecasting
- \$25 million for National Coastal Resilience Fund grants
- \$50 million for weather and climate research supercomputers
- \$200 million for fishery disaster assistance in areas that experienced fishery disasters

NASA – \$321.4 million to repair NASA facilities and equipment damaged by Hurricanes Zeta and Ida

National Science Foundation (NSF) Research Vessels – \$25 million to cover unanticipated Hurricane Ida-related costs associated with NSF Regional Class Research Vessel construction.

Legal Services Corporation – \$40 million to provide civil legal services to survivors of natural disasters that occurred in 2020 and 2021.

Title III – Defense Subcommittee

Navy and Air Force Facilities - \$565 million for the Navy and \$330 million for the Air Force to repair facilities damaged by natural disasters in 2020 and 2021.

Title IV – Energy and Water Development, and Related Agencies

Army Corps of Engineers, Investigations – \$100 million to study potential projects to reduce risk from future floods and hurricanes.

Army Corps of Engineers, Construction – \$3 billion to accelerate construction of flood and storm damage reduction projects to reduce risk from future floods and hurricanes. Within this amount, \$1.5 billion is for states with a major disaster declared due to Hurricane Ida. Within this amount, up to \$65 million is for continuing authorities projects to reduce the risk of flooding and storm damage.

Army Corps of Engineers, Mississippi River and Tributaries – \$500 million to accelerate construction of flood and storm damage reduction projects to reduce risk from future floods and hurricanes. This is in addition to \$368 million to repair damages to Corps projects.

Army Corps of Engineers, Damage Repairs to Corps Projects – \$2.081 billion in total to repair damages to Corps projects caused by natural disasters, including:

- \$368 million for Mississippi Rivers and Tributaries – same as listed immediately above
- \$887 million for Operations and Maintenance
- \$826 million for Flood Control and Coastal Emergencies

Department of Interior, Central Utah Project – \$10 million to address damages from wildfires.

Department of Interior, Bureau of Reclamation – \$210 million for drought and disaster response, including:

- \$200 million for western drought response activities
- \$10 million for fire remediation activities and firefighting costs.

Department of Energy – \$43.3 million to repair damages at the Strategic Petroleum Reserve caused by natural disasters.

Title V – Financial Services and General Government

Small Business Administration Disaster Loans Program – \$1.2 billion to support approximately \$6.2 billion in low-interest loans to help businesses, nonprofit organizations, homeowners, and renters recover from Hurricane Ida and other disasters.

Title VI – Homeland Security

Emergency Management Performance Grants – \$50 million for emergency management performance grants to enhance state and local emergency management capacity.

Disaster Loan Repayment – Forgives outstanding balances of FEMA Community Disaster Loans as of September 30, 2021.

Title VII – Interior, Environment, and Related Agencies

Department of the Interior – \$416 million for expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters with \$55 million for hazardous fuels management and \$45 million for burned area rehabilitation activities.

U.S. Forest Service – \$1.36 billion for expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters with \$175 million for hazardous fuels management and \$175 million for burned area rehabilitation activities. In addition, the legislation provides a waiver for calendar year 2021 of the annual pay cap for emergency wildland fire suppression workers at the Department of the Interior and U.S. Forest Service.

Title VIII – Transportation, and Housing and Urban Development, and Related Agencies

Federal Aviation Administration (FAA) Facilities and Equipment – \$100 million to repair or replace FAA-owned buildings and equipment that was damaged or destroyed by Hurricane Ida in order to restore full air traffic navigation and surveillance capabilities.

Federal Highways – \$2.6 billion to reimburse states and territories for damage from natural disasters to roads and bridges in the National Highway System.

Community Development Block Grant Disaster Recovery – \$5 billion for long-term disaster recovery relief for major disasters that occurred in 2020 or 2021, including restoration of housing and infrastructure, economic revitalization, and mitigation measures.

Title IX – General Provisions

Technical budgetary provisions.

DIVISION C – AFGHANISTAN SUPPLEMENTAL APPROPRIATIONS ACT, 2022

Title I – Commerce, Justice, Science, and Related Agencies

Federal Bureau of Investigation (FBI) – \$50 million for investigative activities associated with Afghan resettlement operations.

Title II – Defense

Department of Defense Assistance to Afghans – \$2.2 billion through the Overseas Humanitarian, Disaster, and Civic Aid account for Afghan SIVs and at-risk Afghans on U.S. military installations. The bill requires a report on the execution of funds, Inspector General review, and prohibits funds from being used for any purpose other than Operation Allies Welcome. Additionally, the bill authorizes costs associated with the termination of previous contracts funded by the Afghanistan Security Forces Fund. Further, the bill requires a report on the disposition of property, equipment, and supplies that were destroyed, taken out of Afghanistan, or remain in Afghanistan in connection with the military withdrawal.

Title III – Labor, Health and Human Services, Education, and Related Agencies

Administration for Children and Families – \$1.7 billion to provide resettlement and other support services, such as emergency housing, English language classes, job training, and case management, for Afghan arrivals and refugees.

Centers for Disease Control and Prevention – \$21.5 million to provide medical support, screening, and related public health activities for Afghan arrivals and refugees.

Title IV – State, Foreign Operations, and Related Programs

Department of State - \$1.8 billion, including:

- \$276.9 million for Emergencies in the Diplomatic and Consular Services (EDCS) for the costs of the evacuation and contingency support for the temporary transit sites outside Afghanistan of private United States citizens, lawful permanent residents, and Afghans at-risk from Afghanistan, including travel, transportation, medical, subsistence, lodging, translators, security, and other potential costs. Funds will also be available to support additional evacuations from Afghanistan and to respond to other contingencies, as necessary.
- \$1.076 billion for the United States Emergency Refugee and Migration Assistance Fund (ERMA) that includes basic need requirements and resettlement services for at-risk Afghans in the United States, including medical testing, processing, and life support services.
- \$415 million for Migration and Refugee Assistance (MRA) to respond to the needs of Afghan refugees, conflict victims, and internally displaced Afghans, both inside and outside Afghanistan. Additionally, funds are available for support of processing Priority 1, and at-risk Afghans who received Priority 2 referrals.

United States Agency for International Development – \$400 million for International Disaster Assistance (IDA) to provide life-saving humanitarian support including food assistance; nutrition; health; protection; emergency shelter and settlements; and water, sanitation, and hygiene (WASH) to the most vulnerable populations inside Afghanistan and in the region, including women and girls and minority groups, and other displaced persons.

In addition, the legislation permits the State Department and the United States Agency for International Development (USAID) to employ individuals who previously served the United States Mission in Afghanistan

through personal service contracts to be hired by such agencies in the United States and directs the Secretary of State to submit a report on the status of the Priority 2 designation granting United States Refugee Admissions Program access for certain at-risk Afghan nationals and their eligible family members, including those who work or worked for a U.S. government-funded entity in Afghanistan or by a U.S.-based media organization or non-governmental organization.

Title V – General Provisions

U.S. Citizenship and Immigration Services - \$193 million to support activities related to Operation Allies Welcome.

In addition, the legislation allows for certain benefits to be offered to evacuees from Afghanistan who are brought to the United States after undergoing background checks. Further, the legislation requires the Department of Homeland Security (DHS) to coordinate government-wide reporting on-specified activities related to Afghan evacuees.

Technical budgetary provisions.

DIVISION D – OTHER MATTERS

Title I - Extensions, Technical Corrections, and Other Matters

Section 3101. Extension of Authority to Make Certain Appointments for National Disaster Medical System.

Section 3101 extends the Secretary of Health and Human Services' authority to appoint personnel to unfilled positions within the National Disaster Medical System to assist in the response of a public health emergency or a potential public health emergency from September 30, 2021 through December 3, 2021.

Section 3102. Extending Certain Waiver Authorities.

Section 3102 extends the authority of the Secretary of Agriculture to provide nationwide waivers through the 2021-2022 school year to ensure continued flexibility in child nutrition programs.

Section 3103. Extension of the \$5000 special assessment under the Justice for Victims of Trafficking Act of 2015.

Sec. 3103 extends the \$5,000 special assessment on any non-indigent person or entity convicted of an offense under section 3014(a) of title 18, United States Code (concerning sexual abuse, trafficking, and related matters) from September 30, 2021 through December 31, 2021.

Section 3104. Extension of Temporary Order for Fentanyl-Related Substances.

Section 3104 extends the temporary emergency scheduling order placing certain fentanyl-related substances in Schedule I of the Controlled Substances Act from October 22, 2021 through January 28, 2022.

Section 3105. Extending the Increased Federal Medical Assistance Percentage for Territories.

Section 3105 extends the current federal medical assistance percentage (FMAP) for each of the territories from September 30, 2021 through December 3, 2021.

Section 3106. Medicare Improvement Fund.

Section 3106 offsets the cost of extending the increased FMAP for the territories by reducing the amount in the Medicare Improvement Fund by \$96,000,000.

Title II – Budgetary Effects

Technical budgetary provisions.