



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

**DEPUTY DIRECTOR
FOR MANAGEMENT**

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OMB BULLETIN NO. 11-01

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Apportionment of the Continuing Resolution(s) for Fiscal Year 2012

1. Purpose and Background. H.R. 2017 will provide continuing appropriations for the period October 1, 2011 through, October 4, 2011. I am automatically apportioning amounts provided by this continuing resolution (CR) as specified in section 3. This Bulletin supplements instructions for apportionment of CRs in OMB Circular No. A-11, sections 120 and 123, and applies to this CR and any extensions of this CR.

2. Amounts Provided. Section 101 of H.R. 2017 provides such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 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. 2017, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriation Acts: the Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10), and the Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

Section 101(b) reduces the rate for operations provided by section 101 by 1.503 percent (see Attachment A for details).

Furthermore, Section 117 provides that notwithstanding Section 101 funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

3. Automatic Apportionments. Attachment A contains more detailed instructions on calculating the annualized amount provided by the CR. In order to calculate the amount automatically apportioned through the period ending October 4, 2011 (and any extensions thereof) multiply the annualized amount provided by the CR by the lower of:

- the percentage of the year (pro-rata) covered by the CR (e.g., for H.R. 2017 use 1.09 percent), or
- the historical seasonal rate of obligations for the period of the year covered by the CR.

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

Section 115 applies the 1.503 percent reduction specified in section 101(b) to FY 2012 discretionary advance appropriations enacted in a prior year bill that become available on October 1st. 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 (this section does not apply to the first CR through October 4th; applies to any extensions of the CR). As was the case under the CR Bulletins for FY 2010 and FY 2011, 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 extended, this automatic apportionment does not apply to that account. (Reported bills are those that have been filed by the full House or Senate Appropriations Committee for floor action.) The agency may submit a written apportionment request to OMB to request funds for the account during the period of the CR, if needed. This restrictive funding action is to ensure that the agency does not impinge on the final funding prerogatives of the Congress.

5. Programs under Section 111. Funds for appropriated entitlements and other mandatory payments, and activities under the Food and Nutrition Act of 2008, are automatically apportioned amounts as needed to carry out programs at a rate to maintain program levels under current law, i.e., at the FY 2012 level. However, this automatic apportionment does not apply to programs with more complex funding structures. Agencies should contact their RMO representatives to determine if their account is automatically apportioned or if a written apportionment is required.

With regard to the associated administrative expenses for those programs, section 111 does not apply. The associated administrative expenses are automatically apportioned at the pro-rata level based on FY 2011 annualized levels (section 101, including the 1.503 percent reduction in 101(b)).

6. Credit Limitations. If there is an enacted credit limitation (i.e., a limitation on loan principal or commitment level) in FY 2011, 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 123B of OMB Circular No. A-11.

7. Written Apportionments. If an agency seeks an amount for a program that is different from the total amount automatically apportioned, you must request a written apportionment from OMB. OMB expects to grant only a very limited number of written apportionment requests. Every request must be accompanied by a written justification that includes the legal basis for the exception apportionment. In a change to past practice, agencies no longer need to request a new written apportionment for each extension of the CR (unless otherwise required by your RMO). Instead, in the case of accounts that receive a written apportionment at any time during the CR period, the automatic apportionment will apply to such accounts under any subsequent extensions of the CR, provided that the total amount apportioned during the CR period does not exceed the total annualized level of the CR. However, any footnotes on the written

apportionment continue to apply to the accounts, when subsequently operating under the automatic apportionment.

8. Spending Plans. For accounts for which OMB required spending plans in FY 2011, or clearance of spending plans requested by the Congress, agencies should work with their RMO to determine which accounts will require updated spending plans under the FY 2012 CR apportionment. For those accounts, the automatic apportionment will make funds available 10 days after submission of those spending plans to OMB.



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Attachment(s)

Attachment A: Continuing Resolution Frequently Asked Questions

Attachment B: Non-CHIMP Cancellations Recurring in a 2012 Continuing Resolution

Attachment C: Changes in Mandatory Programs Recurring in a 2012 Continuing Resolution

Continuing Resolution Frequently Asked Questions

1. What is the annualized level (rate for operations) provided by the continuing resolution (CR)?

The FY 2012 CR annualized level (rate for operations):

- take the full year amount enacted in the appropriations acts making funds available for FY 2011 (i.e., FY 2011 enacted appropriations net of any account specific rescissions, bill rescissions, and across-the-board reductions) [Attachment B identifies the recurring account specific rescissions/reductions.];
- add or subtract transfers mandated by law (only "shall transfer", not "may transfer" or "shall transfer up to" language);
- reduce the calculated total level by 1.503 percent (see below for exemptions).

See item number 2 for determining the exemptions to the 0.2 percent across-the-board reduction from section 1119 of PL 112-10.

See item number 3 for determining the exemptions to the 1.503 percent across-the-board reduction from section 101(b) of H.R. 2017.

2. What funding levels are exempt from applying the FY 2011 0.2 percent across-the-board reduction (section 1119, PL 112-10) to the calculation of the FY 2012 CR rate for operations (annualized level)?

Discretionary authority appropriated or otherwise made available by division A of PL 112-10 is exempt from applying the 0.2 percent across-the-board FY 2011 reduction to the FY 2012 CR rate for operations (annualized level) calculation. Additionally, only those funds in division B of PL 112-10 designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) or as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010 are exempt from applying the 0.2 percent reduction to the FY 2012 rate for operations.

Legislative anomalies in H.R. 2017 that have "notwithstanding" section 101 language and provide a specified rate for operations (annualized level) are also exempt from applying the 0.2 percent across-the-board reduction.

3. What funding levels are exempt from applying the 1.503 percent reduction into the FY 2012 CR rate for operations (annualized level)?

Section 114 of H.R. 2017 exempts funds designated as Overseas Contingency Operations/Global War on Terror from the 1.503 percent reduction.

Legislative anomalies in H.R. 2017 that have "notwithstanding" Section 101 language and provide a specified rate for operations are also exempt.

Since 101(b) of H.R. 2017 reduces the overall rate for operations as identified in section 101(a), when spending authority from offsetting collections is used to determine that rate for operations, those spending authority levels are also reduced by 1.503 percent.

4. What is the apportioned amount provided by the automatic apportionment under a CR?

The amount automatically apportioned (whole dollars) through the period ending October 4, 2011 (and any CR extensions of that period) is calculated by multiplying the **annualized level provided by the CR** (see item number 1) by the **lower** of:

- the **percentage of the year** covered by the CR (rounded to the nearest hundredth; for H.R. 2017, use $4 \text{ days} / 366 \text{ days} = 1.09 \text{ percent}$);
- **or**
- the **historical seasonal rate** of obligations for the period of the year covered by the CR (see exhibit 123A of OMB Circular No. A-11).

5. How should the phrase "project or activity" be applied in determining the CR level?

In the context of determining the rate for operations under the CR, OMB has interpreted the term "project or activity" to refer to the total appropriation, that is, the account (Treasury Appropriations Fund Symbol (TAFS) level). The Government Accountability Office's (GAO's) view has been consistent with OMB's (see page 8-24 of the [Principles of Federal Appropriations Laws, Third Edition, Volume II](#), issued by GAO).

6. How should mandatory appropriations be treated?

A continuing resolution is an appropriations bill. As such, it normally does not affect mandatory appropriations provided in substantive or authorizing legislation. Therefore, for accounts with a mix of discretionary and mandatory appropriations, the mandatory budget authority component that is enacted in substantive or authorizing legislation should be taken out before calculating the amount provided by the CR. Changes in and limitations on mandatory programs that were enacted in 2011 Appropriations Acts are assumed to continue during the duration of the CR under the terms and conditions provided in such Acts. Attachment C lists the recurring changes in mandatory programs.

7. How will section 112 of H.R. 2017 regarding civilian personnel compensation and benefits be apportioned by OMB?

Section 112 allows OMB limited authority to mitigate furloughs under the short-term CR. It does not provide additional total budget authority for the fiscal year. Rather, it allows OMB to apportion the BA at a more accelerated rate than the daily rate (pro-rata share). OMB will

be applying this authority in the most restrictive fashion. Before requesting a written apportionment from OMB, you must receive pre-approval from your OMB representative with budget responsibility for the account. OMB will require written documentation that the following pre-condition from section 112 of the CR has been satisfied by the agency: *"except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses."*

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

Once a full-year FY 2012 appropriation is enacted, accounts that received a CR written apportionment may continue at that CR apportioned rate until they receive their first written apportionment for the fiscal year only if the final enacted level of appropriations is equal to or greater than the FY 2012 short-term CR (H.R. 2017) annualized level. This guidance supplements instructions in OMB Circular A-11, section 120.28. If the final enacted FY 2012 appropriation is lower than the FY 2012 short-term CR annualized level, then Circular A-11 section 120.28 applies.

ATTACHMENT B: Non-CHIMP¹ Cancellations Recurring in a 2012 Continuing Resolution

(budget authority in millions of dollars)

Appropriations Bill:	FY 2011 Enacted	2012 CR
Agriculture and Rural Development:		
USDA, Common Computing Environment.....	-3	---
USDA, Agriculture Buildings and Facilities and Rental Payments.....	-45	-7
USDA, Departmental Administration.....	-2	---
USDA, Buildings and Facilities [Agriculture Research Service].....	-230	-8
USDA, Buildings and Facilities [National Institute of Food and Agriculture].....	-1	-1
USDA, Salaries and Expenses [Animal and Plant Health Inspection Service].....	-11	-10
USDA, Buildings and Facilities [Animal and Plant Health Inspection Service].....	-1	-1
USDA, Payments to States and Possessions.....	-1	---
USDA, Wetlands Reserve Program.....	-3	---
USDA, Water Bank Program.....	-1	---
USDA, Wildlife Habitat Incentives Program.....	-10	---
USDA, Rural Community Advancement Program.....	-1	---
USDA, Distance Learning, Telemedicine, and Broadband Program.....	-64	-18
Total, Agriculture and Rural Development.....	-373	-45
Commerce, Justice, Science:		
DOC, Census, Working Capital Fund.....	-50	-50
DOC, Salaries and Expenses [National Telecommunications and Information].....	-5	---
DOJ, Working Capital Fund.....	-26	-26
DOJ, Justice Assistance.....	-4	-4
DOJ, State and Local Law Enforcement Assistance.....	-35	-35
DOJ, Juvenile Justice Programs.....	-3	-3
DOJ, Community Oriented Policing Services.....	-10	-10
Total, Commerce, Justice, Science.....	-133	-128
Defense:		
DOD, Aircraft Procurement, Navy.....	-491	-465
DOD, Procurement of Ammunition, Navy and Marine Corps.....	-12	-12
DOD, Shipbuilding and Conversion, Navy.....	-22	-22
DOD, Other Procurement, Navy.....	-9	-9
DOD, Aircraft Procurement, Army.....	-14	-14
DOD, Missile Procurement, Army.....	-9	-9
DOD, Procurement of Weapons and Tracked Combat Vehicles, Army.....	-122	-36
DOD, Other Procurement, Army.....	-198	-50
DOD, Aircraft Procurement, Air Force.....	-729	-341
DOD, Other Procurement, Air Force.....	-37	-37
DOD, Research, Development, Test, and Evaluation, Defense-wide.....	-10	---
DOD, Research, Development, Test and Evaluation, Army.....	-163	---
DOD, Research, Development, Test, and Evaluation, Air Force.....	-199	---
Total, Defense.....	-2,015	-995

ATTACHMENT B: Non-CHIMP¹ Cancellations Recurring in a 2012 Continuing Resolution

(budget authority in millions of dollars)

Appropriations Bill:	FY 2011 Enacted	2012 CR
Energy and Water Development:		
DOE-NNSA, Weapons Activities.....	-50	-50
DOE-NNSA, Defense Nuclear Nonproliferation.....	-45	-45
DOE-NNSA, Office of the Administrator.....	-6	-6
DOE-NNSA, Naval Reactors.....	-1	-1
DOE, Other Defense Activities.....	-3	-3
DOE, Defense Environmental Cleanup.....	-12	-12
DOE, Fossil Energy Research and Development.....	-140	-16
DOE, Strategic Petroleum Reserve.....	-86	-15
DOE, Naval Petroleum and Oil Shale Reserves.....	-2	-1
DOE, Science.....	-15	-14
DOE, Clean Coal Technology.....	-16	---
DOE, Non-defense Environmental Cleanup.....	-1	-1
DOE, Electricity Delivery and Energy Reliability.....	-4	-4
DOE, Nuclear Energy.....	-6	-6
DOE, Energy Efficiency and Renewable Energy.....	-30	-30
DOE, Nuclear Waste Disposal.....	-3	-3
DOE, Uranium Enrichment Decontamination and Decommissioning Fund.....	-10	---
DOE, Departmental Administration.....	-82	-16
Corps of Engineers, Mississippi River and Tributaries (Yazoo Pumps).....	-22	---
Corps of Engineers, Investigations.....	-3	-5
Corps of Engineers, Construction.....	-173	-106
Denali Commission.....	-15	-1
	-725	-335
Total, Energy and Water Development.....	-725	-335
Financial Services and General Government:		
GSA, Federal Buildings Fund.....	-25	-25
EXOP, Partnership Fund for Program Integrity Innovation.....	-5	-5
NARA, Repairs and Restoration.....	-3	---
Salaries and Expenses [Privacy and Civil Liberties Oversight Board].....	-2	-1
	-35	-31
Total, Financial Services and General Government.....	-35	-31
Homeland Security:		
DHS, Departmental Operations.....	-4	-1
DHS, Citizenship and Immigration Services.....	-21	-1
DHS, Salaries and Expenses [United States Secret Service].....	-1	---
DHS, Federal Air Marshals.....	-4	-2
DHS, Aviation Security.....	-13	-15
DHS, Transportation Security Support.....	-2	---
DHS, Salaries and expenses [Federal Law Enforcement Training Center].....	-1	-1
DHS, Immigration and Customs Enforcement.....	-18	-18
DHS, Construction [Immigration and Customs Enforcement].....	-10	---
DHS, Customs and Border Protection.....	-35	-5
DHS, Automation Modernization, Customs and Border Protection.....	-10	-10
DHS, Border Security Fencing, Infrastructure, and Technology.....	-129	-129
DHS, Operating Expenses [United States Coast Guard].....	-14	---
DHS, Reserve Training.....	-3	---
DHS, Acquisition, Construction, and Improvements (U.S. Coast Guard).....	-10	-10
DHS, Office of Health Affairs.....	-1	---
DHS, United States Visitor and Immigrant Status Indicator Technology.....	-33	-28
DHS, Infrastructure Protection and Information Security.....	-17	-17
DHS, State and Local Programs.....	-11	-3
DHS, Management and Administration.....	-1	-1
DHS, National Pre-disaster Mitigation Fund.....	-20	-20
DHS, Research, Development, Acquisitions and Operations.....	-60	---
DHS, Research, Development, and Operations.....	-11	---
	-429	-261
Total, Homeland Security.....	-429	-261

ATTACHMENT B: Non-CHIMP¹ Cancellations Recurring in a 2012 Continuing Resolution

(budget authority in millions of dollars)

Appropriations Bill:	FY 2011 Enacted	2012 CR
Interior and Environment:		
USDA, Forest Service, FLAME Wildfire Suppression Reserve Fund.....	-200	---
DOI, FWS, Landowner Incentive Program.....	-3	---
DOI, NPS, Urban Park and Recreation Fund.....	-1	---
DOI, Wildland Fire Management.....	-200	-200
EPA, State and Tribal Assistance Grants.....	-140	-140
Total, Interior and Environment.....	-544	-340
Labor, HHS, and Education:		
HHS, Refugee and Entrant Assistance.....	-25	-16
HHS, Public Health and Social Services Emergency Fund (Emergency Cancellation).....	-1,259	---
Labor, Training and Employment Services.....	-125	---
Labor, Office of Job Corps.....	-75	-75
Labor, Working Capital Fund [Departmental Management].....	-4	---
SSA, Federal Old-age and Survivors Insurance Trust Fund (P.L. 112-10).....	-75	-75
Total, Labor, HHS, Education.....	-1,563	-166
Legislative Branch:		
Capitol Visitor Center.....	-15	-8
Military Construction and Veterans Affairs:		
DOD, Military Construction, Defense-wide.....	-149	-126
DOD, Base Closure Account 2005.....	-232	-232
DOD, Military Construction, Navy and Marine Corps.....	-61	-61
DOD, Military Construction, Army.....	-263	-263
DOD, Military Construction, Air Force.....	-122	-122
VA, Medical Support and Compliance.....	-34	-34
VA, Medical Support and Compliance.....	-100	---
VA, Medical Services.....	-1,000	---
VA, Medical Facilities.....	-15	-15
VA, Medical Facilities.....	-100	---
VA, Construction, Major Projects.....	-75	-75
VA, Information Technology Systems.....	-147	---
Total, Military Construction, Veterans Affairs.....	-2,298	-928
State and Foreign Operations:		
State, Diplomatic and Consular Programs.....	-55	-55
State, Buying Power Maintenance.....	-17	---
State, International Narcotics Control and Law Enforcement.....	-7	-7
State, Economic Support Fund.....	-120	-120
State, Assistance for Europe, Eurasia and Central Asia.....	-19	-19
State, Development Assistance Program.....	-1	-1
State, Assistance for the Independent States of the Former Soviet Union.....	-12	-3
Export-Import Bank Loans Program Account.....	-275	---
Total, State and Foreign Operations.....	-506	-205
Transportation and Housing and Urban Development:		
Transportation, Capital Assistance for High Speed Rail & Intercity Passenger Rail Service.....	-400	-400
Transportation, Capital Investment Grants.....	-280	-280
HUD, Housing Certificate Fund.....	-50	-50
HUD, Other Assisted Housing Programs.....	-41	-7
Total, Transportation and Housing.....	-771	-737
TOTAL, Discretionary Cancellations.....	-9,407	-4,179

* Denotes a number less than \$500K.

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

ATTACHMENT C: Changes in Mandatory Programs Recurring in a 2012 Continuing Resolution

(Budget authority in millions of dollars)

Changes to Mandatory Programs (CHIMPs) by Appropriations Subcommittee:	2011 Enacted	2012 CR
Agriculture and Rural Development:		
USDA, Federal Crop Insurance Corporation Fund.....	-75	-75
USDA, Commodity Credit Corporation Export Loans Program Account.....	-331	-15
USDA, Commodity Credit Corporation Fund (Biomass Crop Assistance Program in 2012).....	-87	-89
USDA, Commodity Credit Corporation Fund (Mohair Marketing Assistance Loans)	*	*
USDA, Watershed Rehabilitation Program.....	-165	-165
USDA, Farm Security and Rural Investment Programs (EQIP).....	-350	-512
USDA, Farm Security and Rural Investment Programs (Wetlands Reserve Program).....	-98	-633
USDA, Farm Security and Rural Investment Programs (Conservation Stewardship).....	---	-152
USDA, Rural Economic Development Grants (Cushion of Credit).....	-207	-207
USDA, Supplemental Nutrition Assistance Program.....	-15	-11
USDA, Child Nutrition Programs (Obligation Delay).....	-117	-133
Total, Agriculture and Rural Development.....	-1,445	-1,992
Commerce, Justice, and Science:		
DOC, NOAA, Promote and Develop Fishery Products Transfer.....	-68	-105
DOJ, Assets Forfeiture Fund.....	-495	-495
DOJ, Crime Victims Fund (Obligation Delay).....	-5,820	-7,075
DHS, Citizenship and Immigration Services Transfer.....	-4	-4
Total, Commerce, Justice, and Science.....	-6,387	-7,679
Financial Services:		
Treasury, Forfeiture Fund.....	-400	-400
FDIC, Deposit Insurance Fund Transfer to the OIG.....	-43	-43
Postal Service, Transfers to the OIG & Postal Regulatory Commission (PRC).....	-258	-258
Postal Service, Discretionary Offsetting Collections for Transfers to the OIG & PRC.....	+258	+258
Bureau of Consumer Financial Protection Fund.....	+1	---
Total, Financial Services.....	-442	-443
Homeland Security:		
Treasury, Forfeiture Fund.....	-23	-23
Interior and Environment:		
USDA, Capital Improvement and Maintenance.....	-11	-12
DOI, Mineral Leasing and Associated Payments.....	-40	-42
DOI, Geothermal Lease Revenues, Payment to Counties.....	-8	-7
DOI, NPS, Land Acquisition and State Assistance.....	-30	-30
DOI, Compact of Free Association.....	+14	+14
Total, Interior and Environment.....	-75	-77
Labor, HHS, and Education:		
HHS, Consumer Operated and Oriented Plan Program Account.....	-2,200	-2,200
HHS, Children's Health Insurance Fund.....	-3,500	-3,500
HHS, CMS Program Management, High Risk Pools.....	+55	+55
Education, Student Financial Assistance (Pell Grants).....	-529	---
Education, Student Aid Administration.....	-31	---
Education, Academic Competiveness/SMART Grant Program.....	-560	---
Total, Labor, HHS, and Education.....	-6,765	-5,645
State and Foreign Operations:		
State, Diplomatic and Consular Programs, H-1B & L Fraud Prevention Cancellation.....	-140	---
Transportation and Housing and Urban Development:		
Transportation, Federal-aid Highways, rescission of mandatory contract authority.....	-3,130	-2,500
Transportation, NHTSA, contract authority rescissions.....	-76	-76
Total, Transportation and Housing and Urban Development.....	-3,206	-2,576
TOTAL, Changes to Mandatory Programs (CHIMPS).....	-18,483	-18,435

* Denotes a number less than \$500K.

¹ All FY 2011 CHIMPS have been rebased as mandatory and are not included in any FY 2011 Enacted levels. They are only displayed for comparison purposes.