



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

THE DIRECTOR

September 30, 2003

BULLETIN NO. 03-05

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Apportionment of the Continuing Resolution(s) for Fiscal Year 2004

1. Purpose and Background. H. J. Res. 69 (continuing resolution) will provide continuing appropriations for the period October 1 through October 31. I am providing an automatic apportionment for amounts provided by this continuing resolution (CR), and any extensions of this CR, as specified in section 2. This Bulletin supplements instructions for apportionment of CRs in OMB Circular No. A-11.

2. Automatic Apportionments. Calculate the amount automatically apportioned through the period ending October 31 (and any extensions of that period) by multiplying the rate (amount) provided by the CR by the lower of:

- the percentage of the year covered by the CR, or
- the historical seasonal rate of obligations for the period of the year covered by the CR.

See Attachments A and B to this Bulletin for more detailed instructions on calculating the amount provided by the CR and the amount automatically apportioned. Sec. 111 of the CR requires that the resolution be implemented so that only the most limited funding action permitted in the CR is taken. The Administration has interpreted this section to mandate that agencies in general spend at a minimum level, so as not to infringe upon the prerogative of Congress to set full-year funding levels. Funding apportioned under the CR excludes one-time, non-recurring projects and activities that were funded in FY 2003, which includes most projects and activities funded by FY 2003 supplemental appropriations. The only FY 2003 supplemental projects and activities that may be factored into the not to exceed current rate can be found in *Attachment B*.

Under an automatic apportionment, all of the footnotes and conditions placed on the prior year apportionment remain in effect.

The CR expires at midnight on Friday, October 31, 2003.

3. Written Apportionments. If a program requires an amount different from the total amount automatically apportioned, you must request a written apportionment.

Joshua B. Bolten
Director

Attachments

Calculating the Amount Made Available by the CR and the Automatic Apportionment

Calculate the amount automatically apportioned (whole dollars) through the period ending October 31, 2003 (and any extensions of that period) by multiplying the **rate (amount) provided by the CR** by the lower of:

- the **percentage of the year** covered by the CR (rounded to the nearest hundredth); or
- the **historical seasonal rate** of obligations for the period of the year covered by the CR.

1. **What is the rate (annualized, full-year amount) provided by the continuing resolution (CR)? The rate (full-year amount) provided by the CR for all accounts is the rate of operations not exceeding the current rate, calculated as follows:**

- ▶ take the net amount enacted in FY 2003, i.e., add only the supplemental appropriations amounts listed in *Attachment B* of OMB Bulletin 03-05; and subtract any rescissions (e.g., across-the-board reductions), and factor in transfers mandated by law;
- ▶ add the unobligated balance (including those for emergencies) *carried forward* to FY 2003 start-of-year (SOY), if any; and
- ▶ subtract the unobligated balance (including those for emergencies) *at the end of* FY 2003 end of year (EOY), if any.

2. **Which estimates of FY 2003 (EOY) unobligated balances should agencies use in the calculation?** Agencies are required to use current estimates of FY 2003 (EOY) unobligated balances. You can adjust the unobligated balances with the following conditions:

FY 2003 SOY unobligated balances: Use the amount shown on the most recent FY 2003 apportionment/reapportionment. This would be shown on line 2a (“Unobligated balance: brought forward, October 1 (actual)”) of the SF 132/letter apportionment.

FY 2003 EOY unobligated balances: Again, you must use the most recently approved apportionment. For the majority of the accounts, this should be the FY 2004 initial apportionment.

You may request OMB to apportion the revised estimates of unobligated balances, SOY FY 2004, and if apportioned by OMB, you may use the revised amounts to calculate the amount available under the CR.

3. **How should mandatory appropriations and balances 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, take the mandatory piece out before calculating the amount provided by the CR. This includes both the budget authority and unobligated balances.

4. **What is the amount of the automatic apportionment under a CR?** Multiply the rate (annualized, full-year amount) provided by the CR (see note 1) by:
 - a. The percentage of the year covered by the CR (rounded to the nearest hundredth);
or
 - b. The historical seasonal rate of obligations for the period of the year covered by the CR.
 - c. The lower number will be the amount automatically apportioned.

For a full month CR, use 8.47% (31 days/366 days).

Attachment B

FY 2003 Supplemental Projects and Activities (recurring) to be Included in Determination of Current Rate Amounts Provided by the Continuing Resolution 1

<u>Agency/Account</u>	<u>FY 2003 BA</u> (millions of dollars)
<u>Justice</u>	
Office of Inspector General.....	2.5
<u>Department of Commerce</u>	
Procurement, Acquisition, and Construction.....	65.0
<u>Department of the Interior</u>	
Operation of the National Park System.....	9.0
<u>EEOC</u>	
Salaries and Expenses.....	15.0

1 This list, compiled by OMB, excludes one-time, non-recurring projects and activities funded in FY 2003 supplemental appropriation Acts.