

Continuing Appropriations Act, 2021, and Other Extensions Act

DIVISION A – CONTINUING APPROPRIATIONS ACT, 2021

Division A of Continuing Appropriations Act, 2021, and Other Extensions Act provides continuing FY2021 appropriations to federal agencies through the earlier of December 11, 2020 or the enactment of applicable appropriations legislation. The following sections of Division A are applicable to DOE's FY2020 implementation of the Further Consolidated Appropriations Act, 2020, Division C (Energy and Water Development and Related Agencies Appropriations Act, 2020), Title III and Title V, Pub. L. No. 116-94; and the Consolidated Appropriations Act, 2020, Division C, (Financial Services and General Government Appropriations Act, 2020) Title VII, Pub. L. No. 116-93.

Separate guidance will be issued to discuss the extension provided in Section 140 of the Continuing Appropriations Act, 2021, to the authority provided to federal agencies in Section 3610 of Division A of the CARES Act (Public Law 116–136).

Section 101 of the Continuing Appropriations Act, 2021, appropriates funds in such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2020 (FY2020) and under the authority and conditions provided in such FY2020 Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in the Continuing Appropriations Act, 2021, that were conducted in FY2020, and for which appropriations, funds, or other authority were made available in: The Energy and Water Development and Related Agencies Appropriations Act, 2020 (division C of Public Law 116-94), and The Financial Services and General Government Appropriations Act, 2020 (division C, Title VII of Public Law 116-93).

Section 103 of the Continuing Appropriations Act, 2021, states that appropriations made by section 101 shall be available to the extent and manner provided by the pertinent appropriations Acts of FY2020.

Section 104 of the Continuing Appropriations Act, 2021, states that no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during FY2020.

Section 105 states that appropriations made and authority granted pursuant to the Continuing Appropriations Act, 2021, shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under the Continuing Appropriations Act, 2021.

Section 106 states that, unless otherwise provided for, appropriations and funds available and authority granted pursuant to the Continuing Appropriations Act, 2021, shall be available until whichever of the following occurs first: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2021 without any provision for such project or activity; or (3) December 11, 2020.

Section 109 states that, notwithstanding any other provision of the Continuing Appropriations Act, 2021, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2021 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by the Continuing Appropriations Act of 2021 that would impinge on final funding prerogatives.

Section 110 states that the Continuing Appropriations Act, 2021, shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

Section 127 of the Continuing Appropriations Act, 2021, states that (a) No funds shall be transferred directly from “Department of Energy—Power Marketing Administration—Colorado River Basins Power Marketing Fund, Western Area Power Administration” to the general fund of the Treasury in fiscal year 2020; (b)(1) This section shall become effective immediately upon enactment of this Act; (b)(2) If this Act is enacted after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020.

Section 140 Section 3610 of division A of the CARES Act (Public Law 116–136) shall be applied by substituting the date in Section 106(3) of this Act for “September 30, 2020”.