

In the Senate of the United States,

November 19, 1995.

Resolved, That the resolution from the House of Representatives (H.J. Res. 123) entitled “Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes” do pass with the following

AMENDMENT:

Strike out all after the resolving clause and insert:

1 *That the following sums are hereby appropriated, out of*
2 *any money in the Treasury not otherwise appropriated,*
3 *and out of applicable corporate or other revenues, receipts,*
4 *and funds, for the several departments, agencies, corpora-*
5 *tions, and other organizational units of Government for the*
6 *fiscal year 1996, and for other purposes, namely:*

7 *TITLE I*

8 *CONTINUING APPROPRIATIONS*

9 *SEC. 101. (a) Such amounts as may be necessary*
10 *under the authority and conditions provided in the applica-*
11 *ble appropriations Act for the fiscal year 1995 for continu-*

1 *ing projects or activities including the costs of direct loans*
2 *and loan guarantees (not otherwise specifically provided for*
3 *in this joint resolution) which were conducted in the fiscal*
4 *year 1995 and for which appropriations, funds, or other*
5 *authority would be available in the following appropria-*
6 *tions Acts:*

7 *The Departments of Commerce, Justice, and*
8 *State, the Judiciary, and Related Agencies Appro-*
9 *priations Act, 1996, notwithstanding section 15 of the*
10 *State Department Basic Authorities Act of 1956, sec-*
11 *tion 701 of the United States Information and Edu-*
12 *cational Exchange Act of 1948, section 313 of the*
13 *Foreign Relations Authorization Act, Fiscal Years*
14 *1994 and 1995 (Public Law 103–236), and section 53*
15 *of the Arms Control and Disarmament Act;*

16 *The Department of Defense Appropriations Act,*
17 *1996, notwithstanding section 504(a)(1) of the Na-*
18 *tional Security Act of 1947;*

19 *The District of Columbia Appropriations Act,*
20 *1996;*

21 *The Foreign Operations, Export Financing, and*
22 *Related Programs Appropriations Act, 1996, notwith-*
23 *standing section 10 of Public Law 91–672 and section*
24 *15(a) of the State Department Basic Authorities Act*
25 *of 1956;*

1 *The Department of the Interior and Related*
2 *Agencies Appropriations Act, 1996;*

3 *The Departments of Labor, Health and Human*
4 *Services, and Education, and Related Agencies Ap-*
5 *propriations Act, 1996;*

6 *The Legislative Branch Appropriations Act,*
7 *1996, H.R. 2492;*

8 *The Department of Transportation Appropria-*
9 *tions Act, 1996;*

10 *The Treasury, Postal Service, and General Gov-*
11 *ernment Appropriations Act, 1996;*

12 *The Departments of Veterans Affairs and Hous-*
13 *ing and Urban Development, and Independent Agen-*
14 *cies Appropriations Act, 1996:*

15 *Provided, That whenever the amount which would be made*
16 *available or the authority which would be granted in these*
17 *Acts is greater than that which would be available or grant-*
18 *ed under current operations, the pertinent project or activ-*
19 *ity shall be continued at a rate for operations not exceeding*
20 *the current rate.*

21 *(b) Whenever the amount which would be made avail-*
22 *able or the authority which would be granted under an Act*
23 *listed in this section as passed by the House as of the date*
24 *of enactment of this joint resolution, is different from that*
25 *which would be available or granted under such Act as*

1 *passed by the Senate as of the date of enactment of this*
2 *joint resolution, the pertinent project or activity shall be*
3 *continued at a rate for operations not exceeding the current*
4 *rate or the rate permitted by the action of the House or*
5 *the Senate, whichever is lower, under the authority and con-*
6 *ditions provided in the applicable appropriations Act for*
7 *the fiscal year 1995: Provided, That where an item is not*
8 *included in either version or where an item is included in*
9 *only one version of the Act as passed by both Houses as*
10 *of the date of enactment of this joint resolution, the perti-*
11 *nent project or activity shall not be continued except as pro-*
12 *vided for in section 111 or 112 under the appropriation,*
13 *fund, or authority granted by the applicable appropriations*
14 *Act for the fiscal year 1995 and under the authority and*
15 *conditions provided in the applicable appropriations Act*
16 *for the fiscal year 1995.*

17 *(c) Whenever an Act listed in this section has been*
18 *passed by only the House or only the Senate as of the date*
19 *of enactment of this joint resolution, the pertinent project*
20 *or activity shall be continued under the appropriation,*
21 *fund, or authority granted by the one House at a rate for*
22 *operations not exceeding the current rate or the rate per-*
23 *mitted by the action of the one House, whichever is lower,*
24 *and under the authority and conditions provided in the ap-*
25 *plicable appropriations Act for the fiscal year 1995: Pro-*

1 vided, That where an item is funded in the applicable ap-
2 propriations Act for the fiscal year 1995 and not included
3 in the version passed by the one House as of the date of
4 enactment of this joint resolution, the pertinent project or
5 activity shall not be continued except as provided for in
6 section 111 or 112 under the appropriation, fund, or au-
7 thority granted by the applicable appropriations Act for the
8 fiscal year 1995 and under the authority and conditions
9 provided in the applicable appropriations Act for the fiscal
10 year 1995.

11 *SEC. 102. No appropriation or funds made available*
12 *or authority granted pursuant to section 101 for the De-*
13 *partment of Defense shall be used for new production of*
14 *items not funded for production in fiscal year 1995 or prior*
15 *years, for the increase in production rates above those sus-*
16 *tained with fiscal year 1995 funds, or to initiate, resume,*
17 *or continue any project, activity, operation, or organization*
18 *which are defined as any project, subproject, activity, budg-*
19 *et activity, program element, and subprogram within a*
20 *program element and for investment items are further de-*
21 *finied as a P-1 line item in a budget activity within an*
22 *appropriation account and an R-1 line item which in-*
23 *cludes a program element and subprogram element within*
24 *an appropriation account, for which appropriations, funds,*
25 *or other authority were not available during the fiscal year*

1 1995: *Provided, That no appropriation or funds made*
2 *available or authority granted pursuant to section 101 for*
3 *the Department of Defense shall be used to initiate multi-*
4 *year procurements utilizing advance procurement funding*
5 *for economic order quantity procurement unless specifically*
6 *appropriated later.*

7 *SEC. 103. Appropriations made by section 101 shall*
8 *be available to the extent and in the manner which would*
9 *be provided by the pertinent appropriations Act.*

10 *SEC. 104. No appropriation or funds made available*
11 *or authority granted pursuant to section 101 shall be used*
12 *to initiate or resume any project or activity for which ap-*
13 *propriations, funds, or other authority were not available*
14 *during the fiscal year 1995.*

15 *SEC. 105. No provision which is included in an appro-*
16 *priations Act enumerated in section 101 but which was not*
17 *included in the applicable appropriations Act for fiscal*
18 *year 1995 and which by its terms is applicable to more*
19 *than one appropriation, fund, or authority shall be applica-*
20 *ble to any appropriation, fund, or authority provided in*
21 *this joint resolution.*

22 *SEC. 106. Unless otherwise provided for in this joint*
23 *resolution or in the applicable appropriations Act, appro-*
24 *priations and funds made available and authority granted*
25 *pursuant to this joint resolution shall be available until (a)*

1 *enactment into law of an appropriation for any project or*
2 *activity provided for in this joint resolution, or (b) the en-*
3 *actment into law of the applicable appropriations Act by*
4 *both Houses without any provision for such project or activ-*
5 *ity, or (c) November 20, 1995, whichever first occurs. For*
6 *purposes of this resolution, the period of time covered by*
7 *this resolution shall be considered to have begun on Novem-*
8 *ber 14, 1995.*

9 *SEC. 107. Appropriations made and authority granted*
10 *pursuant to this joint resolution shall cover all obligations*
11 *or expenditures incurred for any program, project, or activ-*
12 *ity during the period for which funds or authority for such*
13 *project or activity are available under this joint resolution.*

14 *SEC. 108. Expenditures made pursuant to this joint*
15 *resolution shall be charged to the applicable appropriation,*
16 *fund, or authorization whenever a bill in which such appli-*
17 *cable appropriation, fund, or authorization is contained is*
18 *enacted into law.*

19 *SEC. 109. No provision in the appropriations Act for*
20 *the fiscal year 1996 referred to in section 101 of this joint*
21 *resolution that makes the availability of any appropriation*
22 *provided therein dependent upon the enactment of addi-*
23 *tional authorizing or other legislation shall be effective be-*
24 *fore the date set forth in section 106(c) of this joint resolu-*
25 *tion.*

1 *SEC. 110. Appropriations and funds made available*
2 *by or authority granted pursuant to this joint resolution*
3 *may be used without regard to the time limitations for sub-*
4 *mission and approval of apportionments set forth in section*
5 *1513 of title 31, United States Code, but nothing herein*
6 *shall be construed to waive any other provision of law gov-*
7 *erning the apportionment of funds.*

8 *SEC. 111. Notwithstanding any other provision of this*
9 *joint resolution, except section 106, whenever an Act listed*
10 *in section 101 as passed by both the House and Senate as*
11 *of the date of enactment of this joint resolution, does not*
12 *include funding for an ongoing project or activity for which*
13 *there is a budget request, or whenever an Act listed in sec-*
14 *tion 101 has been passed by only the House or only the*
15 *Senate as of the date of enactment of this joint resolution,*
16 *and an item funded in fiscal year 1995 is not included in*
17 *the version passed by the one House, or whenever the rate*
18 *for operations for an ongoing project or activity provided*
19 *by section 101 for which there is a budget request would*
20 *result in the project or activity being significantly reduced,*
21 *the pertinent project or activity may be continued under*
22 *the authority and conditions provided in the applicable ap-*
23 *propriations Act for the fiscal year 1995 by increasing the*
24 *rate for operations provided by section 101 to a rate for*
25 *operations not to exceed one that provides the minimal level*

1 *that would enable existing activities to continue. No new*
2 *contracts or grants shall be awarded in excess of an amount*
3 *that bears the same ratio to the rate for operations provided*
4 *by this section as the number of days covered by this resolu-*
5 *tion bears to 366. For the purposes of the Act, the minimal*
6 *level means a rate for operations that is reduced from the*
7 *current rate by 25 percent.*

8 *SEC. 112. Notwithstanding any other provision of this*
9 *joint resolution, except section 106, whenever the rate for*
10 *operations for any continuing project or activity provided*
11 *by section 101 or section 111 for which there is a budget*
12 *request would result in a furlough of Government employees,*
13 *that rate for operations may be increased to the minimum*
14 *level that would enable the furlough to be avoided. No new*
15 *contracts or grants shall be awarded in excess of an amount*
16 *that bears the same ratio to the rate for operations provided*
17 *by this section as the number of days covered by this resolu-*
18 *tion bears to 366.*

19 *SEC. 113. Notwithstanding any other provision of this*
20 *joint resolution, except sections 106, 111, and 112, for those*
21 *programs that had high initial rates of operation or com-*
22 *plete distribution of funding at the beginning of the fiscal*
23 *year in fiscal year 1995 because of distributions of funding*
24 *to States, foreign countries, grantees, or others, similar dis-*
25 *tributions of funds for fiscal year 1996 shall not be made*

1 *and no grants shall be awarded for such programs funded*
2 *by this resolution that would impinge on final funding pre-*
3 *rogatives.*

4 *SEC. 114. This joint resolution shall be implemented*
5 *so that only the most limited funding action of that per-*
6 *mitted in the resolution shall be taken in order to provide*
7 *for continuation of projects and activities.*

8 *SEC. 115. The provisions of section 132 of the District*
9 *of Columbia Appropriations Act, 1988, Public Law 100-*
10 *202, shall not apply for this joint resolution. Included in*
11 *the apportionment for the Federal Payment to the District*
12 *of Columbia shall be an additional \$15,000,000 above the*
13 *amount otherwise made available by this joint resolution,*
14 *for purposes of certain capital construction loan repay-*
15 *ments pursuant to Public Law 85-451, as amended.*

16 *SEC. 116. Notwithstanding any other provision of this*
17 *joint resolution, except section 106, the authority and condi-*
18 *tions for the application of appropriations for the Office*
19 *of Technology Assessment as contained in the conference re-*
20 *port on the Legislative Branch Appropriations Act, 1996,*
21 *House Report 104-212, shall be followed when applying the*
22 *funding made available by this joint resolution.*

23 *SEC. 117. Notwithstanding any other provision of this*
24 *joint resolution, except section 106, any distribution of*
25 *funding under the Rehabilitation Services and Disability*

1 *Research account in the Department of Education may be*
2 *made up to an amount that bears the same ratio to the*
3 *rate for operation for this account provided by this joint*
4 *resolution as the number of days covered by this resolution*
5 *bears to 366.*

6 *SEC. 118. Notwithstanding any other provision of this*
7 *joint resolution, except section 106, the authorities provided*
8 *under subsection (a) of section 140 of the Foreign Relations*
9 *Authorization Act, Fiscal Years 1994 and 1995 (Public*
10 *Law 103-236) shall remain in effect during the period of*
11 *this joint resolution, notwithstanding paragraph (3) of said*
12 *subsection.*

13 *SEC. 119. Notwithstanding any other provision of this*
14 *joint resolution, except section 106, the amount made avail-*
15 *able to the Securities and Exchange Commission, under the*
16 *heading Salaries and Expenses, shall include, in addition*
17 *to direct appropriations, the amount it collects under the*
18 *fee rate and offsetting collection authority contained in*
19 *Public Law 103-352, which fee rate and offsetting collection*
20 *authority shall remain in effect during the period of this*
21 *joint resolution.*

22 *SEC. 120. Until enactment of legislation providing*
23 *funding for the entire fiscal year ending September 30,*
24 *1996, for the Department of the Interior and Related Agen-*
25 *cies, funds available for necessary expenses of the Bureau*

1 of Mines are for continuing limited health and safety and
2 related research, materials partnerships, and minerals in-
3 formation activities; for mineral assessments in Alaska; and
4 for terminating all other activities of the Bureau of Mines.

5 *SEC. 121. Notwithstanding any other provision of this*
6 *joint resolution, except section 106, funds for the Environ-*
7 *mental Protection Agency shall be made available in the*
8 *appropriation accounts which are provided in H.R. 2099*
9 *as reported on September 13, 1995.*

10 *SEC. 122. Notwithstanding any other provision of this*
11 *joint resolution, except section 106, the rate for operations*
12 *for projects and activities that would be funded under the*
13 *heading “International Organizations and Conferences,*
14 *Contributions to International Organizations” in the De-*
15 *partments of Commerce, Justice, and State, the Judiciary,*
16 *and Related Agencies Appropriations Act, 1996, shall be the*
17 *amount provided by the provisions of sections 101, 111, and*
18 *112 multiplied by the ratio of the number of days covered*
19 *by this resolution to 366 and multiplied further by 1.27.*

20 *SEC. 123. Notwithstanding any other provision of this*
21 *joint resolution, except section 106, the rate for operations*
22 *of the following projects or activities shall be only the mini-*
23 *imum necessary to accomplish orderly termination:*

24 *Administrative Conference of the United States;*

1 *Oversight of the House of Representatives certifies to be a*
2 *true enrollment.*

3 **SEC. 202. DEFINITIONS.**

4 *As used in this joint resolution:*

5 (1) *CONTINUING RESOLUTION.*—*The term “con-*
6 *tinuing resolution” means a bill or joint resolution*
7 *that includes provisions making further continuing*
8 *appropriations for fiscal year 1996.*

9 (2) *DEBT LIMIT EXTENSION MEASURE.*—*The*
10 *term “debt limit extension measure” means a bill or*
11 *joint resolution that includes provisions increasing or*
12 *waiving (for a temporary period or otherwise) the*
13 *public debt limit under section 3101(b) of title 31,*
14 *United States Code.*

15 (3) *RECONCILIATION BILL.*—*The term “reconcili-*
16 *ation bill” means a bill that is a reconciliation bill*
17 *within the meaning of section 310 of the Congres-*
18 *sional Budget Act of 1974.*

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

H. J. Res. 123

AMENDMENT