

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. J. RES. 108

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 25), 1995

Received

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## JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1996,  
and for other purposes.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled,*  
3       That the following sums are hereby appropriated, out of  
4       any money in the Treasury not otherwise appropriated,  
5       and out of applicable corporate or other revenues, receipts,  
6       and funds, for the several departments, agencies, corpora-  
7       tions, and other organizational units of Government for  
8       the fiscal year 1996, and for other purposes, namely:

9       SEC. 101. (a) Such amounts as may be necessary  
10      under the authority and conditions provided in the appli-  
11      cable appropriations Act for the fiscal year 1995 for con-  
12      tinuing projects or activities including the costs of direct  
13      loans and loan guarantees (not otherwise specifically pro-

1 vided for in this joint resolution) which were conducted  
2 in the fiscal year 1995 and for which appropriations,  
3 funds, or other authority would be available in the follow-  
4 ing appropriations Acts:

5           The Agriculture, Rural Development, Food and  
6           Drug Administration, and Related Agencies Appro-  
7           priations Act, 1996;

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

18          The Department of Defense Appropriations  
19          Act, 1996, notwithstanding section 504(a)(1) of the  
20          National Security Act of 1947;

21          The District of Columbia Appropriations Act,  
22          1996;

23          The Energy and Water Development Appro-  
24          priations Act, 1996;

1           The Foreign Operations, Export Financing, and  
2           Related Programs Appropriations Act, 1996, not-  
3           withstanding section 10 of Public Law 91-672 and  
4           section 15(a) of the State Department Basic Au-  
5           thorities Act of 1956;

6           The Department of the Interior and Related  
7           Agencies Appropriations Act, 1996;

8           The Departments of Labor, Health and Human  
9           Services, and Education, and Related Agencies Ap-  
10          propriations Act, 1996;

11          The Legislative Branch Appropriations Act,  
12          1996;

13          The Military Construction Appropriations Act,  
14          1996;

15          The Department of Transportation Appropria-  
16          tions Act, 1996;

17          The Treasury, Postal Service, and General Gov-  
18          ernment Appropriations Act, 1996;

19          The Departments of Veterans Affairs and  
20          Housing and Urban Development, and Independent  
21          Agencies Appropriations Act, 1996.

22          (b) Whenever the amount which would be made avail-  
23          able or the authority which would be granted under an  
24          Act listed in this section as passed by the House as of  
25          October 1, 1995, is different from that which would be

1 available or granted under such Act as passed by the Sen-  
2 ate as of October 1, 1995, the pertinent project or activity  
3 shall be continued at a rate for operations not exceeding  
4 the average of the rates permitted by the action of the  
5 House or the Senate under the authority and conditions  
6 provided in the applicable appropriations Act for the fiscal  
7 year 1995: *Provided*, That where an item is included in  
8 only one version of the Act as passed by both Houses as  
9 of October 1, 1995, the pertinent project or activity shall  
10 be continued under the appropriation, fund, or authority  
11 granted by the one House at a rate for operations that  
12 is one-half of that permitted by the action of the one  
13 House under the authority and conditions provided in the  
14 applicable appropriations Act for the fiscal year 1995.

15 (c) Whenever an Act listed in this section has been  
16 passed by only the House or only the Senate as of October  
17 1, 1995, the pertinent project or activity shall be contin-  
18 ued under the appropriation, fund, or authority granted  
19 by the one House at a rate for operations not exceeding  
20 the current rate or the rate permitted by the action of  
21 the one House, whichever is lower, and under the author-  
22 ity and conditions provided in applicable appropriations  
23 Acts for the fiscal year 1995.

24 SEC. 102. No appropriation or funds made available  
25 or authority granted pursuant to section 101 for the De-

1 partment of Defense shall be used for new production of  
2 items not funded for production in fiscal year 1995 or  
3 prior years, for the increase in production rates above  
4 those sustained with fiscal year 1995 funds, or to initiate,  
5 resume, or continue any project, activity, operation, or or-  
6 ganization which are defined as any project, subproject,  
7 activity, budget activity, program element, and  
8 subprogram within a program element and for investment  
9 items are further defined as a P-1 line item in a budget  
10 activity within an appropriation account and an R-1 line  
11 item which includes a program element and subprogram  
12 element within an appropriation account, for which appro-  
13 priations, funds, or other authority were not available dur-  
14 ing the fiscal year 1995: *Provided*, That no appropriation  
15 or funds made available or authority granted pursuant to  
16 section 101 for the Department of Defense shall be used  
17 to initiate multi-year procurements utilizing advance pro-  
18 curement funding for economic order quantity procure-  
19 ment unless specifically appropriated later.

20 SEC. 103. Appropriations made by section 101 shall  
21 be available to the extent and in the manner which would  
22 be provided by the pertinent appropriations Act.

23 SEC. 104. No appropriation or funds made available  
24 or authority granted pursuant to section 101 shall be used  
25 to initiate or resume any project or activity for which ap-

1 appropriations, funds, or other authority were not available  
2 during the fiscal year 1995.

3 SEC. 105. No provision which is included in an appro-  
4 priations Act enumerated in section 101 but which was  
5 not included in the applicable appropriations Act for fiscal  
6 year 1995 and which by its terms is applicable to more  
7 than one appropriation, fund, or authority shall be appli-  
8 cable to any appropriation, fund, or authority provided in  
9 this joint resolution.

10 SEC. 106. Unless otherwise provided for in this joint  
11 resolution or in the applicable appropriations Act, appro-  
12 priations and funds made available and authority granted  
13 pursuant to this joint resolution shall be available until  
14 (a) enactment into law of an appropriation for any project  
15 or activity provided for in this joint resolution, or (b) the  
16 enactment of the applicable appropriations Act by both  
17 Houses without any provision for such project or activity,  
18 or (c) November 13, 1995, whichever first occurs.

19 SEC. 107. Appropriations made and authority grant-  
20 ed pursuant to this joint resolution shall cover all obliga-  
21 tions or expenditures incurred for any program, project,  
22 or activity during the period for which funds or authority  
23 for such project or activity are available under this joint  
24 resolution.

1        SEC. 108. Expenditures made pursuant to this joint  
2 resolution shall be charged to the applicable appropriation,  
3 fund, or authorization whenever a bill in which such appli-  
4 cable appropriation, fund, or authorization is contained is  
5 enacted into law.

6        SEC. 109. No provision in the appropriations Act for  
7 the fiscal year 1996 referred to in section 101 of this joint  
8 resolution that makes the availability of any appropriation  
9 provided therein dependent upon the enactment of addi-  
10 tional authorizing or other legislation shall be effective be-  
11 fore the date set forth in section 106(c) of this joint reso-  
12 lution.

13        SEC. 110. Appropriations and funds made available  
14 by or authority granted pursuant to this joint resolution  
15 may be used without regard to the time limitations for  
16 submission and approval of apportionments set forth in  
17 section 1513 of title 31, United States Code, but nothing  
18 herein shall be construed to waive any other provision of  
19 law governing the apportionment of funds.

20        SEC. 111. Notwithstanding any other provision of  
21 this joint resolution, except section 106, whenever an Act  
22 listed in section 101 as passed by both the House and  
23 Senate as of October 1, 1995, does not include funding  
24 for an ongoing project or activity for which there is a  
25 budget request, or whenever an Act listed in section 101

1 has been passed by only the House or only the Senate  
2 as of October 1, 1995, and an item funded in fiscal year  
3 1995 is not included in the version passed by the one  
4 House, or whenever the rate for operations for an ongoing  
5 project or activity provided by section 101 for which there  
6 is a budget request would result in the project or activity  
7 being significantly reduced, the pertinent project or activ-  
8 ity may be continued under the authority and conditions  
9 provided in the applicable appropriations Act for the fiscal  
10 year 1995 by increasing the rate for operations provided  
11 by section 101 to a rate for operations not to exceed one  
12 that provides the minimal level that would enable existing  
13 activities to continue. No new contracts or grants shall  
14 be awarded in excess of an amount that bears the same  
15 ratio to the rate for operations provided by this section  
16 as the number of days covered by this resolution bears  
17 to 366. For the purposes of the Act, the minimal level  
18 means a rate for operations that is reduced from the cur-  
19 rent rate by 10 percent.

20       SEC. 112. Notwithstanding any other provision of  
21 this joint resolution, except section 106, whenever the rate  
22 for operations for any continuing project or activity pro-  
23 vided by section 101 or section 111 for which there is a  
24 budget request would result in a furlough of Government  
25 employees, that rate for operations may be increased to



1 a level that would enable the furlough to be avoided. No  
2 new contracts or grants shall be awarded in excess of an  
3 amount that bears the same ratio to the rate for oper-  
4 ations provided by this section as the number of days cov-  
5 ered by this resolution bears to 366.

6 SEC. 113. Notwithstanding any other provision of  
7 this joint resolution, except sections 106, 111, and 112,  
8 for those programs that had high initial rates of operation  
9 or complete distribution of funding at the beginning of the  
10 fiscal year in fiscal year 1995 because of distributions of  
11 funding to States, foreign countries, grantees, or others,  
12 similar distributions of funds for fiscal year 1996 shall  
13 not be made and no grants shall be awarded for such pro-  
14 grams funded by this resolution that would impinge on  
15 final funding prerogatives.

16 SEC. 114. This joint resolution shall be implemented  
17 so that only the most limited funding action of that per-  
18 mitted in the resolution shall be taken in order to provide  
19 for continuation of projects and activities.

20 SEC. 115. Notwithstanding any other provision of  
21 this joint resolution, except section 106, the rates for oper-  
22 ation for any continuing project or activity provided by  
23 section 101 that have not been increased by the provisions  
24 of section 111 or section 112 shall be reduced by 5 percent  
25 but shall not be reduced below the minimal level defined

1 in section 111 or below the level that would result in a  
2 furlough.

3 SEC. 116. The provisions of section 132 of the Dis-  
4 trict of Columbia Appropriations Act, 1988, Public Law  
5 100-202, shall not apply for this joint resolution. Included  
6 in the apportionment for the Federal Payment to the Dis-  
7 trict of Columbia shall be an additional \$217,000,000  
8 above the amount otherwise made available by this joint  
9 resolution.

10 SEC. 117. Notwithstanding any other provision of  
11 this joint resolution, except section 106, the authority and  
12 conditions for the application of appropriations for the Of-  
13 fice of Technology Assessment as contained in the Con-  
14 ference Report on the Legislative Branch Appropriations  
15 Act, 1996, House Report 104-212, shall be followed when  
16 applying the funding made available by this joint resolu-  
17 tion.

18 SEC. 118. Notwithstanding any other provision of  
19 this joint resolution, except section 106, any distribution  
20 of funding under the Rehabilitation Services and Disabil-  
21 ity Research account in the Department of Education may  
22 be made up to an amount that bears the same ratio to  
23 the rate for operation for this account provided by this  
24 joint resolution as the number of days covered by this res-  
25 olution bears to 366.

1        SEC. 119. Notwithstanding any other provision of  
2 this joint resolution, except section 106, the authorities  
3 provided under subsection (a) of section 140 of the For-  
4 eign Relations Authorization Act, Fiscal Years 1994 and  
5 1995 (Public Law 103-236) shall remain in effect during  
6 the period of this joint resolution, notwithstanding para-  
7 graph (3) of said subsection.

8        SEC. 120. Notwithstanding any other provision of  
9 this joint resolution, except section 106, the amount made  
10 available to the Securities and Exchange Commission,  
11 under the heading Salaries and Expenses, shall include,  
12 in addition to direct appropriations, the amount it collects  
13 under the fee rate and offsetting collection authority con-  
14 tained in Public Law 103-352, which fee rate and offset-  
15 ting collection authority shall remain in effect during the  
16 period of this joint resolution.

17        SEC. 121. Until enactment of legislation providing  
18 funding for the entire fiscal year ending September 30,  
19 1996, for the Department of the Interior and Related  
20 Agencies, funds available for necessary expenses of the  
21 Bureau of Mines are for continuing limited health and  
22 safety and related research, materials partnerships, and  
23 minerals information activities; for mineral assessments in  
24 Alaska; and for terminating all other activities of the Bu-  
25reau of Mines.

1       SEC. 122. Notwithstanding any other provision of  
2 this joint resolution, except section 106, funds for the En-  
3 vironmental Protection Agency shall be made available in  
4 the appropriation accounts which are provided in H.R.  
5 2099 as reported on September 13, 1995.

6       SEC. 123. Notwithstanding any other provision of  
7 this joint resolution, except section 106, the rate for oper-  
8 ations for projects and activities that would be funded  
9 under the heading “International Organizations and Con-  
10 ferences, Contributions to International Organizations” in  
11 the Departments of Commerce, Justice, and State, the Ju-  
12 diciary, and Related Agencies Appropriations Act, 1996,  
13 shall be the amount provided by the provisions of sections  
14 101, 111, and 112 multiplied by the ratio of the number  
15 of days covered by this resolution to 366 and multiplied  
16 further by 1.27.

Passed the House of Representatives September 28,  
1995.

Attest:

ROBIN H. CARLE,

*Clerk.*