

# One Hundred Fourth Congress of the United States of America

## AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,  
the fourth day of January, one thousand nine hundred and ninety-five*

## Joint Resolution

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

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

### TITLE I

#### CONTINUING APPROPRIATIONS

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

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

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

The District of Columbia Appropriations Act, 1996;

The Energy and Water Development Appropriations Act, 1996;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

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

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The Departments of Labor, Health and Human Services,  
and Education, and Related Agencies Appropriations Act, 1996;  
The Legislative Branch Appropriations Act, 1996, H.R.  
2492;

The Department of Transportation Appropriations Act,  
1996;

The Treasury, Postal Service, and General Government  
Appropriations Act, 1996;

The Departments of Veterans Affairs and Housing and  
Urban Development, and Independent Agencies Appropriations  
Act, 1996:

*Provided*, That whenever the amount which would be made avail-  
able or the authority which would be granted in these Acts is  
greater than that which would be available or granted under current  
operations, the pertinent project or activity shall be continued at  
a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or  
the authority which would be granted under an Act listed in this  
section as passed by the House as of the date of enactment of  
this joint resolution, is different from that which would be available  
or granted under such Act as passed by the Senate as of the  
date of enactment of this joint resolution, the pertinent project  
or activity shall be continued at a rate for operations not exceeding  
the current rate or the rate permitted by the action of the House  
or the Senate, whichever is lower, under the authority and condi-  
tions provided in the applicable appropriations Act for the fiscal  
year 1995: *Provided*, That where an item is not included in either  
version or where an item is included in only one version of the  
Act as passed by both Houses as of the date of enactment of  
this joint resolution, the pertinent project or activity shall not  
be continued except as provided for in section 111 or 112 under  
the appropriation, fund, or authority granted by the applicable  
appropriations Act for the fiscal year 1995 and under the authority  
and conditions provided in the applicable appropriations Act for  
the fiscal year 1995.

(c) Whenever an Act listed in this section has been passed  
by only the House or only the Senate as of the date of enactment  
of this joint resolution, the pertinent project or activity shall be  
continued under the appropriation, fund, or authority granted by  
the one House at a rate for operations not exceeding the current  
rate or the rate permitted by the action of the one House, whichever  
is lower, and under the authority and conditions provided in the  
applicable appropriations Act for the fiscal year 1995: *Provided*,  
That where an item is funded in the applicable appropriations  
Act for the fiscal year 1995 and not included in the version passed  
by the one House as of the date of enactment of this joint resolution,  
the pertinent project or activity shall not be continued except as  
provided for in section 111 or 112 under the appropriation, fund,  
or authority granted by the applicable appropriations Act for the  
fiscal year 1995 and under the authority and conditions provided  
in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. No appropriation or funds made available or authority  
granted pursuant to section 101 for the Department of Defense  
shall be used for new production of items not funded for production  
in fiscal year 1995 or prior years, for the increase in production  
rates above those sustained with fiscal year 1995 funds, or to  
initiate, resume, or continue any project, activity, operation, or

organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1995: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

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

SEC. 104. 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 the fiscal year 1995.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) December 1, 1995, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

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

SEC. 111. Notwithstanding any other provision of this joint resolution, except section 106, whenever an Act listed in section 101 as passed by both the House and Senate as of the date of

enactment of this joint resolution, does not include funding for an ongoing project or activity for which there is a budget request, or whenever an Act listed in section 101 has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, and an item funded in fiscal year 1995 is not included in the version passed by the one House, or whenever the rate for operations for an ongoing project or activity provided by section 101 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 101 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366. For the purposes of the Act, the minimal level means a rate for operations that is reduced from the current rate by 40 percent.

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

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

SEC. 114. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the resolution shall be taken in order to provide for continuation of projects and activities.

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

SEC. 116. Notwithstanding any other provision of this joint resolution, except section 106, the authority and conditions for the application of appropriations for the Office of Technology Assessment as contained in the conference report on the Legislative Branch Appropriations Act, 1996, House Report 104-212, shall be followed when applying the funding made available by this joint resolution.

SEC. 117. Notwithstanding any other provision of this joint resolution, except section 106, any distribution of funding under the Rehabilitation Services and Disability Research account in the Department of Education may be made up to an amount that bears the same ratio to the rate for operation for this account provided by this joint resolution as the number of days covered by this resolution bears to 366.

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

SEC. 119. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available to the Securities and Exchange Commission, under the heading Salaries and Expenses, shall include, in addition to direct appropriations, the amount it collects under the fee rate and offsetting collection authority contained in Public Law 103-352, which fee rate and offsetting collection authority shall remain in effect during the period of this joint resolution.

SEC. 120. Until enactment of legislation providing funding for the entire fiscal year ending September 30, 1996, for the Department of the Interior and Related Agencies, funds available for necessary expenses of the Bureau of Mines are for continuing limited health and safety and related research, materials partnerships, and minerals information activities; for mineral assessments in Alaska; and for terminating all other activities of the Bureau of Mines.

SEC. 121. Notwithstanding any other provision of this joint resolution, except section 106, funds for the Environmental Protection Agency shall be made available in the appropriation accounts which are provided in H.R. 2099 as reported on September 13, 1995.

SEC. 122. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, shall be the amount provided by the provisions of sections 101, 111, and 112 multiplied by the ratio of the number of days covered by this resolution to 366 and multiplied further by 1.27.

SEC. 123. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations of the following projects or activities shall be only the minimum necessary to accomplish orderly termination:

- Administrative Conference of the United States;
- Advisory Commission on Intergovernmental Relations (except that activities to carry out the provisions of Public Law 104-4 may continue);
- Interstate Commerce Commission;
- Pennsylvania Avenue Development Corporation;
- Land and Water Conservation Fund, State Assistance; and
- Office of Surface Mining Reclamation and Enforcement, Rural Abandoned Mine Program.

TITLE II

**SEC. 201. WAIVER OF REQUIREMENT FOR PARCHMENT PRINTING.**

(a) **WAIVER.**—The provisions of sections 106 and 107 of title 1, United States Code, are waived with respect to the printing (on parchment or otherwise) of the enrollment of any of the following measures of the first session of the One Hundred Fourth Congress presented to the President after the enactment of this joint resolution:

- (1) A continuing resolution.
- (2) A debt limit extension measure.
- (3) A reconciliation bill.

(b) **CERTIFICATION BY COMMITTEE ON HOUSE OVERSIGHT.**—The enrollment of a measure to which subsection (a) applies shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

**SEC. 202. DEFINITIONS.**

As used in this joint resolution:

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

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

(3) **RECONCILIATION BILL.**—The term “reconciliation bill” means a bill that is a reconciliation bill within the meaning of section 310 of the Congressional Budget Act of 1974.

TITLE III—MEDICARE

**SEC. 301. DETERMINATION OF MEDICARE PART B PREMIUM.**

(a) Any percentage reference in subsection (e)(1)(A) of section 1839 of the Social Security Act for months in 1996 is deemed a reference to the amount described in subsection (e)(1)(B)(v) of such section, expressed as a percentage of the monthly actuarial rate under subsection (a)(1) of such section for months in 1995.

**SEC. 302. MEDICARE COVERAGE OF CERTAIN ANTICANCER DRUG TREATMENTS.**

(a) **COVERAGE OF CERTAIN SELF-ADMINISTERED ANTICANCER DRUGS.**—Section 1861(s)(2)(Q) of the Social Security Act (42 U.S.C. 1395x(s)(2)(Q)) is amended—

- (1) by striking “(Q)” and inserting “(Q)(i)”; and
- (2) by striking the semicolon at the end and inserting “, and”; and
- (3) by adding at the end the following:

“(ii) an oral drug (which is approved by the Federal Food and Drug Administration) prescribed for use as an anticancer nonsteroidal antiestrogen or nonsteroidal antiandrogen agent for a given indication;”.

(b) **UNIFORM COVERAGE OF ANTICANCER DRUGS IN ALL SETTINGS.**—Section 1861(t)(2)(A) of such Act (42 U.S.C. 1395x(t)(2)(A)) is amended by adding (including a nonsteroidal antiestrogen or nonsteroidal antiandrogen regimen)” after “regimen”.

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(c) CONFORMING AMENDMENT.—Section 1834 (j)(5)(F)(iv) of such Act (42 U.S.C. 1395m(j)(5)(F)(iv)) is amended by striking “prescribed for use” and all that follows through “1861 (s)(2)(Q)” and inserting “described in section 1861(s)(2)(Q)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of the enactment of this Act.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*