Purpose: Making continuing appropriations for the fiscal year ending September 30, 2016, and for other purposes

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

H. J. Res. 61


Referred to the Committee on ______________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COCHRAN

Viz:

1 Strike out all after the enacting clause and insert the following:

2 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 fiscal year 2016, and for other purposes, namely:

3 Sec. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2015 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct
loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2015, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2015 (division A of Public Law 113–235), except section 743 and title VIII.


(3) The Department of Defense Appropriations Act, 2015 (division C of Public Law 113–235), except title X.


(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2015 (division G of Public Law 113–235), except title VI.


(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), except title IX.


(b) The rate for operations provided by subsection (a) is hereby reduced by 0.2108 percent.
SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2015 or prior years; (2) the increase in production rates above those sustained with fiscal year 2015 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2015.

(b) 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 that would be provided by the pertinent appropriations Act.
SEC. 104. Except as otherwise provided in section
102, no appropriation or funds made available or author-
yity granted pursuant to section 101 shall be used to ini-
tiate or resume any project or activity for which appro-
priations, funds, or other authority were not available dur-
ing fiscal year 2015.

SEC. 105. Appropriations made and authority grant-
ed pursuant to this Act shall cover all obligations or ex-
penditures incurred for any project or activity during the
period for which funds or authority for such project or
activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act
or in the applicable appropriations Act for fiscal year
2016, appropriations and funds made available and au-
thority granted pursuant to this Act shall be available
until whichever of the following first occurs: (1) the enact-
ment into law of an appropriation for any project or activ-
ity provided for in this Act; (2) the enactment into law
of the applicable appropriations Act for fiscal year 2016
without any provision for such project or activity; or (3)
December 11, 2015.

SEC. 107. Expenditures made pursuant to this Act
shall be charged to the applicable appropriation, fund, or
authorization whenever a bill in which such applicable ap-
propriation, fund, or authorization is contained is enacted into law.

**SEC. 108.** Appropriations made and funds made available by or authority granted pursuant to this Act 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 in this Act may be construed to waive any other provision of law governing the apportionment of funds.

**SEC. 109.** Notwithstanding any other provision of this Act, 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 2016 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 this Act that would impinge on final funding prerogatives.

**SEC. 110.** This Act 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.

**SEC. 111.** (a) For entitlements and other mandatory payments whose budget authority was provided in appro-
appropriations Acts for fiscal year 2015, and for activities under
the Food and Nutrition Act of 2008, activities shall be
continued at the rate to maintain program levels under
current law, under the authority and conditions provided
in the applicable appropriations Act for fiscal year 2015,
to be continued through the date specified in section
106(3).

(b) Notwithstanding section 106, obligations for man-
datory payments due on or about the first day of any
month that begins after October 2015 but not later than
30 days after the date specified in section 106(3) may con-
tinue to be made, and funds shall be available for such
payments.

Sec. 112. Amounts made available under section 101
for civilian personnel compensation and benefits in each
department and agency may be apportioned up to the rate
for operations necessary to avoid furloughs within such de-
partment or agency, consistent with the applicable appro-
priations Act for fiscal year 2015, except that such author-
ity provided under this section shall not be used until after
the department or agency has taken all necessary actions
to reduce or defer non-personnel-related administrative ex-
penses.

Sec. 113. Funds appropriated by this Act may be
obligated and expended notwithstanding section 10 of

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) The reduction in section 101(b) of this Act shall not apply to—

(1) amounts designated under subsection (a) of this section; or

(2) amounts made available by section 101(a) by reference to the second paragraph under the heading “Social Security Administration—Limita-
tion on Administrative Expenses” in division G of Public Law 113–235; or

(3) amounts made available by section 101(a) by reference to the paragraph under the heading “Centers for Medicare and Medicaid Services—Health Care Fraud and Abuse Control Account” in division G of Public Law 113–235.

(c) Section 6 of Public Law 113–235 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2016 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts are provided for “Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program” at a rate for operations of $288,317,000, of which $221,298,000 shall be for the Commodity Supplemental Food Program.

SEC. 117. Amounts made available by section 101 for “Department of Agriculture—Rural Housing Service—Rental Assistance Program” may be apportioned up to the rate for operations necessary to pay ongoing debt service
for the multi-family direct loan programs under sections 514 and 515 of the Housing Act of 1949 (42 U.S.C. 1484 and 1485): Provided, That the Secretary may waive the prohibition in the second proviso under such heading in division A of Public Law 113–235 with respect to rental assistance contracts entered into or renewed during fiscal year 2015.

SEC. 118. Amounts made available by section 101 for “Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction” may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System.

SEC. 119. (a) The first proviso under the heading “United States Marshals Service—Federal Prisoner Detention” in title II of division B of Public Law 113–235 shall not apply during the period covered by this Act.

(b) The limitation in section 217(c) of division B of Public Law 113–235 on the amount of excess unobligated balances available under section 524(e)(8)(E) of title 28, United States Code, shall not apply under this Act to the use of such funds for “United States Marshals Service—Federal Prisoner Detention”.

SEC. 120. (a) The authority regarding closeout of Space Shuttle contracts and associated programs provided
by language under the heading “National Aeronautics and Space Administration—Administrative Provisions” in the Omnibus Appropriations Act, 2009 (Public Law 111–8) shall continue in effect through fiscal year 2021.

(b) This section shall be applied as if it were in effect on September 30, 2015.

SEC. 121. (a) Notwithstanding section 1552 of title 31, United States Code, funds made available, including funds that have expired but have not been cancelled, and identified by Treasury Appropriation Fund Symbol 13–09/10–0554 shall remain available for expenditure through fiscal year 2020 for the purpose of liquidating valid obligations of active grants.

(b) For the purpose of subsection (a), grants for which the period of performance has expired but are not finally closed out shall be considered active grants.

(c) This section shall be applied as if it were in effect on September 30, 2015.

SEC. 122. The following provisions shall be applied by substituting “2016” for “2015” through the earlier of the date specified in section 106(3) of this Act or the date of the enactment of an Act authorizing appropriations for fiscal year 2016 for military activities of the Department of Defense:

2. Section 127b(c)(3)(C) of title 10, United States Code.

SEC. 123. (a) Funds made available by section 101 for “Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund” may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.

(b) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 3 days after each use of the authority provided in subsection (a).

SEC. 124. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading “District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2015 (title IV of division E of Public Law 113–235) at the rate set forth
13

under “District of Columbia Funds—Summary of Expenses” as included in the Fiscal Year 2016 Budget Request Act of 2015 (D.C. Act 21–99), as modified as of the date of the enactment of this Act.

Sec. 125. Notwithstanding section 101, no funds are provided by this Act for “Recovery Accountability and Transparency Board—Salaries and Expenses”.

Sec. 126. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

Sec. 127. Sections 1101(a) and 1104(a)(2)(A) of the Internet Tax Freedom Act (title XI of division C of Public Law 105–277; 47 U.S.C. 151 note) shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2015”.

Sec. 128. Section 101 shall be applied by assuming that section 7 of Public Law 113–235 was enacted as part of title VII of division E of Public Law 113–235.

Sec. 129. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.
SEC. 130. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.

SEC. 131. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.

SEC. 132. Subclauses 101(a)(27)(C)(ii)(II) and (III) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.

SEC. 133. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.

SEC. 134. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking all that follows after “shall terminate” and inserting “September 30, 2017.”.
SEC. 135. In addition to the amount otherwise provided by section 101 for “Department of Agriculture—Forest Service—Wildland Fire Management”, there is appropriated $700,000,000 for an additional amount for fiscal year 2016, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress.

SEC. 136. The authorities provided by sections 117 and 123 of division G of Public Law 113–76 shall continue in effect through the date specified in section 106(3) of this Act.
SEC. 137. (a) The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79) shall continue in effect through the date specified in section 106(3) of this Act.

(b) For the period covered by this Act, the authority provided by the provisos under the heading “Dwight D. Eisenhower Memorial Commission—Capital Construction” in division E of Public Law 112–74 shall not be in effect.

SEC. 138. Section 3096(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 is amended by inserting “for fiscal year 2015” after “$37,000,000”.

SEC. 139. Funds made available in prior appropriations Acts for construction and renovation of facilities for the Centers for Disease Control and Prevention may also be used for construction on leased land.

SEC. 140. Subsection (b) of section 163 of Public Law 111–242, as amended, is further amended by striking “2015–2016” and inserting “2016–2017”.

SEC. 141. Section 101 shall be applied by assuming that section 139 of Public Law 113–164 was enacted as part of division G of Public Law 113–235, and section 139 of Public Law 113–164 shall be applied by adding
at the end the following: “and of the unobligated balance of amounts deposited or available in the Child Enrollment Contingency Fund from appropriations to the Fund under section 2104(n)(2)(A)(i) of the Social Security Act and the income derived from investment of those funds pursuant to 2104(n)(2)(C) of that Act, $1,664,000,000 is rescinded”.

SEC. 142. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.

SEC. 143. Notwithstanding any other provision of this Act, there is appropriated for payment to Tori B. Nunnelee, widow of Alan Nunnelee, late a Representative from the State of Mississippi, $174,000.

SEC. 144. Of the discretionary unobligated balances of the Department of Veterans Affairs from fiscal year 2015 or prior fiscal years, or discretionary amounts appropriated in advance for fiscal year 2016, the Secretary of Veterans Affairs may transfer up to $625,000,000 to “Department of Veterans Affairs—Departmental Administration—Construction, Major Projects”, to be merged with the amounts available in such account: Provided, That no amounts may be transferred from amounts that were designated by the Congress as an emergency requirement.
pursuant to the Concurrent Resolution on the Budget, the Balanced Budget and Emergency Deficit Control Act of 1985, or the Statutory Pay-As-You-Go Act of 2010: Provided further, That no amounts may be transferred until the Secretary submits to the Committees on Appropriations of the House of Representatives and the Senate a request for, and receives from the Committees written approval of, such transfers: Provided further, That the Secretary shall specify in such request the donor account and amount of each proposed transfer, the fiscal year of each appropriation to be transferred, the amount of unobligated balances remaining in the account after the transfer, and the project or program impact of the transfer.

Sec. 145. Notwithstanding section 101, amounts are provided for “Department of Veterans Affairs—Departmental Administration—General Operating Expenses, Veterans Benefits Administration” at a rate for operations of $2,697,734,000.

Sec. 146. Notwithstanding section 101, section 226(a) of division I of Public Law 113–235 shall be applied to amounts made available by this Act by substituting “division I of Public Law 113–235” for “division J of Public Law 113–76” and by substituting “2015” for “2014”.

SEC. 147. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2015”.


SEC. 149. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2015”.

SEC. 150. (a) Funds made available by section 101 for “Department of Housing and Urban Development—
Management and Administration—Administrative Support Offices” may be apportioned up to the rate for operations necessary to maintain the planned schedule for the New Core Shared Services Project.

(b) Not later than 3 days before the first use of the apportionment authority in subsection (a), each 30 days thereafter, and 3 days after the authority expires under this Act, the Secretary of Housing and Urban Development shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying each use of the authority through the date of the report.

SEC. 151. (a) Section 48103(a) of title 49, United States Code, shall be applied: (1) by substituting the amount specified in such section with $1,610,000,000; and (2) by substituting the fiscal year specified in such section with the period beginning October 1, 2015, and ending on March 31, 2016.

(b) Section 47104(c), 47107(r)(3), and 47115(j) of title 49, United States Code, shall each be applied by substituting “2016” for “2015”.

(c) Section 47141(f) of title 49, United States Code, shall be applied by substituting “March 31, 2016” for “September 30, 2015”.

September 22, 2015 (11:46 a.m.) AILA Doc. No. 15092310. (Posted 09/23/15)
(d) For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2015, and ending on March 31, 2016, the Administrator of the Federal Aviation Administration shall—

(1) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2016 were $3,220,000,000; and

(2) then reduce by 50 percent—

(A) all funding apportionments calculated under paragraph (1); and

(B) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(e) Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) shall be applied by substituting “March 31, 2016” for “September 30, 2015”.

(f) Nothing in this section shall affect the availability of any balances of contract authority provided under section 48103 of title 49, United States Code, for fiscal year 2015 or any prior fiscal year.

(g) Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended
by inserting “and for the period beginning on October 1, 2015, and ending on March 31, 2016,” after “fiscal years 2012 through 2015”.

(h) This section shall be in effect through March 31, 2016.

SEC. 152. (a) Notwithstanding section 106, sections 4081(d)(2)(B), 4261(j), 4261(k)(1)(A)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 shall each be applied by substituting “March 31, 2016” for “September 30, 2015”.

(b) Notwithstanding section 106, section 4083(b) and subsections (d)(1) and (e)(2) of section 9502 of such Code shall each be applied by substituting “April 1, 2016” for “October 1, 2015”.

(c) Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting “or any Act making continuing appropriations for the fiscal year 2016” before the semicolon at the end.

SEC. 153. (a) Congress finds the following:

(1) State and county health departments, community health centers, hospitals, physicians offices, and other entities currently provide, and will continue to provide, health services to women. Such health services include relevant diagnostic laboratory and radiology services, well-child care, prenatal and
postpartum care, immunization, family planning services (including contraception), cervical and breast cancer screenings and referrals, and sexually transmitted disease testing.

(2) Many such entities provide services to all persons, regardless of the person’s ability to pay, and provide services in medically underserved areas and to medically underserved populations.

(3) All funds that are no longer available to Planned Parenthood Federation of America, Inc. and its affiliates and clinics pursuant to this section will continue to be made available to other eligible entities to provide women’s health care services.

(4) Funds authorized to be appropriated, and appropriated, by subsection (e) of this section are offset by the funding limitation under subsection (b) of this section.

(b) For the one-year period beginning on the date of the enactment of this Act, subject to subsection (e) of this section, no funds authorized or appropriated by Federal law may be made available for any purpose to Planned Parenthood Federation of America, Inc., or any affiliate or clinic of Planned Parenthood Federation of America, Inc., unless such entities certify that Planned Parenthood Federation of America affiliates and clinics will not per-
form, and will not provide any funds to any other entity
that performs, an abortion during such period.

(c) Subsection (b) of this section shall not apply to
an abortion—

(1) if the pregnancy is the result of an act of
rape or incest; or

(2) in the case where a woman suffers from a
physical disorder, physical injury, or physical illness
that would, as certified by a physician, place the
woman in danger of death unless an abortion is per-
formed, including a life-endangering physical condi-
tion caused by or arising from the pregnancy itself.

(d) The Secretary of Health and Human Services and
the Secretary of Agriculture shall seek repayment of any
Federal assistance received by Planned Parenthood Fed-
eration of America, Inc., or any affiliate or clinic of
Planned Parenthood Federation of America, Inc., if it vio-
lates the terms of the certification required by subsection
(b) of this section during the period specified in subsection
(b) of this section.

(e) There is authorized to be appropriated, and ap-
propriated, $235,000,000 for the community health center
program under section 330 of the Public Health Service
Act (42 U.S.C. 254b), in addition to any other funds made
available to such program, for the period for which the
funding limitation under subsection (b) of this section applies.

(f) None of the funds authorized or appropriated pursuant to subsection (e) of this section may be expended for an abortion other than as described in subsection (c) of this section.

(g) Nothing in this section shall be construed to reduce overall Federal funding available in support of women’s health.

This Act may be cited as the “Continuing Appropriations Resolution, 2016”.