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H.C.
P. 1, 20

Rud Cochran

HC-20

AMENDMENT NO. _____ Calendar No. _____

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. R.

(title) AMENDMENT N^o: 2689 _____

By McConnell for Cochran _____

Ref To: the House amdt. to and

the Senate amdt. to H.R. 719

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Page(s)

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GPO: 2014 91-623 (mac)

Viz:

1 At the end add the
~~Strike out all after the enacting clause and insert the~~

2 following:

3 The following sums are hereby appropriated, out of any
4 money in the Treasury not otherwise appropriated, and
5 out of applicable corporate or other revenues, receipts, and
6 funds, for the several departments, agencies, corporations,
7 and other organizational units of Government for fiscal
8 year 2016, and for other purposes, namely:

9 SEC. 101. (a) Such amounts as may be necessary,
10 at a rate for operations as provided in the applicable ap-
11 propriations Acts for fiscal year 2015 and under the au-
12 thority and conditions provided in such Acts, for con-

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1 tinuing projects or activities (including the costs of direct
2 loans and loan guarantees) that are not otherwise specifi-
3 cally provided for in this Act, that were conducted in fiscal
4 year 2015, and for which appropriations, funds, or other
5 authority were made available in the following appropria-
6 tions Acts:

7 (1) The Agriculture, Rural Development, Food
8 and Drug Administration, and Related Agencies Ap-
9 propriations Act, 2015 (division A of Public Law
10 113–235), except section 743 and title VIII.

11 (2) The Commerce, Justice, Science, and Re-
12 lated Agencies Appropriations Act, 2015 (division B
13 of Public Law 113–235).

14 (3) The Department of Defense Appropriations
15 Act, 2015 (division C of Public Law 113–235), ex-
16 cept title X.

17 (4) The Energy and Water Development and
18 Related Agencies Appropriations Act, 2015 (division
19 D of Public Law 113–235).

20 (5) The Financial Services and General Govern-
21 ment Appropriations Act, 2015 (division E of Public
22 Law 113–235).

23 (6) The Department of Homeland Security Ap-
24 propriations Act, 2015 (Public Law 114–4).

1 (7) The Department of the Interior, Environ-
2 ment, and Related Agencies Appropriations Act,
3 2015 (division F of Public Law 113–235).

4 (8) The Departments of Labor, Health and
5 Human Services, and Education, and Related Agen-
6 cies Appropriations Act, 2015 (division G of Public
7 Law 113–235), except title VI.

8 (9) The Legislative Branch Appropriations Act,
9 2015 (division H of Public Law 113–235).

10 (10) The Military Construction and Veterans
11 Affairs, and Related Agencies Appropriations Act,
12 2015 (division I of Public Law 113–235).

13 (11) The Department of State, Foreign Oper-
14 ations, and Related Programs Appropriations Act,
15 2015 (division J of Public Law 113–235), except
16 title IX.

17 (12) The Transportation, Housing and Urban
18 Development, and Related Agencies Appropriations
19 Act, 2015 (division K of Public Law 113–235).

20 (13) Section 11 of the Consolidated and Fur-
21 ther Continuing Appropriations Act, 2015 (Public
22 Law 113–235).

23 (b) The rate for operations provided by subsection (a)
24 is hereby reduced by 0.2108 percent.

1 SEC. 102. (a) No appropriation or funds made avail-
2 able or authority granted pursuant to section 101 for the
3 Department of Defense shall be used for: (1) the new pro-
4 duction of items not funded for production in fiscal year
5 2015 or prior years; (2) the increase in production rates
6 above those sustained with fiscal year 2015 funds; or (3)
7 the initiation, resumption, or continuation of any project,
8 activity, operation, or organization (defined as any project,
9 subproject, activity, budget activity, program element, and
10 subprogram within a program element, and for any invest-
11 ment items defined as a P-1 line item in a budget activity
12 within an appropriation account and an R-1 line item that
13 includes a program element and subprogram element with-
14 in an appropriation account) for which appropriations,
15 funds, or other authority were not available during fiscal
16 year 2015.

17 (b) No appropriation or funds made available or au-
18 thority granted pursuant to section 101 for the Depart-
19 ment of Defense shall be used to initiate multi-year pro-
20 curements utilizing advance procurement funding for eco-
21 nomic order quantity procurement unless specifically ap-
22 propriated later.

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

1 SEC. 104. Except as otherwise provided in section
2 102, no appropriation or funds made available or author-
3 ity granted pursuant to section 101 shall be used to ini-
4 tiate or resume any project or activity for which appro-
5 priations, funds, or other authority were not available dur-
6 ing fiscal year 2015.

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

12 SEC. 106. Unless otherwise provided for in this Act
13 or in the applicable appropriations Act for fiscal year
14 2016, appropriations and funds made available and au-
15 thority granted pursuant to this Act shall be available
16 until whichever of the following first occurs: (1) the enact-
17 ment into law of an appropriation for any project or activ-
18 ity provided for in this Act; (2) the enactment into law
19 of the applicable appropriations Act for fiscal year 2016
20 without any provision for such project or activity; or (3)
21 December 11, 2015.

22 SEC. 107. Expenditures made pursuant to this Act
23 shall be charged to the applicable appropriation, fund, or
24 authorization whenever a bill in which such applicable ap-

1 proportionation, fund, or authorization is contained is enacted
2 into law.

3 SEC. 108. Appropriations made and funds made
4 available by or authority granted pursuant to this Act may
5 be used without regard to the time limitations for submis-
6 sion and approval of apportionments set forth in section
7 1513 of title 31, United States Code, but nothing in this
8 Act may be construed to waive any other provision of law
9 governing the apportionment of funds.

10 SEC. 109. Notwithstanding any other provision of
11 this Act, except section 106, for those programs that
12 would otherwise have high initial rates of operation or
13 complete distribution of appropriations at the beginning
14 of fiscal year 2016 because of distributions of funding to
15 States, foreign countries, grantees, or others, such high
16 initial rates of operation or complete distribution shall not
17 be made, and no grants shall be awarded for such pro-
18 grams funded by this Act that would impinge on final
19 funding prerogatives.

20 SEC. 110. This Act shall be implemented so that only
21 the most limited funding action of that permitted in the
22 Act shall be taken in order to provide for continuation of
23 projects and activities.

24 SEC. 111. (a) For entitlements and other mandatory
25 payments whose budget authority was provided in appro-

1 priations Acts for fiscal year 2015, and for activities under
2 the Food and Nutrition Act of 2008, activities shall be
3 continued at the rate to maintain program levels under
4 current law, under the authority and conditions provided
5 in the applicable appropriations Act for fiscal year 2015,
6 to be continued through the date specified in section
7 106(3).

8 (b) Notwithstanding section 106, obligations for man-
9 datory payments due on or about the first day of any
10 month that begins after October 2015 but not later than
11 30 days after the date specified in section 106(3) may con-
12 tinue to be made, and funds shall be available for such
13 payments.

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

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

1 Public Law 91–672 (22 U.S.C. 2412), section 15 of the
2 State Department Basic Authorities Act of 1956 (22
3 U.S.C. 2680), section 313 of the Foreign Relations Au-
4 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.
5 6212), and section 504(a)(1) of the National Security Act
6 of 1947 (50 U.S.C. 3094(a)(1)).

7 SEC. 114. (a) Each amount incorporated by reference
8 in this Act that was previously designated by the Congress
9 for Overseas Contingency Operations/Global War on Ter-
10 rorism pursuant to section 251(b)(2)(A) of the Balanced
11 Budget and Emergency Deficit Control Act of 1985 or as
12 being for disaster relief pursuant to section 251(b)(2)(D)
13 of such Act is designated by the Congress for Overseas
14 Contingency Operations/Global War on Terrorism pursu-
15 ant to section 251(b)(2)(A) of such Act or as being for
16 disaster relief pursuant to section 251(b)(2)(D) of such
17 Act, respectively.

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

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

22 (2) amounts made available by section 101(a)
23 by reference to the second paragraph under the
24 heading “Social Security Administration—Limita-

1 tion on Administrative Expenses” in division G of
2 Public Law 113–235; or

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

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

11 SEC. 115. During the period covered by this Act, dis-
12 cretionary amounts appropriated for fiscal year 2016 that
13 were provided in advance by appropriations Acts shall be
14 available in the amounts provided in such Acts, reduced
15 by the percentage in section 101(b).

16 SEC. 116. Notwithstanding section 101, amounts are
17 provided for “Department of Agriculture—Domestic Food
18 Programs—Food and Nutrition Service—Commodity As-
19 sistance Program” at a rate for operations of
20 \$288,317,000, of which \$221,298,000 shall be for the
21 Commodity Supplemental Food Program.

22 SEC. 117. Amounts made available by section 101 for
23 “Department of Agriculture—Rural Housing Service—
24 Rental Assistance Program” may be apportioned up to the
25 rate for operations necessary to pay ongoing debt service

1 for the multi-family direct loan programs under sections
2 514 and 515 of the Housing Act of 1949 (42 U.S.C. 1484
3 and 1485): *Provided*, That the Secretary may waive the
4 prohibition in the second proviso under such heading in
5 division A of Public Law 113–235 with respect to rental
6 assistance contracts entered into or renewed during fiscal
7 year 2015.

8 SEC. 118. Amounts made available by section 101 for
9 “Department of Commerce—National Oceanic and At-
10 mospheric Administration—Procurement, Acquisition and
11 Construction” may be apportioned up to the rate for oper-
12 ations necessary to maintain the planned launch schedules
13 for the Joint Polar Satellite System.

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

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

24 SEC. 120. (a) The authority regarding closeout of
25 Space Shuttle contracts and associated programs provided

1 by language under the heading “National Aeronautics and
2 Space Administration—Administrative Provisions” in the
3 Omnibus Appropriations Act, 2009 (Public Law 111–8)
4 shall continue in effect through fiscal year 2021.

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

7 SEC. 121. (a) Notwithstanding section 1552 of title
8 31, United States Code, funds made available, including
9 funds that have expired but have not been cancelled, and
10 identified by Treasury Appropriation Fund Symbol 13–09/
11 10–0554 shall remain available for expenditure through
12 fiscal year 2020 for the purpose of liquidating valid obliga-
13 tions of active grants.

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

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

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

1 (1) Section 1215(f)(1) of the National Defense
2 Authorization Act for Fiscal Year 2012 (Public Law
3 112–81; 10 U.S.C. 113 note), as most recently
4 amended by section 1237 of the Carl Levin and
5 Howard P. “Buck” McKeon National Defense Au-
6 thorization Act for Fiscal Year 2015 (Public Law
7 113–291).

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

10 SEC. 123. (a) Funds made available by section 101
11 for “Department of Energy—Energy Programs—Ura-
12 nium Enrichment Decontamination and Decommissioning
13 Fund” may be apportioned up to the rate for operations
14 necessary to avoid disruption of continuing projects or ac-
15 tivities funded in this appropriation.

16 (b) The Secretary of Energy shall notify the Commit-
17 tees on Appropriations of the House of Representatives
18 and the Senate not later than 3 days after each use of
19 the authority provided in subsection (a).

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

1 under “District of Columbia Funds—Summary of Ex-
2 penses” as included in the Fiscal Year 2016 Budget Re-
3 quest Act of 2015 (D.C. Act 21–99), as modified as of
4 the date of the enactment of this Act.

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

8 SEC. 126. Amounts made available by section 101 for
9 “Small Business Administration—Business Loans Pro-
10 gram Account” may be apportioned up to the rate for op-
11 erations necessary to accommodate increased demand for
12 commitments for general business loans authorized under
13 section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

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

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

22 SEC. 129. The authority provided by section 831 of
23 the Homeland Security Act of 2002 (6 U.S.C. 391) shall
24 continue in effect through the date specified in section
25 106(3) of this Act.

1 SEC. 130. Section 401(b) of the Illegal Immigration
2 Reform and Immigrant Responsibility Act of 1996 (8
3 U.S.C. 1324a note) shall be applied by substituting the
4 date specified in section 106(3) of this Act for “September
5 30, 2015”.

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

11 SEC. 132. Subclauses 101(a)(27)(C)(ii)(II) and (III)
12 of the Immigration and Nationality Act (8 U.S.C.
13 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by sub-
14 stituting the date specified in section 106(3) of this Act
15 for “September 30, 2015”.

16 SEC. 133. Section 220(c) of the Immigration and Na-
17 tionality Technical Corrections Act of 1994 (8 U.S.C.
18 1182 note) shall be applied by substituting the date speci-
19 fied in section 106(3) of this Act for “September 30,
20 2015”.

21 SEC. 134. Section 810 of the Federal Lands Recre-
22 ation Enhancement Act (16 U.S.C. 6809) is amended by
23 striking all that follows after “shall terminate” and insert-
24 ing “September 30, 2017.”.

1 SEC. 135. In addition to the amount otherwise pro-
2 vided by section 101 for “Department of Agriculture—
3 Forest Service—Wildland Fire Management”, there is ap-
4 propriated \$700,000,000 for an additional amount for fis-
5 cal year 2016, to remain available until expended, for ur-
6 gent wildland fire suppression activities: *Provided*, That
7 such funds shall only become available if funds previously
8 provided for wildland fire suppression will be exhausted
9 imminently and the Secretary of Agriculture notifies the
10 Committees on Appropriations of the House of Represent-
11 atives and the Senate in writing of the need for these addi-
12 tional funds: *Provided further*, That such funds are also
13 available for transfer to other appropriations accounts to
14 repay amounts previously transferred for wildfire suppres-
15 sion: *Provided further*, That such amount is designated by
16 the Congress as an emergency requirement pursuant to
17 section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985, except that such
19 amount shall be available only if the President subse-
20 quently so designates such amount and transmits such
21 designation to the Congress.

22 SEC. 136. The authorities provided by sections 117
23 and 123 of division G of Public Law 113–76 shall continue
24 in effect through the date specified in section 106(3) of
25 this Act.

1 SEC. 137. (a) The authority provided by subsection
2 (m)(3) of section 8162 of the Department of Defense Ap-
3 propriations Act, 2000 (40 U.S.C. 8903 note; Public Law
4 106–79) shall continue in effect through the date specified
5 in section 106(3) of this Act.

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

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

15 SEC. 139. Funds made available in prior appropria-
16 tions Acts for construction and renovation of facilities for
17 the Centers for Disease Control and Prevention may also
18 be used for construction on leased land.

19 SEC. 140. Subsection (b) of section 163 of Public
20 Law 111–242, as amended, is further amended by striking
21 “2015–2016” and inserting “2016–2017”.

22 SEC. 141. Section 101 shall be applied by assuming
23 that section 139 of Public Law 113–164 was enacted as
24 part of division G of Public Law 113–235, and section
25 139 of Public Law 113–164 shall be applied by adding

1 at the end the following: “and of the unobligated balance
2 of amounts deposited or available in the Child Enrollment
3 Contingency Fund from appropriations to the Fund under
4 section 2104(n)(2)(A)(i) of the Social Security Act and
5 the income derived from investment of those funds pursu-
6 ant to 2104(n)(2)(C) of that Act, \$1,664,000,000 is re-
7 scinded”.

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

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

16 SEC. 144. Of the discretionary unobligated balances
17 of the Department of Veterans Affairs from fiscal year
18 2015 or prior fiscal years, or discretionary amounts appro-
19 priated in advance for fiscal year 2016, the Secretary of
20 Veterans Affairs may transfer up to \$625,000,000 to “De-
21 partment of Veterans Affairs—Departmental Administra-
22 tion—Construction, Major Projects”, to be merged with
23 the amounts available in such account: *Provided*, That no
24 amounts may be transferred from amounts that were des-
25 ignated by the Congress as an emergency requirement

1 pursuant to the Concurrent Resolution on the Budget, the
2 Balanced Budget and Emergency Deficit Control Act of
3 1985, or the Statutory Pay-As-You-Go Act of 2010: *Pro-*
4 *vided further*, That no amounts may be transferred until
5 the Secretary submits to the Committees on Appropria-
6 tions of the House of Representatives and the Senate a
7 request for, and receives from the Committees written ap-
8 proval of, such transfers: *Provided further*, That the Sec-
9 retary shall specify in such request the donor account and
10 amount of each proposed transfer, the fiscal year of each
11 appropriation to be transferred, the amount of unobligated
12 balances remaining in the account after the transfer, and
13 the project or program impact of the transfer.

14 SEC. 145. Notwithstanding section 101, amounts are
15 provided for “Department of Veterans Affairs—Depart-
16 mental Administration—General Operating Expenses,
17 Veterans Benefits Administration” at a rate for operations
18 of \$2,697,734,000.

19 SEC. 146. Notwithstanding section 101, section
20 226(a) of division I of Public Law 113–235 shall be ap-
21 plied to amounts made available by this Act by sub-
22 stituting “division I of Public Law 113–235” for “division
23 J of Public Law 113–76” and by substituting “2015” for
24 “2014”.

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

5 SEC. 148. Amounts made available by section 101 for
6 “Broadcasting Board of Governors—International Broad-
7 casting Operations”, “Bilateral Economic Assistance—
8 Funds Appropriated to the President—Economic Support
9 Fund”, “International Security Assistance—Department
10 of State—International Narcotics Control and Law En-
11 forcement”, “International Security Assistance—Depart-
12 ment of State—Nonproliferation, Anti-terrorism,
13 Demining and Related Programs”, and “International Se-
14 curity Assistance—Funds Appropriated to the Presi-
15 dent—Foreign Military Financing Program” shall be obli-
16 gated at a rate for operations as necessary to sustain as-
17 sistance for Ukraine to counter external, regional aggres-
18 sion and influence, including for the costs of authorized
19 loan guarantees.

20 SEC. 149. Section 1334 of the Foreign Affairs Re-
21 form and Restructuring Act of 1998 (22 U.S.C. 6553)
22 shall be applied by substituting the date specified in sec-
23 tion 106(3) of this Act for “October 1, 2015”.

24 SEC. 150. (a) Funds made available by section 101
25 for “Department of Housing and Urban Development—

1 Management and Administration—Administrative Sup-
2 port Offices” may be apportioned up to the rate for oper-
3 ations necessary to maintain the planned schedule for the
4 New Core Shared Services Project.

5 (b) Not later than 3 days before the first use of the
6 apportionment authority in subsection (a), each 30 days
7 thereafter, and 3 days after the authority expires under
8 this Act, the Secretary of Housing and Urban Develop-
9 ment shall submit to the Committees on Appropriations
10 of the House of Representatives and the Senate a report
11 specifying each use of the authority through the date of
12 the report.

13 This Act may be cited as the “Continuing Appropria-
14 tions ^{Act} ~~Resolution~~, 2016”.