

In the Senate of the United States,

January 2, 1996.

Resolved, That the Senate agree to the amendment of the House of Representatives to the bill (S. 1508) entitled “An Act to assure that all Federal employees work and are paid.” with the following

SENATE AMENDMENT TO HOUSE AMENDMENT:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

1 ***SEC. 2. EXCEPTED EMPLOYEES UNDER NORMAL LEAVE***

2 ***POLICY.***

3 *Federal employees considered excepted from furlough*
4 *during any period in which there is a lapse in appropria-*
5 *tions with respect to the agency activity in which the em-*
6 *ployee is engaged shall not be considered to be furloughed*
7 *when on leave and shall be subject to the same leave regula-*
8 *tions as if no lapse in appropriations had occurred.*

1 **SEC. 3. ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.**

2 *Beginning on January 2, 1996, any Federal employee*
3 *who is excepted from furlough and is not being paid due*
4 *to a lapse in appropriations shall be eligible for unemploy-*
5 *ment compensation benefits with no waiting period for such*
6 *eligibility to accrue. With respect to any person who is eligi-*
7 *ble for such benefits by reason of the preceding sentence,*
8 *any such benefits received shall be subject to repayment in*
9 *the same manner and to the same extent when eligibility*
10 *by reason of the preceding sentence ceases as if such ces-*
11 *sation were an end to the period of unemployment.*

12 **TITLE II**

13 *That the following sums are hereby appropriated, out*
14 *of any money in the Treasury not otherwise appropriated,*
15 *and out of applicable corporate or other revenues, receipts,*
16 *and funds, for the several departments, agencies, corpora-*
17 *tions, and other organizational units of Government for the*
18 *fiscal year 1996, and for other purposes, namely:*

19 *SEC. 201. (a) Such amounts as may be necessary*
20 *under the authority and conditions provided in the applica-*
21 *ble appropriations Act for the fiscal year 1995 for continu-*
22 *ing the following projects or activities including the costs*
23 *of direct loans and loan guarantees (not otherwise specifi-*
24 *cally provided for in this Act) which were conducted in the*
25 *fiscal year 1995:*

1 *All nutrition services for the elderly under the*
2 *account heading “Aging services programs” under the*
3 *Administration on Aging in the Department of*
4 *Health and Human Services;*

5 *All grants to States for child welfare services, au-*
6 *thorized by title IV, part B, subpart 1, of the Social*
7 *Security Act, under the account heading “Children*
8 *and families services programs” under the Adminis-*
9 *tration for Children and Families in the Department*
10 *of Health and Human Services;*

11 *All Federal Parent Locator Service activities, as*
12 *authorized by section 453 of the Social Security Act,*
13 *under the account heading “Children and families*
14 *services programs” under the Administration for*
15 *Children and Families in the Department of Health*
16 *and Human Services;*

17 *All State unemployment insurance administra-*
18 *tion activities under the account heading “State un-*
19 *employment insurance and employment service oper-*
20 *ations” under the Employment and Training Admin-*
21 *istration in the Department of Labor;*

22 *All general welfare assistance payments and fos-*
23 *ter care payments, as authorized by law, funded*
24 *under the account heading “Operation of Indian pro-*

1 grams” under the Bureau of Indian Affairs in the
2 Department of the Interior;

3 All projects and activities necessary to accommo-
4 date visitors and to provide for visitor services in the
5 National Park System, the National Wildlife Refuges,
6 the National Forests, the facilities operated by the
7 Smithsonian Institution, the National Gallery of Art,
8 and the John F. Kennedy Center for the Performing
9 Arts; and

10 All projects and activities necessary to process
11 passports, notwithstanding section 15 of the State De-
12 partment Basic Authorities Act of 1956:

13 Provided, That whenever the amount which would be made
14 available or the authority which would be granted under
15 an Act which including funding for fiscal year 1996 for
16 the projects and activities listed in this section is greater
17 than that which would be available or granted under cur-
18 rent operations, the pertinent project or activity shall be
19 continued at a rate for operations not exceeding the current
20 rate.

21 (b) Whenever the amount which would be made avail-
22 able or the authority which would be granted under the Act
23 which included funding for fiscal year 1996 for the projects
24 and activities listed in this section as passed by the House
25 as of the date of enactment of this Act, is different from

1 *that which would be available or granted under such Act*
2 *as passed by the Senate as of the date of enactment of this*
3 *Act, the pertinent project or activity shall be continued at*
4 *a rate for operations not exceeding the current rate or the*
5 *rate permitted by the action of the House or the Senate,*
6 *whichever is lower, under the authority and conditions pro-*
7 *vided in the applicable appropriations Act for the fiscal*
8 *year 1995.*

9 *(c) Whenever an Act which included funding for fiscal*
10 *year 1996 for the projects and activities listed in this sec-*
11 *tion has been passed by only the House or only the Senate*
12 *as of the date of enactment of this Act, the pertinent project*
13 *or activity shall be continued under the appropriation,*
14 *fund, or authority granted by the one House at a rate for*
15 *operations not exceeding the current rate or the rate per-*
16 *mitted by the action of the one House, whichever is lower,*
17 *and under the authority and conditions provided in the ap-*
18 *plicable appropriations Act for the fiscal year 1995.*

19 *SEC. 202. Appropriations made by section 201 shall*
20 *be available to the extent and in the manner which would*
21 *be provided by the pertinent appropriations Act.*

22 *SEC. 203. No appropriation or funds made available*
23 *or authority granted pursuant to section 201 shall be used*
24 *to initiate or resume any project or activity for which ap-*

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

3 *SEC. 204. No provision which is included in the appro-*
4 *priations Act enumerated in section 201 but which was not*
5 *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 applica-*
8 *ble to any appropriation, fund, or authority provided in*
9 *this Act.*

10 *SEC. 205. Appropriations made and authority granted*
11 *pursuant to this title of this Act shall cover all obligations*
12 *or expenditures incurred for any program, project, or activ-*
13 *ity during the period for which funds or authority for such*
14 *project or activity are available under this Act.*

15 *SEC. 206. Unless otherwise provided for in this title*
16 *of this Act or in the applicable appropriations Act, appro-*
17 *priations and funds made available and authority granted*
18 *pursuant to this title of this Act shall be available until*
19 *(a) enactment into law of an appropriation for any project*
20 *or activity provided for in this title of this Act, or (b) the*
21 *enactment into law of the applicable appropriations Act by*
22 *both Houses without any provision for such project or activ-*
23 *ity, or (c) September 30, 1996, whichever first occurs.*

24 *SEC. 207. Expenditures made pursuant to this title of*
25 *this Act shall be charged to the applicable appropriation,*

1 *fund, or authorization whenever a bill in which such appli-*
2 *cable appropriation, fund, or authorization is contained is*
3 *enacted into law.*

4 *SEC. 208. No provision in the appropriations Act for*
5 *the fiscal year 1996 referred to in section 201 of this Act*
6 *that makes the availability of any appropriation provided*
7 *therein dependent upon the enactment of additional author-*
8 *izing or other legislation shall be effective before the date*
9 *set forth in section 206(c) of this Act.*

10 *SEC. 209. Appropriations and funds made available*
11 *by or authority granted pursuant to this title of this Act*
12 *may be used without regard to the time limitations for sub-*
13 *mission and approval of apportionments set forth in section*
14 *1513 of title 31, United States Code, but nothing herein*
15 *shall be construed to waive any other provision of law gov-*
16 *erning the apportionment of funds.*

17 *TITLE III*

18 *DISTRICT OF COLUMBIA*

19 *That the following sums are hereby appropriated, out*
20 *of the general fund and enterprise funds of the District of*
21 *Columbia for the District of Columbia for the fiscal year*
22 *1996, and for other purposes, namely:*

23 *SEC. 301. (a) Such amounts as may be necessary*
24 *under the authority and conditions provided in the applica-*
25 *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 title of this Act) 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 Act:*

7 *The District of Columbia Appropriations Act,*
8 *1996:*

9 *Provided, That whenever the amount which would be made*
10 *available or the authority which would be granted in this*
11 *Act is greater than that which would be available or granted*
12 *under current operations, the pertinent project or activity*
13 *shall be continued at a rate for operations not exceeding*
14 *the current rate.*

15 *(b) Whenever the amount which would be made avail-*
16 *able or the authority which would be granted under the Act*
17 *listed in this section as passed by the House as of the date*
18 *of enactment of this Act, is different from that which would*
19 *be available or granted under such Act as passed by the*
20 *Senate as of the date of enactment of this Act, the pertinent*
21 *project or activity shall be continued at a rate for oper-*
22 *ations not exceeding the current rate or the rate permitted*
23 *by the action of the House or the Senate, whichever is lower,*
24 *under the authority and conditions provided in the applica-*
25 *ble appropriations Act for the fiscal year 1995: Provided,*

1 *That where an item is not included in either version or*
2 *where an item is included in only one version of the Act*
3 *as passed by both Houses as of the date of enactment of*
4 *this Act, the pertinent project or activity shall not be con-*
5 *tinued except as provided for in section 311 or 312 under*
6 *the appropriation, fund, or authority granted by the appli-*
7 *cable appropriations Act for the fiscal year 1995 and under*
8 *the authority and conditions provided in the applicable ap-*
9 *propriations Act for the fiscal year 1995.*

10 *SEC. 302. Appropriations made by section 301 shall*
11 *be available to the extent and in the manner which would*
12 *be provided by the pertinent appropriations Act.*

13 *SEC. 303. No appropriation or funds made available*
14 *or authority granted pursuant to section 301 shall be used*
15 *to initiate or resume any project or activity for which ap-*
16 *propriations, funds, or other authority were not available*
17 *during the fiscal year 1995.*

18 *SEC. 304. No provision which is included in the appro-*
19 *priations Act enumerated in section 301 but which was not*
20 *included in the applicable appropriations Act for fiscal*
21 *year 1995 and which by its terms is applicable to more*
22 *than one appropriation, fund, or authority shall be applica-*
23 *ble to any appropriation, fund, or authority provided in*
24 *this title of this Act.*

1 *SEC. 305. Appropriations made and authority granted*
2 *pursuant to this title of this Act shall cover all obligations*
3 *or expenditures incurred for any program, project, or activ-*
4 *ity during the period for which funds or authority for such*
5 *project or activity are available under this title of this Act.*

6 *SEC. 306. Unless otherwise provided for in this title*
7 *of this Act or in the applicable appropriations Act, appro-*
8 *priations and funds made available and authority granted*
9 *pursuant to this title of this Act shall be available until*
10 *(a) enactment into law of an appropriation for any project*
11 *or activity provided for in this title of this Act, or (b) the*
12 *enactment into law of the applicable appropriations Act by*
13 *both Houses without any provision for such project or activ-*
14 *ity, or (c) September 30, 1996, whichever first occurs.*

15 *SEC. 307. Notwithstanding any other provision of this*
16 *title of this Act, except section 306, none of the funds appro-*
17 *priated under this title of this Act shall be expended for*
18 *any abortion except where the life of the mother would be*
19 *endangered if the fetus were carried to term or where the*
20 *pregnancy is the result of an act of rape or incest.*

21 *SEC. 308. Expenditures made pursuant to this title of*
22 *this Act shall be charged to the applicable appropriation,*
23 *fund, or authorization whenever a bill in which such appli-*
24 *cable appropriation, fund, or authorization is contained is*
25 *enacted into law.*

1 *SEC. 309. No provision in the appropriations Act for*
2 *the fiscal year 1996 referred to in section 301 of this title*
3 *of this Act that makes the availability of any appropriation*
4 *provided therein dependent upon the enactment of addi-*
5 *tional authorizing or other legislation shall be effective be-*
6 *fore the date set forth in section 306(c) of this Act.*

7 *SEC. 310. Appropriations and funds made available*
8 *by or authority granted pursuant to this title of this Act*
9 *may be used without regard to the time limitations for sub-*
10 *mission and approval of apportionments set forth in section*
11 *1513 of title 31, United States Code, but nothing herein*
12 *shall be construed to waive any other provision of law gov-*
13 *erning the apportionment of funds.*

14 *SEC. 311. Notwithstanding any other provision of this*
15 *title of this Act, except section 306, whenever the Act listed*
16 *in section 301 as passed by both the House and Senate as*
17 *of the date of enactment of this Act, does not include fund-*
18 *ing for an ongoing project or activity for which there is*
19 *a budget request, or whenever the rate for operations for*
20 *an ongoing project or activity provided by section 301 for*
21 *which there is a budget request would result in the project*
22 *or activity being significantly reduced, the pertinent project*
23 *or activity may be continued under the authority and con-*
24 *ditions provided in the applicable appropriations Act for*
25 *the fiscal year 1995 by increasing the rate for operations*

1 *provided by section 301 to a rate for operations not to ex-*
2 *ceed one that provides the minimal level that would enable*
3 *existing activities to continue. No new contracts or grants*
4 *shall be awarded in excess of an amount that bears the same*
5 *ratio to the rate for operations provided by this section as*
6 *the number of days covered by this Act bears to 366. For*
7 *the purposes of this title of this Act, the minimal level*
8 *means a rate for operations that is reduced from the current*
9 *rate by 25 percent.*

10 *SEC. 312. Notwithstanding any other provision of this*
11 *title of this Act, except section 306, whenever the rate for*
12 *operations for any continuing project or activity provided*
13 *by section 301 or section 311 for which there is a budget*
14 *request would result in a furlough of Government employees,*
15 *that rate for operations may be increased to the minimum*
16 *level that would enable the furlough to be avoided. No new*
17 *contracts or grants shall be awarded in excess of an amount*
18 *that bears the same ratio to the rate for operations provided*
19 *by this section as the number of days covered by this Act*
20 *bears to 366.*

21 *SEC. 313. Notwithstanding any other provision of this*
22 *title of this Act, except sections 306, 311, and 312, for those*
23 *programs that had high initial rates of operation or com-*
24 *plete distribution of funding at the beginning of the fiscal*
25 *year in fiscal year 1995 because of distributions of funding*

1 *to States, foreign countries, grantees, or others, similar dis-*
2 *tributions of funds for fiscal year 1996 shall not be made*
3 *and no grants shall be awarded for such programs funded*
4 *by this title of this Act that would impinge on final funding*
5 *prerogatives.*

6 *SEC. 314. This title of this Act shall be implemented*
7 *so that only the most limited funding action of that per-*
8 *mitted in this title of this Act shall be taken in order to*
9 *provide for continuation of projects and activities.*

10 *SEC. 315. The provisions of section 132 of the District*
11 *of Columbia Appropriations Act, 1988, Public Law 100-*
12 *202, shall not apply for this title of this Act.*

13 *SEC. 316. Notwithstanding any other provision of this*
14 *title of this Act, except section 306, none of the funds appro-*
15 *priated under this title of this Act shall be used to imple-*
16 *ment or enforce any system of registration of unmarried,*
17 *cohabiting couples whether they are homosexual, lesbian,*
18 *heterosexual, including but not limited to registration for*
19 *the purpose of extending employment, health, or govern-*
20 *mental benefits to such couples on the same basis that such*
21 *benefits are extended to legally married couples; nor shall*
22 *any funds made available pursuant to any provision of this*
23 *title of this Act otherwise be used to implement or enforce*
24 *D.C. Act 9-188, signed by the Mayor of the District of Co-*
25 *lumbia on April 15, 1992.*

1 *TITLE IV*2 *VETERANS AFFAIRS*

3 *That the following sums are hereby appropriated, out*
4 *of 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 the*
8 *fiscal year 1996, and for other purposes, namely:*

9 ***SEC. 401. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF***
10 ***VETERANS' BENEFITS IN EVENT OF LACK OF***
11 ***APPROPRIATIONS.***

12 *(a) PAYMENTS REQUIRED.—In any case during fiscal*
13 *year 1996 in which appropriations are not otherwise avail-*
14 *able for programs, projects, and activities of the Depart-*
15 *ment of Veterans Affairs, the Secretary of Veterans Affairs*
16 *shall nevertheless ensure that—*

17 *(1) payments of existing veterans benefits are*
18 *made in accordance with regular procedures and*
19 *schedules and in accordance with eligibility require-*
20 *ments for such benefits; and*

21 *(2) payments to contractors of the Veterans*
22 *Health Administration of the Department of Veterans*
23 *Affairs are made when due in the case of services pro-*
24 *vided that directly relate to patient health and safety.*

1 (b) *FUNDING.*—*There is hereby appropriated such*
 2 *sums as may be necessary for the payments pursuant to*
 3 *subsection (a), including such amounts as may be necessary*
 4 *for the costs of administration of such payments.*

5 (c) *CHARGING OF ACCOUNTS WHEN APPROPRIATIONS*
 6 *MADE.*—*In any case in which the Secretary uses the au-*
 7 *thority of subsection (a) to make payments, applicable ac-*
 8 *counts shall be charged for amounts so paid, and for the*
 9 *costs of administration of such payments, when regular ap-*
 10 *propriations become available for those purposes.*

11 (d) *EXISTING BENEFITS SPECIFIED.*—*For purposes of*
 12 *this section, existing veterans benefits are benefits under*
 13 *laws administered by the Secretary of Veterans Affairs that*
 14 *have been adjudicated and authorized for payment as of—*

15 (1) *December 15, 1995; or*

16 (2) *if appropriations for such benefits are avail-*
 17 *able (other than pursuant to subsection (b)) after De-*
 18 *cember 15, 1995, the last day on which appropria-*
 19 *tions for payment of such benefits are available (other*
 20 *than pursuant to subsection (b)).*

21 **SEC. 402. EXPIRATION DATE.**

22 *Section 401 shall cease to be effective on September 30,*
 23 *1996.*

TITLE V

CLARIFICATION OF CERTAIN REIMBURSEMENTS

SEC. 501. CLARIFICATION OF REIMBURSEMENT TO STATES**FOR FEDERALLY FUNDED EMPLOYEES.**

(a) *If a State used State funds to continue carrying out a Federal program or furloughed State employees whose compensation is advanced or reimbursed in whole or in part by the Federal Government—*

(1) *such furloughed employees shall be compensated at their standard rate of compensation for such period;*

(2) *the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon due under section 6503(d) of title 31, United States Code; and*

(3) *the State may use funds available to the State under such Federal program to reimburse such State, together with interest thereon due under section 6503(d) of title 31, United States Code.*

(b) *For purposes of this subsection, the term “State” shall have the meaning as such term is defined under the applicable Federal program under subsection (a).*

1 (c) *The authority under this section applies with re-*
2 *spect to any period in fiscal year 1996 (not limited to peri-*
3 *ods beginning or ending after the date of the enactment of*
4 *this Act) during which there occurs a lapse in appropria-*
5 *tions with respect to any department or agency of the Fed-*
6 *eral Government which, but for such lapse in appropria-*
7 *tions, would have paid, or made reimbursement relating to,*
8 *any of the expenses referred to in subsection (a) with respect*
9 *to the program involved. Payments and reimbursements*
10 *under this authority shall be made only to the extent and*
11 *in amounts provided in advance in appropriations Acts.*

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

S. 1508

**SENATE AMENDMENT TO
HOUSE AMENDMENT**

S 1508 EAS—2

S 1508 EAS—3

S 1508 EAS—4

S 1508 EAS—5