HOUSE AMENDMENT TO SENATE AMENDMENT TO
H.J. RES. 59
OFFERED BY MR. ROGERS OF KENTUCKY

Page 4, line 21, of the Senate engrossed amend-
ment, in the matter proposed to be inserted by the Sen-
ate amendment, strike section 105 and all that follows
through section 137 and insert the following:

Sec. 105. Appropriations made and authority grant-
ed pursuant to this joint resolution shall cover all obliga-
tions or expenditures incurred for any project or activity
during the period for which funds or authority for such
project or activity are available under this joint resolution.

Sec. 106. Unless otherwise provided for in this joint
resolution or in the applicable appropriations Act for fiscal
year 2014, appropriations and funds made available and
authority granted pursuant to this joint resolution shall
be available until whichever of the following first occurs:
(1) the enactment into law of an appropriation for any
project or activity provided for in this joint resolution; (2)
the enactment into law of the applicable appropriations
Act for fiscal year 2014 without any provision for such
project or activity; or (3) December 15, 2013. For pur-
poses of this joint resolution, the period of time covered
by this joint resolution shall be considered to have begun
on October 1, 2013.

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

SEC. 108. Appropriations made and funds made
available by or authority granted pursuant to this joint
resolution may be used without regard to the time limita-
tions for submission and approval of apportionments set
forth in section 1513 of title 31, United States Code, but
nothing in this joint resolution may be construed to waive
any other provision of law governing the apportionment
of funds.

SEC. 109. Notwithstanding any other provision of
this joint resolution, except section 106, for those pro-
grams that would otherwise have high initial rates of oper-
ation or complete distribution of appropriations at the be-
inning of fiscal year 2014 because of distributions of
funding to States, foreign countries, grantees, or others,
such high initial rates of operation or complete distribu-
tion shall not be made, and no grants shall be awarded
for such programs funded by this joint resolution that
would impinge on final funding prerogatives.
SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution 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 appropriations Acts for fiscal year 2013, 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 2013, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2013 but not later than 30 days after the date specified in section 106(3) may continue 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 department or agency, consistent with the applicable appropriations Act for fiscal year 2013, 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 joint resolution
may be obligated and expended notwithstanding section 10
of Public Law 91–672 (22 U.S.C. 2412), section 15 of
the State Department Basic Authorities Act of 1956 (22
U.S.C. 2680), section 313 of the Foreign Relations Au-
6212), and section 504(a)(1) of the National Security Act
of 1947 (50 U.S.C. 3094(a)(1)).

Sec. 114. (a) Each amount incorporated by reference
in this joint resolution 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 Ter-
rorism 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) Of the amounts made available by section 101
for “Social Security Administration, Limitation on Admin-
“Administrative Expenses” for the cost associated with continuing
disability reviews under titles II and XVI of the Social
Security Act and for the cost associated with conducting
redeterminations of eligibility under title XVI of the Social
Security Act, $273,000,000 is provided to meet the terms
of section 251(b)(2)(B)(iii) of the Balanced Budget
and Emergency Deficit Control Act of 1985, as amended,
and $469,639,000 is additional new budget authority
specified for purposes of section 251(b)(2)(B) of such Act.

(c) Section 5 of Public Law 113–6 shall apply to
amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. Section 3003 of division G of Public Law
113–6 shall be applied to funds appropriated by this joint
resolution by substituting “fiscal year 2014” for “fiscal
year 2013” each place it appears.

SEC. 116. Section 408 of the Food for Peace Act (7
U.S.C. 1736b) shall be applied by substituting the date
specified in section 106(3) of this joint resolution for “De-
cember 31, 2012”.

SEC. 117. Amounts made available under section 101
for “Department of Commerce—National Oceanic and At-
mospheric Administration—Procurement, Acquisition and
Construction” may be apportioned up to the rate for oper-
ations necessary to maintain the planned launch schedules
for the Joint Polar Satellite System and the Geostationary Operational Environmental Satellite system.

SEC. 118. (a) The authority provided by sections 1205 and 1206 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) shall continue in effect, notwithstanding subsection (h) of section 1206, through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2014 for military activities of the Department of Defense.

(b) This section shall take effect as though enacted on September 30, 2013.

SEC. 119. Section 14704 of title 40, United States Code, shall be applied to amounts made available by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for “October 1, 2012”.

SEC. 120. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds under the heading “District of Columbia Funds” for such programs and activities under title IV of H.R. 2786 (113th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under “District of Columbia Funds—Summary of Expenses” as included in the Fiscal Year 2014 Budget Request Act of 2013 (D.C. Act
SEC. 121. Notwithstanding section 101, amounts are provided for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Defender Services” at a rate for operations of $1,012,000,000.

SEC. 122. (a) For the period covered by this joint resolution, section 550(b) of Public Law 109–295 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for “October 4, 2013”.

(b) This section shall take effect as though enacted on September 30, 2013.

SEC. 123. (a) The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) This section shall take effect as though enacted on September 30, 2013.

SEC. 124. (a) 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 joint resolution.

(b) This section shall take effect as though enacted on September 30, 2013.

(1) sustain the staffing levels of U.S. Customs and Border Protection Officers, equivalent to the staffing levels achieved on September 30, 2013, and comply with the last proviso under the heading “Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses” in division D of Public Law 113–6;

(2) sustain border security operations, including sustaining the operation of Tethered Aerostat Radar Systems;

(3) sustain necessary Air and Marine operations; and

(4) sustain the staffing levels of U.S. Immigration and Customs Enforcement agents, equivalent to
the staffing levels achieved on September 30, 2013, and comply with the sixth proviso under the heading “Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses” in division D of Public Law 113–6.

(b) The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

Sec. 126. In addition to the amount otherwise provided by section 101 for “Department of the Interior—Department-wide Programs—Wildland Fire Management”, there is appropriated $36,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildland fire suppression activities: Provided, That of the funds provided, $15,000,000 is for burned area rehabilitation: Provided further, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior 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
Sec. 127. In addition to the amount otherwise provided by section 101 for “Department of Agriculture—Forest Service—Wildland Fire Management”, there is appropriated $600,000,000 for an additional amount for fiscal year 2014, 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.

Sec. 128. (a) The authority provided by section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note) shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) This section shall take effect as though enacted on September 30, 2013.
SEC. 129. (a)(1) 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), as amended, shall continue in effect through the date specified in section 106(3) of this joint resolution.

(2) This section shall take effect as though enacted on September 30, 2013.

(b) For the period covered by this joint resolution, 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. 130. Activities authorized under part A of title IV and section 1108(b) of the Social Security Act (except for activities authorized in section 403(b)) shall continue through the date specified in section 106(3) of this joint resolution in the manner authorized for fiscal year 2013, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 131. Notwithstanding section 101, the matter under the heading “Department of Labor—Mine Safety and Health Administration—Salaries and Expenses” in division F of Public Law 112–74 shall be applied to funds
appropriated by this joint resolution by substituting “is authorized to collect and retain up to $2,499,000” for “may retain up to $1,499,000”.

SEC. 132. The first proviso under the heading “Department of Health and Human Services—Administration for Children and Families—Low Income Home Energy Assistance” in division F of Public Law 112–74 shall be applied to amounts made available by this joint resolution by substituting “2014” for “2012”.

SEC. 133. Amounts provided by section 101 for “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance” may be obligated up to a rate for operations necessary to maintain program operations at the level provided in fiscal year 2013, as necessary to accommodate increased demand.

SEC. 134. During the period covered by this joint resolution, amounts provided under section 101 for “Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund” may be obligated at a rate necessary to assure timely execution of planned advanced research and development contracts pursuant to section 319L of the Public Health Service Act, to remain available until expended, for expenses necessary to support advanced research and de-
velopment pursuant to section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) and other administrative expenses of the Biomedical Advanced Research and Development Authority.

SEC. 135. Notwithstanding any other provision of this joint resolution, there is appropriated for payment to Bonnie Englebardt Lautenberg, widow of Frank R. Lautenberg, late a Senator from New Jersey, $174,000.

SEC. 136. 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 $2,455,490,000.

SEC. 137. (a) The authority provided by the penultimate proviso under the heading “Department of Housing and Urban Development—Rental Assistance Demonstration” in division C of Public Law 112–55 shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) This section shall take effect as though enacted on September 30, 2013.

SEC. 138. Subsection 163(b) of Public Law 111–242, as amended by Public Law 111–322 and Public Law 112–175, is amended by striking “2013-2014” and inserting “2015-2016”.

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October 15, 2013 (4:30 p.m.)
SEC. 139. Notwithstanding section 101, amounts are provided for “Department of Transportation—Federal Aviation Administration—Operations” at a rate for operations of $9,248,418,000.

SEC. 140. Expenditures made pursuant to the Pay Our Military Act (Public Law 113–39) shall be charged to the applicable appropriation, fund, or authorization provided in this joint resolution.

SEC. 141. (a) Employees furloughed as a result of any lapse in appropriations which begins on or about October 1, 2013, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.

(b) All obligations incurred in anticipation of the appropriations made and the authority granted by this joint resolution for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government functions, and for other purposes authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this joint resolution.

(e) For the purposes of this section, the term “employee” means—

(1) a Federal employee;
(2) an employee of the District of Columbia Courts;
(3) an employee of the Public Defender Service for the District of Columbia; and
(4) a District of Columbia Government employee.

Sec. 142. (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 section, the term “State” shall have the meaning as such term is defined under the applicable Federal program under subsection (a).

(c) The authority under this section applies with respect to any period beginning on October 1, 2013, and ending on the date of the enactment of this joint resolution during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in subsection (a) with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.

(d) The Director of the Office of Management and Budget shall, not later than 60 days after the date of the enactment of this joint resolution, submit a report to the Committees on Appropriations of the House of Representatives and the Senate that provides an accounting of reimbursements paid, or expected to be paid, to States under this section.

Sec. 143. Section 1312(d)(3)(D) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(3)(D)) is amended—
(1) by striking the subparagraph heading and inserting the following:

“(D) MEMBERS OF CONGRESS, CONGRESSIONAL STAFF, THE PRESIDENT, VICE PRESIDENT, AND POLITICAL APPOINTEES.—”;

(2) in clause (i), in the matter preceding subclause (I)—

(A) by striking “and congressional staff” and inserting “, congressional staff, the President, the Vice President, and political appointees”; and

(B) by striking “or congressional staff” and inserting “, congressional staff, the President, the Vice President, or a political appointee”;

(3) in clause (ii)—

(A) in subclause (I), by inserting before the period at the end the following: “, and includes a Delegate or Resident Commissioner to the Congress”;

(B) in subclause (II), by inserting after “Congress,” the following: “of a standing, select, or joint committee of Congress (or a subcommittee thereof), of an office of the House of Representatives for which the appropriation for
salaries and expenses of the office for the year involved is provided under the heading ‘House Leadership Offices’ in the act making appropriations for the Legislative Branch for the fiscal year involved, or a leadership office of the Senate (consisting of the offices of the President pro Tempore, Majority and Minority Leaders, Majority and Minority Whips, Conferences of the Majority and of the Minority, and Majority and Minority Policy Committees of the Senate),’’; and

(C) by adding at the end the following:

““(III) POLITICAL APPOINTEE.—

The term ‘political appointee’ means an individual who—

“(aa) is employed in a position described under sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

“(bb) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5),
(6), and (7), respectively, of section 3132(a) of title 5, United States Code;

“(cc) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations; or

“(dd) is employed in or under the Executive Office of the President in a position that is excluded from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.”; and

(4) by adding at the end the following:

“(iii) GOVERNMENT CONTRIBUTION.—

No Government contribution under section 8906 of title 5, United States Code, shall be provided on behalf of an individual who is a Member of Congress, congressional staff, the President, the Vice President, or
a political appointee for coverage under this subparagraph.

“(iv) LIMITATION ON AMOUNT OF TAX CREDIT OR COST-SHARING.—An individual enrolling in health insurance coverage pursuant to this paragraph shall not be eligible to receive a tax credit under section 36B of the Internal Revenue Code of 1986 or reduced cost sharing under section 1402 of this Act in an amount that exceeds the total amount which a similarly situated individual (who is not so enrolled) would be entitled to receive under such sections.

“(v) LIMITATION ON DISCRETION FOR DESIGNATION OF STAFF.—Notwithstanding any other provision of law, a Member of Congress shall not have discretion in determinations with respect to which employees employed by the office of such Member are eligible to enroll for coverage through an Exchange.”.

SEC. 144. (a) Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this joint resolution and ending on February 7, 2014.
(b) Effective February 8, 2014, the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on February 8, 2014, exceeds

(2) the face amount of such obligations outstanding on the date of the enactment of this joint resolution.

Sec. 145. (a) An obligation shall not be taken into account under section 144(b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment before February 8, 2014.

(b) The Secretary of the Treasury shall not issue obligations for the period specified in section 144(a) for the purpose of increasing the cash balance above normal operating balances in anticipation of the expiration of such period.

(e) Notwithstanding any other provision of law, the Secretary of the Treasury shall not, during the period beginning on the date of the enactment of this joint resolu-
tion and ending on April 15, 2014, for purposes of reduc-
ing the face amount of obligations described in section
3101(b) of title 31, United States Code, that are out-
standing—

(1) direct or approve the issuance of debt by
the Federal Financing Bank for the purpose of en-
tering into an exchange transaction for debt that is
subject to the limit under such section,

(2) suspend investments in the Government Se-
curities Investment Fund of the Thrift Savings
Fund,

(3) suspend investments in the Exchange Sta-
bilization Fund established under section 5302 of
title 31, United States Code,

(4) suspend new investments in the Civil Serv-

ice Retirement and Disability Fund or the Postal
Service Retiree Health Benefits Fund, or

(5) sell or redeem securities, obligations, or
other invested assets of the Civil Service Retirement
and Disability Fund or the Postal Service Retiree
Health Benefits Fund before maturity.

(d) Notwithstanding any other provision of law, the
Secretary of the Treasury shall not, during the period
specified in subsection (e), issue State and Local Govern-
1. convert Series securities or convert such securities that are
2. unredeemed to alternate certificates of indebtedness.