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

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

1 SEC. 105. Appropriations made and authority grant-2 ed pursuant to this joint resolution shall cover all obliga-3 tions or expenditures incurred for any project or activity 4 during the period for which funds or authority for such 5 project or activity are available under this joint resolution.

6 SEC. 106. Unless otherwise provided for in this joint 7 resolution or in the applicable appropriations Act for fiscal 8 year 2014, appropriations and funds made available and 9 authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: 10 11 (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) 12 13 the enactment into law of the applicable appropriations Act for fiscal year 2014 without any provision for such 14 project or activity; or (3) December 15, 2013. For pur-15 16 poses of this joint resolution, the period of time covered

 $\mathbf{2}$

by this joint resolution shall be considered to have begun
 on October 1, 2013.

3 SEC. 107. Expenditures made pursuant to this joint 4 resolution shall be charged to the applicable appropriation, 5 fund, or authorization whenever a bill in which such appli-6 cable appropriation, fund, or authorization is contained is 7 enacted into law.

8 SEC. 108. Appropriations made and funds made 9 available by or authority granted pursuant to this joint 10 resolution may be used without regard to the time limitations for submission and approval of apportionments set 11 12 forth in section 1513 of title 31, United States Code, but 13 nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment 14 15 of funds.

16 SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those pro-17 18 grams that would otherwise have high initial rates of oper-19 ation or complete distribution of appropriations at the beginning of fiscal year 2014 because of distributions of 2021 funding to States, foreign countries, grantees, or others, 22 such high initial rates of operation or complete distribu-23 tion shall not be made, and no grants shall be awarded 24 for such programs funded by this joint resolution that would impinge on final funding prerogatives. 25

SEC. 110. This joint resolution shall be implemented
 so that only the most limited funding action of that per mitted in the joint resolution shall be taken in order to
 provide for continuation of projects and activities.

5 SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appro-6 7 priations Acts for fiscal year 2013, and for activities under 8 the Food and Nutrition Act of 2008, activities shall be 9 continued at the rate to maintain program levels under 10 current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2013, 11 to be continued through the date specified in section 12 106(3).13

(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-

4

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.

5 SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 6 7 of Public Law 91-672 (22 U.S.C. 2412), section 15 of 8 the State Department Basic Authorities Act of 1956 (22) 9 U.S.C. 2680), section 313 of the Foreign Relations Au-10 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act 11 12 of 1947 (50 U.S.C. 3094(a)(1)).

13 SEC. 114. (a) Each amount incorporated by reference in this joint resolution that was previously designated by 14 15 the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the 16 Balanced Budget and Emergency Deficit Control Act of 17 18 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress 19 for Overseas Contingency Operations/Global War on Ter-20 21 rorism pursuant to section 251(b)(2)(A) of such Act or 22 being for disaster relief pursuant section as to 23 251(b)(2)(D) of such Act, respectively.

(b) Of the amounts made available by section 101for "Social Security Administration, Limitation on Admin-

 $\mathbf{5}$

istrative Expenses" for the cost associated with continuing 1 2 disability reviews under titles II and XVI of the Social 3 Security Act and for the cost associated with conducting 4 redeterminations of eligibility under title XVI of the Social Security Act, \$273,000,000 is provided to meet the terms 5 of section 251(b)(2)(B)(ii)(III) of the Balanced Budget 6 and Emergency Deficit Control Act of 1985, as amended, 7 8 and \$469,639,000 is additional new budget authority 9 specified for purposes of section 251(b)(2)(B) of such Act. 10 (c) Section 5 of Public Law 113–6 shall apply to amounts designated in subsection (a) for Overseas Contin-11 12 gency 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 "December 31, 2012".

SEC. 117. Amounts made available under 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

6

for the Joint Polar Satellite System and the Geostationary
 Operational Environmental Satellite system.

3 SEC. 118. (a) The authority provided by sections 1205 and 1206 of the National Defense Authorization Act 4 5 for Fiscal Year 2012 (Public Law 112–81) shall continue in effect, notwithstanding subsection (h) of section 1206, 6 7 through the earlier of the date specified in section 106(3)8 of this joint resolution or the date of the enactment of 9 an Act authorizing appropriations for fiscal year 2014 for 10 military activities of the Department of Defense.

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

13 SEC. 119. Section 14704 of title 40, United States Code, shall be applied to amounts made available by this 14 15 joint resolution by substituting the date specified in section 106(3) of this joint resolution for "October 1, 2012". 16 17 SEC. 120. Notwithstanding any other provision of this joint resolution, except section 106, the District of 18 Columbia may expend local funds under the heading "Dis-19 trict of Columbia Funds" for such programs and activities 20 21 under title IV of H.R. 2786 (113th Congress), as reported 22 by the Committee on Appropriations of the House of Rep-23 resentatives, at the rate set forth under "District of Co-24 lumbia Funds—Summary of Expenses" as included in the 25 Fiscal Year 2014 Budget Request Act of 2013 (D.C. Act

1 20-127), as modified as of the date of the enactment of2 this joint resolution.

3 SEC. 121. Notwithstanding section 101, amounts are
4 provided for "The Judiciary—Courts of Appeals, District
5 Courts, and Other Judicial Services—Defender Services"
6 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".

12 (b) This section shall take effect as though enacted13 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.

23 (b) This section shall take effect as though enacted24 on September 30, 2013.

8

1 SEC. 125. (a) Any amounts made available pursuant 2 to section 101 for "Department of Homeland Security— 3 U.S. Customs and Border Protection—Salaries and Ex-4 penses", "Department of Homeland Security—U.S. Cus-5 toms and Border Protection—Border Security Fencing, 6 Infrastructure, and Technology", "Department of Home-7 land Security—U.S. Customs and Border Protection—Air 8 and Marine Operations", and "Department of Homeland 9 Security—U.S. Immigration and Customs Enforcement— Salaries and Expenses" shall be obligated at a rate for 10 11 operations as necessary to respectively—

(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;

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

(3) sustain necessary Air and Marine oper-ations; and

24 (4) sustain the staffing levels of U.S. Immigra-25 tion and Customs Enforcement agents, equivalent to

9

the staffing levels achieved on September 30, 2013,
 and comply with the sixth proviso under the heading
 "Department of Homeland Security—U.S. Immigra tion and Customs Enforcement—Salaries and Expenses" in division D of Public Law 113–6.

6 (b) The Secretary of Homeland Security shall notify
7 the Committees on Appropriations of the House of Rep8 resentatives and the Senate on each use of the authority
9 provided in this section.

10 SEC. 126. In addition to the amount otherwise provided by section 101 for "Department of the Interior— 11 12 Department-wide Programs—Wildland Fire Manage-13 ment", there is appropriated \$36,000,000 for an additional amount for fiscal year 2014, to remain available 14 15 until expended, for urgent wildland fire suppression activities: *Provided*, That of the funds provided, \$15,000,000 16 is for burned area rehabilitation: Provided further, That 17 18 such funds shall only become available if funds previously 19 provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the 2021 Committees on Appropriations of the House of Represent-22 atives and the Senate in writing of the need for these addi-23 tional funds: Provided further, That such funds are also 24 available for transfer to other appropriations accounts to

10

repay amounts previously transferred for wildfire suppres sion.

3 SEC. 127. In addition to the amount otherwise pro-4 vided by section 101 for "Department of Agriculture— 5 Forest Service—Wildland Fire Management", there is appropriated \$600,000,000 for an additional amount for fis-6 7 cal year 2014, to remain available until expended, for ur-8 gent wildland fire suppression activities: *Provided*, That 9 such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted 10 imminently and the Secretary of Agriculture notifies the 11 Committees on Appropriations of the House of Represent-12 13 atives and the Senate in writing of the need for these additional funds: Provided further, That such funds are also 14 15 available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppres-16 sion. 17

18 SEC. 128. (a) The authority provided by section 347 19 of the Department of the Interior and Related Agencies 20 Appropriations Act, 1999 (as contained in section 101(e) 21 of division A of Public Law 105–277; 16 U.S.C. 2104 22 note) shall continue in effect through the date specified 23 in section 106(3) of this joint resolution.

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

11

SEC. 129. (a)(1) The authority provided by sub section (m)(3) of section 8162 of the Department of De fense 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.

7 (2) This section shall take effect as though enacted8 on September 30, 2013.

9 (b) For the period covered by this joint resolution, 10 the authority provided by the provisos under the heading 11 "Dwight D. Eisenhower Memorial Commission—Capital 12 Construction" in division E of Public Law 112–74 shall 13 not be in effect.

14 SEC. 130. Activities authorized under part A of title 15 IV and section 1108(b) of the Social Security Act (except for activities authorized in section 403(b)) shall continue 16 through the date specified in section 106(3) of this joint 17 18 resolution in the manner authorized for fiscal year 2013, 19 and out of any money in the Treasury of the United States 20not otherwise appropriated, there are hereby appropriated 21 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

12

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".

10 SEC. 133. Amounts provided by section 101 for "De-11 partment of Health and Human Services—Administration 12 for Children and Families—Refugee and Entrant Assist-13 ance" may be obligated up to a rate for operations nec-14 essary to maintain program operations at the level pro-15 vided in fiscal year 2013, as necessary to accommodate 16 increased demand.

17 SEC. 134. During the period covered by this joint resolution, amounts provided under section 101 for "Depart-18 ment of Health and Human Services-Office of the Sec-19 retary—Public Health and Social Services Emergency 2021 Fund" may be obligated at a rate necessary to assure 22 timely execution of planned advanced research and devel-23 opment contracts pursuant to section 319L of the Public 24 Health Service Act, to remain available until expended, for 25 expenses necessary to support advanced research and de-

13

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 Devel opment Authority.

5 SEC. 135. Notwithstanding any other provision of 6 this joint resolution, there is appropriated for payment to 7 Bonnie Englebardt Lautenberg, widow of Frank R. Lau-8 tenberg, late a Senator from New Jersey, \$174,000.

9 SEC. 136. Notwithstanding section 101, amounts are
10 provided for "Department of Veterans Affairs—Depart11 mental Administration—General Operating Expenses,
12 Veterans Benefits Administration" at a rate for operations
13 of \$2,455,490,000.

14 SEC. 137. (a) The authority provided by the penul-15 timate proviso under the heading "Department of Housing 16 and Urban Development—Rental Assistance Demonstra-17 tion" in division C of Public Law 112–55 shall continue 18 in effect through the date specified in section 106(3) of 19 this joint resolution.

20 (b) This section shall take effect as though enacted21 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".

SEC. 139. Notwithstanding section 101, amounts are
 provided for "Department of Transportation—Federal
 Aviation Administration—Operations" at a rate for oper ations of \$9,248,418,000.

5 SEC. 140. Expenditures made pursuant to the Pay 6 Our Military Act (Public Law 113–39) shall be charged 7 to the applicable appropriation, fund, or authorization pro-8 vided in this joint resolution.

9 SEC. 141. (a) Employees furloughed as a result of 10 any lapse in appropriations which begins on or about Octo-11 ber 1, 2013, shall be compensated at their standard rate 12 of compensation, for the period of such lapse in appropria-13 tions, as soon as practicable after such lapse in appropria-14 tions ends.

15 (b) All obligations incurred in anticipation of the appropriations made and the authority granted by this joint 16 resolution for the purposes of maintaining the essential 17 level of activity to protect life and property and bringing 18 about orderly termination of Government functions, and 19 20for other purposes authorized by law, are hereby ratified 21 and approved if otherwise in accord with the provisions 22 of this joint resolution.

23 (c) For the purposes of this section, the term "em-24 ployee" means—

25 (1) a Federal employee;

(2) an employee of the District of Columbia
 Courts;

3 (3) an employee of the Public Defender Service4 for the District of Columbia; and

5 (4) a District of Columbia Government em-6 ployee.

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.

16

(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).

4 (c) The authority under this section applies with re-5 spect to any period beginning on October 1, 2013, and ending on the date of the enactment of this joint resolution 6 during which there occurs a lapse in appropriations with 7 8 respect to any department or agency of the Federal Gov-9 ernment which, but for such lapse in appropriations, 10 would have paid, or made reimbursement relating to, any of the expenses referred to in subsection (a) with respect 11 to the program involved. Payments and reimbursements 12 13 under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts. 14 15 (d) The Director of the Office of Management and Budget shall, not later than 60 days after the date of the 16 enactment of this joint resolution, submit a report to the 17 18 Committees on Appropriations of the House of Representatives and the Senate that provides an accounting of reim-19 20 bursements paid, or expected to be paid, to States under 21 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	(1) by striking the subparagraph heading and
2	inserting the following:
3	"(D) Members of congress, congres-
4	SIONAL STAFF, THE PRESIDENT, VICE PRESI-
5	DENT, AND POLITICAL APPOINTEES.—";
6	(2) in clause (i), in the matter preceding sub-
7	clause (I)—
8	(A) by striking "and congressional staff"
9	and inserting ", congressional staff, the Presi-
10	dent, the Vice President, and political ap-
11	pointees"; and
12	(B) by striking "or congressional staff"
13	and inserting ", congressional staff, the Presi-
14	dent, the Vice President, or a political ap-
15	pointee";
16	(3) in clause (ii)—
17	(A) in subclause (I), by inserting before
18	the period at the end the following: ", and in-
19	cludes a Delegate or Resident Commissioner to
20	the Congress";
21	(B) in subclause (II), by inserting after
22	"Congress," the following: "of a standing, se-
23	lect, or joint committee of Congress (or a sub-
24	committee thereof), of an office of the House of
25	Representatives for which the appropriation for

18

salaries and expenses of the office for the year
involved is provided under the heading 'House
Leadership Offices' in the act making appro-
priations for the Legislative Branch for the fis-
cal year involved, or a leadership office of the
Senate (consisting of the offices of the Presi-
dent pro Tempore, Majority and Minority Lead-
ers, Majority and Minority Whips, Conferences
of the Majority and of the Minority, and Major-
ity and Minority Policy Committees of the Sen-
ate),"; 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 posi-
tion described under sections
5312 through 5316 of title 5,
United States Code (relating to
the Executive Schedule);
"(bb) is a limited term ap-
pointee, limited emergency ap-
pointee, or noncareer appointee
in the Senior Executive Service,
as defined under paragraphs (5),

1	(6), and (7), respectively, of sec-
2	tion 3132(a) of title 5, United
3	States Code;
4	"(cc) is employed in a posi-
5	tion in the executive branch of
6	the Government of a confidential
7	or policy-determining character
8	under schedule C of subpart C of
9	part 213 of title 5 of the Code of
10	Federal Regulations; or
11	"(dd) is employed in or
12	under the Executive Office of the
13	President in a position that is ex-
14	cluded from the competitive serv-
15	ice by reason of its confidential,
16	policy-determining, policy-mak-
17	ing, or policy-advocating char-
18	acter."; and
19	(4) by adding at the end the following:
20	"(iii) Government contribution.—
21	No Government contribution under section
22	8906 of title 5, United States Code, shall
23	be provided on behalf of an individual who
24	is a Member of Congress, congressional
25	staff, the President, the Vice President, or

1

2

20

a political appointee for coverage under this subparagraph.

"(iv) Limitation on amount of tax 3 4 CREDIT OR COST-SHARING.—An individual 5 enrolling in health insurance coverage pur-6 suant to this paragraph shall not be eligi-7 ble to receive a tax credit under section 8 36B of the Internal Revenue Code of 1986 9 or reduced cost sharing under section 1402 10 of this Act in an amount that exceeds the 11 total amount which a similarly situated in-12 dividual (who is not so enrolled) would be 13 entitled to receive under such sections.

14 "(v) Limitation on discretion for 15 DESIGNATION OF STAFF.—Notwith-16 standing any other provision of law, a 17 Member of Congress shall not have discre-18 tion in determinations with respect to 19 which employees employed by the office of 20 such Member are eligible to enroll for cov-21 erage 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 ef fect under section 3101(b) of title 31, United States Code,
 shall be increased to the extent that—

4 (1) the face amount of obligations issued under
5 chapter 31 of such title and the face amount of obli6 gations whose principal and interest are guaranteed
7 by the United States Government (except guaran8 teed obligations held by the Secretary of the Treas9 ury) outstanding on February 8, 2014, exceeds

10 (2) the face amount of such obligations out11 standing on the date of the enactment of this joint
12 resolution.

13 SEC. 145. (a) An obligation shall not be taken into 14 account under section 144(b)(1) unless the issuance of 15 such obligation was necessary to fund a commitment in-16 curred pursuant to law by the Federal Government that 17 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.

(c) 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—

- 5 (1) direct or approve the issuance of debt by
 6 the Federal Financing Bank for the purpose of en7 tering into an exchange transaction for debt that is
 8 subject to the limit under such section,
- 9 (2) suspend investments in the Government Se10 curities Investment Fund of the Thrift Savings
 11 Fund,
- 12 (3) suspend investments in the Exchange Sta13 bilization Fund established under section 5302 of
 14 title 31, United States Code,
- (4) suspend new investments in the Civil Service 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 (c), issue State and Local Govern-

- 1 ment Series securities or convert such securities that are
- 2 unredeemed to alternate certificates of indebtedness.

\times