

PROVIDING FOR CONSIDERATION OF H.R. 3756, TREASURY,
POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS
BILL FOR FISCAL YEAR 1997

JULY 11, 1996.—Referred to the House Calendar and ordered to be printed

Mr. DIAZ-BALART, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 475]

The Committee on Rules, having had under consideration House Resolution 475, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 3756, the “Treasury, Postal Service, and General Government Appropriations Bill for Fiscal Year 1997” under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives sections 302(f) (prohibiting consideration of legislation providing new entitlement authority in excess of a committee’s allocation) and 308(a) (requiring a CBO cost estimate in the committee report on legislation containing new entitlement spending) and 401(b) (prohibiting consideration of legislation providing new entitlement authority which becomes effective during the fiscal year which ends in the calendar year in which the bill is reported) of the Congressional Budget Act of 1974 against consideration of the bill.

The rule waives clause 2 of rule XXI (prohibiting unauthorized appropriations and legislation on general appropriations) and clause 6 of rule XXI (prohibiting reappropriations) against provisions of the bill, except as otherwise noted in the rule.

The rule provides for the adoption in the House and in the Committee of the Whole of the amendment printed in part 1 of this report relating to certain expedited procedures under the Rules Committee’s jurisdiction.

The rule provides for consideration before any other amendment of those amendments printed in part 2 of the Rules Committee report, which shall be considered in the order printed, shall be offered by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in part 2 of the report are waived.

The rule provides for priority in recognition for those amendments that are pre-printed in the Congressional Record.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. The rule provides that a motion to rise and report the bill to the House with such amendments as may have been adopted shall have precedence over a motion to amend, if offered by the Majority Leader or a designee after the reading of the final lines of the bill.

Finally, the rule provides for one motion to recommit, with or without instructions.

The Budget Act waivers contained in this rule are technical in nature and are necessitated by five provisions in the bill relating to entitlement programs. They are as follows:

Section 525 authorizes voluntary separation incentive payments for employees of the IRS, BATF, and Customs Service. Increases agency contributions to the Civil Service Retirement and Disability Fund for individuals receiving such payments.

Section 527 authorizes the Mint to establish a personnel demonstration project; includes language establishing a rate of pay for the Director of the U.S. Mint.

Section 629 makes permanent a technical change allowing law enforcement service performed between January 1, 1984 and December 31, 1986 to count toward retirement under the Federal Employees Retirement System (FERS).

Section 633 technical change allowing benefits for the child survivors of a retired Federal employee, whose benefits have been terminated as a result of marriage, to resume upon divorce.

Section 634 technical change allowing Federal employees subject to a reduction in force to use annual leave as credit for time in service for the purpose of meeting minimum age and service requirements for a retirement annuity.

PART 1

The amendment considered as adopted by the rule is as follows:

Page 105, strike line 1 and all that follows thereafter through page 107, line 25, and insert the following:

(c) EXPEDITED PROCEDURES IN THE SENATE FOR A RESOLUTION OF DISAPPROVAL.—A presidential certification pursuant to subsection (b) shall not take effect, if the Congress, within 30 calendar days after receiving such certification, enacts a joint resolution of disapproval, as described in paragraph (5) of this subsection.

(1) REFERENCE TO COMMITTEES.—All joint resolutions introduced in the Senate to disapprove the certification shall be referred to the Committee on Banking, Housing, and Urban Affairs.

(2) DISCHARGE OF COMMITTEES.—(A) If the committee of the Senate to which a joint resolution has been referred has not reported it at the end of 15 days after its introduction, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same matter.

(B) In the Senate a motion to discharge may be made only by an individual favoring the joint resolution, and is privileged; and debate thereon shall be limited to not more than 1 hour, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees.

(3) FLOOR CONSIDERATION.—(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged.

(B) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order.

(4) If prior to the passage by the Senate of a joint resolution, the Senate receives a joint resolution with respect to the same matter from the House of Representatives, then—

(A) the procedure in the Senate shall be the same as if no resolution had been received from the House; but

(B) the vote on final passage shall be on the resolution of the House.

(5) For purposes of this subsection, the term “joint resolution” means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: “That the Congress disapproves the action of the President under section 628(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, notice of which was

submitted to the Congress on _____.”, with the blank space being filled with the appropriate date.

PART 2

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LIGHTFOOT OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

On page 39, line 8 through line 10, strike the phrase “and of which \$1,268,000 shall be obligated for drug prevention public service announcements, and”

On page 39, line 18, insert after the colon: “*Provided further*, That \$2,500,000 of the funds available for the salaries and expenses of the Office of National Drug Control Policy may not be obligated until the Director reaches agreement with the House and Senate Committees on Appropriations on a final fiscal year 1997 organizational plan:”

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE METCALF OF WASHINGTON OR REPRESENTATIVE LUTHER OF MINNESOTA OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

Page 118, after line 16, insert the following new section:

SEC. 637. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GUTKNECHT OF MINNESOTA OR REPRESENTATIVE LUTHER OF MINNESOTA OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 118, after line 16, insert the following new section:

SEC. 637. (a) For purposes of this section, the term “political appointee” means any individual who—

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

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

(3) is employed in a position in the executive branch of the Government under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(b) The President, acting through the Office of Management and Budget and the Office of Personnel Management, shall take such actions as necessary (including reduction-in-force actions under procedures consistent with those established under section 3595 of title 5, United States Code) to ensure that the number of political appointees shall not, during any fiscal year beginning after September 30, 1997, exceed a total of 2,300 (determined on a full-time equivalent basis).