

Public Law 105-46
105th Congress

Joint Resolution

Making continuing appropriations for the fiscal year 1998, and for other purposes.

Sept. 30, 1997

[H.J. Res. 94]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1998, and for other purposes, namely:

SECTION 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1997 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 53 of the Arms Control and Disarmament Act;

(3) the Department of Defense Appropriations Act, 1998, notwithstanding section 504(a)(1) of the National Security Act of 1947;

(4) the District of Columbia Appropriations Act, 1998, the House and Senate reported versions of which shall be deemed to have passed the House and the Senate respectively as of October 1, 1997, for the purposes of this joint resolution, unless a reported version is passed as of October 1, 1997, in which case the passed version shall be used in place of the reported version for the purposes of this joint resolution;

(5) the Energy and Water Development Appropriations Act, 1998;

(6) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

(7) the Department of the Interior and Related Agencies Appropriations Act, 1998;

(8) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998;

(9) the Legislative Branch Appropriations Act, 1998;

(10) the Military Construction Appropriations Act, 1998;

(11) the Department of Transportation Appropriations Act, 1998;

(12) the Treasury, Postal Service, and General Government Appropriations Act, 1998; and

(13) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 1997, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further*, That whenever the amount of the budget request is less than the amount for current operations and the amount which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and Senate as of October 1, 1997, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in these appropriations Acts: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 1997, for a continuing project or activity which was conducted in fiscal year 1997 and for which there is fiscal year 1998 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1997, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1997, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1998 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997: *Provided*, That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and the Senate as of October 1, 1997, are both less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or

the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the House or as passed by the Senate under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1998 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of October 1, 1997, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997: *Provided*, That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in the appropriations Act as passed by the one House as of October 1, 1997, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the one House under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1998 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 1997, for a continuing project or activity which was conducted in fiscal year 1997 and for which there is fiscal year 1998 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1997 or prior years, for the increase in production rates above those sustained with fiscal year 1997 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1997: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

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

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1997.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1997 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

Termination
date.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until: (1) enactment into law of an appropriation for any project or activity provided for in this joint resolution; or (2) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity; or (3) October 23, 1997, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1998 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(3) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. 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. 112. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 1997 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 1998 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

15 USC 77f note.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available to the

Securities and Exchange Commission, under the heading Salaries and Expenses, shall include, in addition to direct appropriations, the amount it collects under the fee rate and offsetting collection authority contained in Public Law 104-208, which fee rate and offsetting collection authority shall remain in effect during the period of this joint resolution.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 365.

SEC. 115. Notwithstanding any other provision of this joint resolution, except section 106, the amounts made available for the following new programs authorized by the National Capital Revitalization and Self-Government Act of 1997, Public Law 105-33, shall be the higher of the amounts in the budget request or the House or Senate District of Columbia Appropriations Act, 1998, passed as of October 1, 1997, multiplied by the ratio of the number of days covered by this joint resolution to 365: Federal Contribution to the Operations of the Nation's Capital; Federal Payment to the District of Columbia Corrections Trustee Operations; Payment to the District of Columbia Corrections Trustee for Correctional Facilities, Construction and Repair, and Federal Payment to the District of Columbia Criminal Justice System: *Provided*, That the amounts made available for the last item shall be made available to the Joint Committee on Judicial Administration in the District of Columbia; the District of Columbia Truth in Sentencing Commission; the Pretrial Services, Defense Services, Parole, Adult Probation, and Offender Supervision Trustee; and the United States Parole Commission, as appropriate.

SEC. 116. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) shall remain in effect during the period of this Act, notwithstanding paragraphs (3) and (5) of said subsection.

8 USC 1351 note.

SEC. 117. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under 217 of the Immigration and Nationality Act (8 U.S.C. 1187) shall remain in effect during the period of this joint resolution, notwithstanding subsection (f) of said section.

SEC. 118. The National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended in section 1319 by striking "September 30, 1997" and inserting "October 23, 1997" and in section 1336 by striking "September 30, 1996" and inserting "October 23, 1997".

42 USC 4026,
4056.

SEC. 119. Notwithstanding section 204 of the Financial Responsibility and Management Assistance Act of 1995 related to the latest maturity date for the short-term Treasury advances, the District of Columbia government may delay repayment of the 1997 Treasury advances beyond October 1, 1997 until it receives the full year Federal contribution, as authorized by section 11601 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105-33. Any interest or

penalties that would generally apply to such late payments are hereby waived under this provision.

SEC. 120. In addition to the amounts made available for the Veterans Health Administration, Medical Care account pursuant to section 101 of this joint resolution, this account is also available for necessary administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.

SEC. 121. Notwithstanding section 235(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(3)), the authority of section 235(a)(1) and (2), of the same Act, shall remain in effect during the period of this joint resolution.

SEC. 122. Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "1997" and inserting "October 23, 1997".

8 USC 1182 note.

SEC. 123. Section 506(c) of Public Law 103-317 is amended by striking "September 30, 1997" and inserting "October 23, 1997".

Approved September 30, 1997.

LEGISLATIVE HISTORY—H.J. Res. 94:

CONGRESSIONAL RECORD, Vol. 143 (1997):

Sept. 29, considered and passed House.

Sept. 30, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Sept. 30, Presidential statement.