

105TH CONGRESS
1ST SESSION

H. J. RES. 94

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 1997

Mr. LIVINGSTON introduced the following joint resolution; which was referred to the Committee on Appropriations

JOINT RESOLUTION

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

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That the following sums are hereby appropriated, out of
4 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
8 the fiscal year 1998, and for other purposes, namely:

9 SEC. 101. (a) Such amounts as may be necessary
10 under the authority and conditions provided in the appli-

1 cable appropriations Act for the fiscal year 1997 for con-
2 tinuing projects or activities including the costs of direct
3 loans and loan guarantees (not otherwise specifically pro-
4 vided for in this joint resolution) which were conducted
5 in the fiscal year 1997 and for which appropriations,
6 funds, or other authority would be available in the follow-
7 ing appropriations Acts:

8 The Agriculture, Rural Development, Food and
9 Drug Administration, and Related Agencies Appro-
10 priations Act, 1998;

11 The Departments of Commerce, Justice, and
12 State, the Judiciary, and Related Agencies Appro-
13 priations Act, 1998, notwithstanding section 15 of
14 the State Department Basic Authorities Act of
15 1956, section 701 of the United States Information
16 and Educational Exchange Act of 1948, section 313
17 of the Foreign Relations Authorization Act, Fiscal
18 Years 1994 and 1995 (Public Law 103–236), and
19 section 53 of the Arms Control and Disarmament
20 Act;

21 The Department of Defense Appropriations
22 Act, 1998, notwithstanding section 504(a)(1) of the
23 National Security Act of 1947;

24 The District of Columbia Appropriations Act,
25 1998, the House and Senate reported versions of

1 which shall be deemed to have passed the House and
2 the Senate respectively as of October 1, 1997, for
3 the purposes of this joint resolution, unless a re-
4 ported version is passed as of October 1, 1997, in
5 which case the passed version shall be used in place
6 of the reported version for the purposes of this joint
7 resolution;

8 The Energy and Water Development Appro-
9 priations Act, 1998;

10 The Foreign Operations, Export Financing, and
11 Related Programs Appropriations Act, 1998, not-
12 withstanding section 10 of Public Law 91-672 and
13 section 15(a) of the State Department Basic Au-
14 thorities Act of 1956;

15 The Department of the Interior and Related
16 Agencies Appropriations Act, 1998;

17 The Departments of Labor, Health and Human
18 Services, and Education, and Related Agencies Ap-
19 propriations Act, 1998;

20 The Legislative Branch Appropriations Act,
21 1998;

22 The Military Construction Appropriations Act,
23 1998;

24 The Department of Transportation Appropria-
25 tions Act, 1998;

1 The Treasury, Postal Service, and General Gov-
2 ernment Appropriations Act, 1998; and

3 The Departments of Veterans Affairs and
4 Housing and Urban Development, and Independent
5 Agencies Appropriations Act, 1998:

6 *Provided*, That, whenever the amount which would be
7 made available for the authority which would be granted
8 in these Acts as passed by the House and Senate as of
9 October 1, 1997, is different than that which would be
10 available or granted under current operations, the perti-
11 nent project or activity shall be continued at a rate for
12 operations not exceeding the current rate: *Provided fur-*
13 *ther*, That whenever the amount of the budget request is
14 less than the amount for current operations and the
15 amount which would be made available or the authority
16 which would be granted in these appropriations Acts as
17 passed by the House and Senate as of October 1, 1997,
18 is less than the amount for current operations, then the
19 pertinent project or activity shall be continued at a rate
20 for operations not exceeding the greater of the rates that
21 would be provided by the amount of the budget request
22 or the amount which would be made available or the au-
23 thority which would be granted in these appropriations
24 Acts: *Provided further*, That whenever there is no amount
25 made available under any of these appropriations Acts as

1 passed by the House and Senate as of October 1, 1997,
2 for a continuing project or activity which was conducted
3 in fiscal year 1997 and for which there is fiscal year 1998
4 funding included in the budget request, the pertinent
5 project or activity shall be continued at a rate for oper-
6 ations not exceeding the lesser of the rates that would be
7 provided by the amount of the budget request or the rate
8 for current operations under the authority and conditions
9 provided in the applicable appropriations Act for the fiscal
10 year 1997.

11 (b) Whenever the amount which would be made avail-
12 able or the authority which would be granted under an
13 Act listed in this section as passed by the House as of
14 October 1, 1997, is different from that which would be
15 available or granted under such Act as passed by the Sen-
16 ate as of October 1, 1997, the pertinent project or activity
17 shall be continued at a rate for operations not exceeding
18 the current rate under the appropriation, fund, or author-
19 ity granted by the applicable appropriations Act for the
20 fiscal year 1998 and under the authority and conditions
21 provided in the applicable appropriations Act for the fiscal
22 year 1997: *Provided*, That whenever the amount of the
23 budget request is less than the amount for current oper-
24 ations and the amounts which would be made available
25 or the authority which would be granted in these appro-

1 priations Acts as passed by the House and the Senate as
2 of October 1, 1997, are both less than the amount for
3 current operations, then the pertinent project or activity
4 shall be continued at a rate for operations not exceeding
5 the greater of the rates that would be provided by the
6 amount of the budget request or the amount which would
7 be made available or the authority which would be granted
8 in the applicable appropriations Act as passed by the
9 House or as passed by the Senate under the appropriation,
10 fund, or authority provided in the applicable appropria-
11 tions Act for the fiscal year 1998 and under the authority
12 and conditions provided in the applicable appropriations
13 Act for the fiscal year 1997.

14 (c) Whenever an Act listed in this section has been
15 passed by only the House or only the Senate as of October
16 1, 1997, the pertinent project or activity shall be contin-
17 ued under the appropriation, fund, or authority granted
18 by the one House at a rate for operations not exceeding
19 the current rate under the authority and conditions pro-
20 vided in the applicable appropriations Act for the fiscal
21 year 1997: *Provided*, That whenever the amount of the
22 budget request is less than the amount for current oper-
23 ations and the amounts which would be made available
24 or the authority which would be granted in the appropria-
25 tions Act as passed by the one House as of October 1,

1 1997, is less than the amount for current operations, then
2 the pertinent project or activity shall be continued at a
3 rate for operations not exceeding the greater of the rates
4 that would be provided by the amount of the budget re-
5 quest or the amount which would be made available or
6 the authority which would be granted in the applicable ap-
7 propriations Act as passed by the one House under the
8 appropriation, fund, or authority provided in the applica-
9 ble appropriations Act for the fiscal year 1998 and under
10 the authority and conditions provided in the applicable ap-
11 propriations Act for the fiscal year 1997: *Provided further,*
12 That whenever there is no amount made available under
13 any of these appropriations Acts as passed by the House
14 or the Senate as of October 1, 1997, for a continuing
15 project or activity which was conducted in fiscal year 1997
16 and for which there is fiscal year 1998 funding included
17 in the budget request, the pertinent project or activity
18 shall be continued at a rate for operations not exceeding
19 the lesser of the rates that would be provided by the
20 amount of the budget request or the rate for current oper-
21 ations under the authority and conditions provided in the
22 applicable appropriations Act for the fiscal year 1997.

23 SEC. 102. No appropriation or funds made available
24 or authority granted pursuant to section 101 for the De-
25 partment of Defense shall be used for new production of

1 items not funded for production in fiscal year 1997 or
2 prior years, for the increase in production rates above
3 those sustained with fiscal year 1997 funds, or to initiate,
4 resume, or continue any project, activity, operation, or or-
5 ganization which are defined as any project, subproject,
6 activity, budget activity, program element, and subpro-
7 gram within a program element and for investment items
8 are further defined as a P-1 line item in a budget activity
9 within an appropriation account and an R-1 line item
10 which includes a program element and subprogram ele-
11 ment within an appropriation account, for which appro-
12 priations, funds, or other authority were not available dur-
13 ing the fiscal year 1997: *Provided*, That no appropriation
14 or funds made available or authority granted pursuant to
15 section 101 for the Department of Defense shall be used
16 to initiate multi-year procurements utilizing advance pro-
17 curement funding for economic order quantity procure-
18 ment unless specifically appropriated later.

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

22 SEC. 104. No appropriation or funds made available
23 or authority granted pursuant to section 101 shall be used
24 to initiate or resume any project or activity for which ap-

1 appropriations, funds, or other authority were not available
2 during the fiscal year 1997.

3 SEC. 105. No provision which is included in an appro-
4 priations Act enumerated in section 101 but which was
5 not included in the applicable appropriations Act for fiscal
6 year 1997 and which by its terms is applicable to more
7 than one appropriation, fund, or authority shall be appli-
8 cable to any appropriation, fund, or authority provided in
9 this joint resolution.

10 SEC. 106. Unless otherwise provided for in this joint
11 resolution or in the applicable appropriations Act, appro-
12 priations and funds made available and authority granted
13 pursuant to this joint resolution shall be available until
14 (a) enactment into law of an appropriation for any project
15 or activity provided for in this joint resolution, or (b) the
16 enactment into law of the applicable appropriations Act
17 by both Houses without any provision for such project or
18 activity, or (c) October 23, 1997, whichever first occurs.

19 SEC. 107. Appropriations made and authority grant-
20 ed pursuant to this joint resolution shall cover all obliga-
21 tions or expenditures incurred for any program, project,
22 or activity during the period for which funds or authority
23 for such project or activity are available under this joint
24 resolution.

1 SEC. 108. Expenditures made pursuant to this joint
2 resolution shall be charged to the applicable appropriation,
3 fund, or authorization whenever a bill in which such appli-
4 cable appropriation, fund, or authorization is contained is
5 enacted into law.

6 SEC. 109. No provision in the appropriations Act for
7 the fiscal year 1998 referred to in section 101 of this Act
8 that makes the availability of any appropriation provided
9 therein dependent upon the enactment of additional au-
10 thorizing or other legislation shall be effective before the
11 date set forth in section 106(c) of this joint resolution.

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

19 SEC. 111. This joint resolution shall be implemented
20 so that only the most limited funding action of that per-
21 mitted in the joint resolution shall be taken in order to
22 provide for continuation of projects and activities.

23 SEC. 112. Notwithstanding any other provision of
24 this joint resolution, except section 106, for those pro-
25 grams that had high initial rates of operation or complete

1 distribution of fiscal year 1997 appropriations at the be-
2 ginning of that fiscal year because of distributions of fund-
3 ing to States, foreign countries, grantees or others, similar
4 distributions of funds for fiscal year 1998 shall not be
5 made and no grants shall be awarded for such programs
6 funded by this resolution that would impinge on final
7 funding prerogatives.

8 SEC. 113. Notwithstanding any other provision of
9 this joint resolution, except section 106, the amount made
10 available to the Securities and Exchange Commission,
11 under the heading Salaries and Expenses, shall include,
12 in addition to direct appropriations, the amount it collects
13 under the fee rate and offsetting collection authority con-
14 tained in Public Law 104–208, which fee rate and offset-
15 ting collection authority shall remain in effect during the
16 period of this joint resolution.

17 SEC. 114. Notwithstanding any other provision of
18 this joint resolution, except section 106, the rate for oper-
19 ations for projects and activities that would be funded
20 under the heading “International Organizations and Con-
21 ferences, Contributions to International Organizations” in
22 the Departments of Commerce, Justice, and State, the Ju-
23 diciary, and Related Agencies Appropriations Act, 1998,
24 shall be the amount provided by the provisions of section

1 101 multiplied by the ratio of the number of days covered
2 by this resolution to 365.

3 SEC. 115. Notwithstanding any other provision of
4 this joint resolution, except section 106, the amounts
5 made available for the following new programs authorized
6 by the National Capital Revitalization and Self-Govern-
7 ment Act of 1997, Public Law 105–33, shall be the higher
8 of the amounts in the budget request or the House or Sen-
9 ate District of Columbia Appropriations Act, 1998, passed
10 as of October 1, 1997, multiplied by the ratio of the num-
11 ber of days covered by this joint resolution to 365: Federal
12 Contribution to the Operations of the Nation’s Capital;
13 Federal Payment to the District of Columbia Corrections
14 Trustee Operations; Payment to the District of Columbia
15 Corrections Trustee for Correctional Facilities, Construc-
16 tion and Repair, and Federal Payment to the District of
17 Columbia Criminal Justice System: *Provided*, That the
18 amounts made available for the last item shall be made
19 available to the Joint Committee on Judicial Administra-
20 tion in the District of Columbia; the District of Columbia
21 Truth in Sentencing Commission; the Pretrial Services,
22 Defense Services, Parole, Adult Probation, and Offender
23 Supervision Trustee; and the United States Parole Com-
24 mission as appropriate.

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

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

14 SEC. 118. The National Flood Insurance Act of 1968
15 (42 U.S.C. 4026) is amended in section 1319 by striking
16 “September 30, 1997” and inserting “October 23, 1997”
17 and in section 1336 by striking “September 30, 1996”
18 and inserting “October 23, 1997”.

19 SEC. 119. Notwithstanding section 204 of the Finan-
20 cial Responsibility and Management Assistance Act of
21 1995 related to the latest maturity date for the short-term
22 Treasury advances, the District of Columbia government
23 may delay repayment of the 1997 Treasury advances be-
24 yond October 1, 1997 until it receives the full year Federal
25 contribution, as authorized by section 11601 of the Na-

1 tional Capital Revitalization and Self-Government Im-
2 provement Act of 1997, Public Law 105–33. Any interest
3 or penalties that would generally apply to such late pay-
4 ments are hereby waived under this provision

5 SEC. 120. In addition to the amounts made available
6 for the Veterans Health Administration, Medical Care ac-
7 count pursuant to section 101 of this joint resolution, this
8 account is also available for necessary administrative and
9 legal expenses of the Department for collecting and remov-
10 ing amounts owed the Department as authorized under
11 38 U.S.C. chapter 17, and the Federal Medical Care Re-
12 covery Act, 42 U.S.C. 2651 et seq.

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

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

21 SEC. 123. Section 506(c) of Public Law 103–317 is
22 amended by striking “September 30, 1997” and inserting
23 “October 23, 1997”.

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