

105TH CONGRESS
1ST SESSION

H. J. RES. 94

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 1997

Received

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,

1 and out of applicable corporate or other revenues, receipts,
2 and funds, for the several departments, agencies, corpora-
3 tions, and other organizational units of Government for
4 the fiscal year 1998, and for other purposes, namely:

5 SECTION 101. (a) Such amounts as may be necessary
6 under the authority and conditions provided in the appli-
7 cable appropriations Act for the fiscal year 1997 for con-
8 tinuing projects or activities including the costs of direct
9 loans and loan guarantees (not otherwise specifically pro-
10 vided for in this joint resolution) which were conducted
11 in the fiscal year 1997 and for which appropriations,
12 funds, or other authority would be available in the follow-
13 ing appropriations Acts:

14 (1) the Agriculture, Rural Development, Food
15 and Drug Administration, and Related Agencies Ap-
16 propriations Act, 1998;

17 (2) the Departments of Commerce, Justice, and
18 State, the Judiciary, and Related Agencies Appro-
19 priations Act, 1998, notwithstanding section 15 of
20 the State Department Basic Authorities Act of
21 1956, section 701 of the United States Information
22 and Educational Exchange Act of 1948, section 313
23 of the Foreign Relations Authorization Act, Fiscal
24 Years 1994 and 1995 (Public Law 103–236), and

1 section 53 of the Arms Control and Disarmament
2 Act;

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

6 (4) the District of Columbia Appropriations
7 Act, 1998, the House and Senate reported versions
8 of which shall be deemed to have passed the House
9 and the Senate respectively as of October 1, 1997,
10 for the purposes of this joint resolution, unless a re-
11 ported version is passed as of October 1, 1997, in
12 which case the passed version shall be used in place
13 of the reported version for the purposes of this joint
14 resolution;

15 (5) the Energy and Water Development Approp-
16 riations Act, 1998;

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

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

1 (8) the Departments of Labor, Health and
2 Human Services, and Education, and Related Agen-
3 cies Appropriations Act, 1998;

4 (9) the Legislative Branch Appropriations Act,
5 1998;

6 (10) the Military Construction Appropriations
7 Act, 1998;

8 (11) the Department of Transportation Appro-
9 priations Act, 1998;

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

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

15 *Provided*, That whenever the amount which would be made
16 available or the authority which would be granted in these
17 Acts as passed by the House and Senate as of October
18 1, 1997, is different than that which would be available
19 or granted under current operations, the pertinent project
20 or activity shall be continued at a rate for operations not
21 exceeding the current rate: *Provided further*, That when-
22 ever the amount of the budget request is less than the
23 amount for current operations and the amount which
24 would be made available or the authority which would be
25 granted in these appropriations Acts as passed by the

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

19 (b) Whenever the amount which would be made avail-
20 able or the authority which would be granted under an
21 Act listed in this section as passed by the House as of
22 October 1, 1997, is different from that which would be
23 available or granted under such Act as passed by the Sen-
24 ate as of October 1, 1997, the pertinent project or activity
25 shall be continued at a rate for operations not exceeding

1 the current rate under the appropriation, fund, or author-
2 ity granted by the applicable appropriations Act for the
3 fiscal year 1998 and under the authority and conditions
4 provided in the applicable appropriations Act for the fiscal
5 year 1997: *Provided*, That whenever the amount of the
6 budget request is less than the amount for current oper-
7 ations and the amounts which would be made available
8 or the authority which would be granted in these appro-
9 priations Acts as passed by the House and the Senate as
10 of October 1, 1997, are both less than the amount for
11 current operations, then the pertinent project or activity
12 shall be continued at a rate for operations not exceeding
13 the greater of the rates that would be provided by the
14 amount of the budget request or the amount which would
15 be made available or the authority which would be granted
16 in the applicable appropriations Act as passed by the
17 House or as passed by the Senate under the appropriation,
18 fund, or authority provided in the applicable appropria-
19 tions Act for the fiscal year 1998 and under the authority
20 and conditions provided in the applicable appropriations
21 Act for the fiscal year 1997.

22 (c) Whenever an Act listed in this section has been
23 passed by only the House or only the Senate as of October
24 1, 1997, the pertinent project or activity shall be contin-
25 ued under the appropriation, fund, or authority granted

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

1 shall be continued at a rate for operations not exceeding
2 the lesser of the rates that would be provided by the
3 amount of the budget request or the rate for current oper-
4 ations under the authority and conditions provided in the
5 applicable appropriations Act for the fiscal year 1997.

6 SEC. 102. No appropriation or funds made available
7 or authority granted pursuant to section 101 for the De-
8 partment of Defense shall be used for new production of
9 items not funded for production in fiscal year 1997 or
10 prior years, for the increase in production rates above
11 those sustained with fiscal year 1997 funds, or to initiate,
12 resume, or continue any project, activity, operation, or or-
13 ganization which are defined as any project, subproject,
14 activity, budget activity, program element, and subpro-
15 gram within a program element and for investment items
16 are further defined as a P-1 line item in a budget activity
17 within an appropriation account and an R-1 line item
18 which includes a program element and subprogram ele-
19 ment within an appropriation account, for which appro-
20 priations, funds, or other authority were not available dur-
21 ing the fiscal year 1997: *Provided*, That no appropriation
22 or funds made available or authority granted pursuant to
23 section 101 for the Department of Defense shall be used
24 to initiate multi-year procurements utilizing advance pro-

1 curement funding for economic order quantity procure-
2 ment unless specifically appropriated later.

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

6 SEC. 104. No appropriation or funds made available
7 or authority granted pursuant to section 101 shall be used
8 to initiate or resume any project or activity for which ap-
9 propriations, funds, or other authority were not available
10 during the fiscal year 1997.

11 SEC. 105. No provision which is included in an appro-
12 priations Act enumerated in section 101 but which was
13 not included in the applicable appropriations Act for fiscal
14 year 1997 and which by its terms is applicable to more
15 than one appropriation, fund, or authority shall be appli-
16 cable to any appropriation, fund, or authority provided in
17 this joint resolution.

18 SEC. 106. Unless otherwise provided for in this joint
19 resolution or in the applicable appropriations Act, appro-
20 priations and funds made available and authority granted
21 pursuant to this joint resolution shall be available until:
22 (1) enactment into law of an appropriation for any project
23 or activity provided for in this joint resolution; or (2) the
24 enactment into law of the applicable appropriations Act

1 by both Houses without any provision for such project or
2 activity; or (3) October 23, 1997, whichever first occurs.

3 SEC. 107. Appropriations made and authority grant-
4 ed pursuant to this joint resolution shall cover all obliga-
5 tions or expenditures incurred for any program, project,
6 or activity during the period for which funds or authority
7 for such project or activity are available under this joint
8 resolution.

9 SEC. 108. Expenditures made pursuant to this joint
10 resolution shall be charged to the applicable appropriation,
11 fund, or authorization whenever a bill in which such appli-
12 cable appropriation, fund, or authorization is contained is
13 enacted into law.

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

20 SEC. 110. Appropriations and funds made available
21 by or authority granted pursuant to this joint resolution
22 may be used without regard to the time limitations for
23 submission and approval of apportionments set forth in
24 section 1513 of title 31, United States Code, but nothing

1 herein shall be construed to waive any other provision of
2 law governing the apportionment of funds.

3 SEC. 111. This joint resolution shall be implemented
4 so that only the most limited funding action of that per-
5 mitted in the joint resolution shall be taken in order to
6 provide for continuation of projects and activities.

7 SEC. 112. Notwithstanding any other provision of
8 this joint resolution, except section 106, for those pro-
9 grams that had high initial rates of operation or complete
10 distribution of fiscal year 1997 appropriations at the be-
11 ginning of that fiscal year because of distributions of fund-
12 ing to States, foreign countries, grantees or others, similar
13 distributions of funds for fiscal year 1998 shall not be
14 made and no grants shall be awarded for such programs
15 funded by this resolution that would impinge on final
16 funding prerogatives.

17 SEC. 113. Notwithstanding any other provision of
18 this joint resolution, except section 106, the amount made
19 available to the Securities and Exchange Commission,
20 under the heading Salaries and Expenses, shall include,
21 in addition to direct appropriations, the amount it collects
22 under the fee rate and offsetting collection authority con-
23 tained in Public Law 104–208, which fee rate and offset-
24 ting collection authority shall remain in effect during the
25 period of this joint resolution.

1 SEC. 114. Notwithstanding any other provision of
2 this joint resolution, except section 106, the rate for oper-
3 ations for projects and activities that would be funded
4 under the heading “International Organizations and Con-
5 ferences, Contributions to International Organizations” in
6 the Departments of Commerce, Justice, and State, the Ju-
7 diciary, and Related Agencies Appropriations Act, 1998,
8 shall be the amount provided by the provisions of section
9 101 multiplied by the ratio of the number of days covered
10 by this resolution to 365.

11 SEC. 115. Notwithstanding any other provision of
12 this joint resolution, except section 106, the amounts
13 made available for the following new programs authorized
14 by the National Capital Revitalization and Self-Govern-
15 ment Act of 1997, Public Law 105–33, shall be the higher
16 of the amounts in the budget request or the House or Sen-
17 ate District of Columbia Appropriations Act, 1998, passed
18 as of October 1, 1997, multiplied by the ratio of the num-
19 ber of days covered by this joint resolution to 365: Federal
20 Contribution to the Operations of the Nation’s Capital;
21 Federal Payment to the District of Columbia Corrections
22 Trustee Operations; Payment to the District of Columbia
23 Corrections Trustee for Correctional Facilities, Construc-
24 tion and Repair, and Federal Payment to the District of
25 Columbia Criminal Justice System: *Provided*, That the

1 amounts made available for the last item shall be made
2 available to the Joint Committee on Judicial Administra-
3 tion in the District of Columbia; the District of Columbia
4 Truth in Sentencing Commission; the Pretrial Services,
5 Defense Services, Parole, Adult Probation, and Offender
6 Supervision Trustee; and the United States Parole Com-
7 mission, as appropriate.

8 SEC. 116. Notwithstanding any other provision of
9 this joint resolution, except section 106, the authorities
10 provided under subsection (a) of section 140 of the For-
11 eign Relations Authorization Act, Fiscal Years 1994 and
12 1995 (Public Law 103–236) shall remain in effect during
13 the period of this Act, notwithstanding paragraphs (3) and
14 (5) of said subsection.

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

21 SEC. 118. The National Flood Insurance Act of 1968
22 (42 U.S.C. 4026) is amended in section 1319 by striking
23 “September 30, 1997” and inserting “October 23, 1997”
24 and in section 1336 by striking “September 30, 1996”
25 and inserting “October 23, 1997”.

1 SEC. 119. Notwithstanding section 204 of the Finan-
2 cial Responsibility and Management Assistance Act of
3 1995 related to the latest maturity date for the short-term
4 Treasury advances, the District of Columbia government
5 may delay repayment of the 1997 Treasury advances be-
6 yond October 1, 1997 until it receives the full year Federal
7 contribution, as authorized by section 11601 of the Na-
8 tional Capital Revitalization and Self-Government Im-
9 provement Act of 1997, Public Law 105–33. Any interest
10 or penalties that would generally apply to such late pay-
11 ments are hereby waived under this provision.

12 SEC. 120. In addition to the amounts made available
13 for the Veterans Health Administration, Medical Care ac-
14 count pursuant to section 101 of this joint resolution, this
15 account is also available for necessary administrative and
16 legal expenses of the Department for collecting and recov-
17 ering amounts owed the Department as authorized under
18 38 U.S.C. chapter 17, and the Federal Medical Care Re-
19 covery Act, 42 U.S.C. 2651 et seq.

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

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

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

Passed the House of Representatives September 29,
1997.

Attest:

ROBIN H. CARLE,
Clerk.