Public Law 101-403
101st Congress

Joint Resolution

Making continuing appropriations for the fiscal year 1991, supplemental appropriations for "Operation Desert Shield" for the fiscal year 1990, and for other purposes.

Oct. 1, 1990
[H.J. Res. 655]

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 1991, and for other purposes, namely:

TITLE I—CONTINUING APPROPRIATIONS

SEC. 101. (a) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1990 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991;

The District of Columbia Appropriations Act, 1991;

The Energy and Water Development Appropriations Act, 1991;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1991;

The Military Construction Appropriations Act, 1991;

The Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991;

The Department of Transportation and Related Agencies Appropriations Act, 1991;

The Treasury, Postal Service, and General Government Appropriations Act, 1991; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991.

(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, 1990, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1990, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1990, the pertinent project or activity shall be continued under the appropria-

49-139 O - 90 (403)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

tion, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1990.

(c) Whenever an Act listed in this section has been passed by only the House as of October 1, 1990, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1990: *Provided*, That where an item is funded in applicable appropriations Acts for the fiscal year 1990 and not included in the version passed by the House as of October 1, 1990, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1990, at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1990.

SEC. 102. Such amounts as may be necessary to continue existing programs and activities (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 1990, under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1990, at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1990, for which provision was made in the following Acts: The Department of the Interior and Related Agencies Appropriations Act, 1990, and the Legislative Branch Appropriations Act, 1990.

SEC. 103. Such amounts as may be necessary to continue existing programs and activities, which were conducted in fiscal year 1990, for which provision was made in the Department of Defense Appropriations Act, 1990, but such activities shall be funded at not to exceed an annual rate for new obligational authority of $262,969,000,000, and this level shall be distributed on a pro rata basis to each appropriation account utilizing the fiscal year 1991 amended budget request as the base for such distribution and shall be available under the terms and conditions provided for in the applicable appropriations Acts for fiscal year 1990, notwithstanding section 502(a)(1) of the National Security Act of 1947: *Provided*, That no appropriation or funds made available or authority granted pursuant to this section shall be used for new production of items not funded for production in fiscal year 1990 or prior years, for the increase in production rates above those sustained with fiscal year 1990 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 1990, except projects, activities, operations, or organizations relating to "Operation Desert Shield": *Provided further*, That no appropriation or funds made available or authority granted pursuant to this section shall be used to initiate

multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later: *Provided further*, That no appropriation or funds made available or authority granted pursuant to this section for procurement and research, development, test, and evaluation, shall be used to fund any program, project, activity, operation, or organization at a rate for operations in excess of the current rate or the rate provided for in the budget estimates for fiscal year 1991, whichever is lower, during fiscal year 1991, except programs, projects, activities, operations, or organizations relating to "Operation Desert Shield".

SEC. 104. Notwithstanding any other provision of this joint resolution, such amounts as may be necessary to continue the Aerostat Program of the United States Customs Service which was conducted in fiscal year 1990 at a rate of operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1990.

SEC. 105. Appropriations made by sections 101, 102, 103, and 104 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 106. No appropriation or funds made available or authority granted pursuant to sections 101, 102, 103, and 104 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 1990.

SEC. 107. 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 1990, 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.

SEC. 108. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to title I of this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 5, 1990, whichever first occurs.

SEC. 109. Appropriations made and authority granted pursuant to title I of 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. 110. Expenditures made pursuant to title I of 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. 111. No provision in any appropriations Act for the fiscal year 1991 referred to in section 101 of this joint resolution 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 108(c) of this joint resolution.

SEC. 112. Appropriations and funds made available by or authority granted pursuant to title I of 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.

2 USC 902 note.

SEC. 113. (a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended and no action shall be taken to implement any such order.

Termination date.

(b) Subsection (a) shall cease to be effective on the date set forth in section 108(c).

Egypt.

SEC. 114. The provisions of section 518 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, and any comparable provision contained in or incorporated by reference by a joint resolution making continuing appropriations for foreign operations, export financing, and related programs for fiscal year 1991, shall not operate to prohibit the furnishing of assistance for Egypt pursuant to any program for which funds are appropriated under such Acts: *Provided,* That the authority contained in this section to furnish assistance notwithstanding section 518 of such Act, and comparable provisions contained in a subsequent Act for fiscal year 1991, shall expire on December 31, 1990.

Termination date.

EXTENSION OF CERTAIN MEDICARE HOSPITAL PAYMENT PROVISIONS

42 USC 1395 ww note.

SEC. 115. (a) EXTENSION OF AREA WAGE INDEX.—For purposes of determining the amount of payment made to a hospital under part A of title XVIII of the Social Security Act for the operating costs of inpatient hospital services for discharges occurring on or after October 1, 1990, and on or before October 20, 1990, the Secretary of Health and Human Services, in adjusting such amount under section 1886(d)(3)(E) of such Act to reflect the relative hospital wage level in the geographic area of the hospital compared to the national average hospital wage index, shall apply the area wage index applicable to such hospital as of September 30, 1990.

(b) EXTENSION OF REGIONAL FLOOR ON STANDARDIZED AMOUNTS.—(1) Section 1886(d)(1)(A)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(A)(iii)) is amended by striking "September 30, 1990," and inserting "October 20, 1990,".

42 USC 1395 ww note.

(2) The Secretary of Health and Human Services shall make any adjustments resulting from the amendment made by paragraph (1) in the amount of the payments made to hospitals under section 1886(d) of the Social Security Act in a fiscal year for the operating costs of inpatient hospital services in a manner that ensures that the aggregate payments under such section are not greater or less than those that would have been made in the year without such adjustments.

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR OPERATION DESERT SHIELD

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for fiscal year 1990 for "Military personnel, Army", $123,100,000.

MILITARY PERSONNEL, NAVY

For an additional amount for fiscal year 1990 for "Military personnel, Navy", $44,500,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for fiscal year 1990 for "Military personnel, Marine Corps", $33,700,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for fiscal year 1990 for "Military personnel, Air Force", $77,000,000.

RESERVE PERSONNEL, ARMY

For an additional amount for fiscal year 1990 for "Reserve personnel, Army", $2,700,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 1990 for "Operation and maintenance, Army", $643,963,000, and in addition, $75,037,000 which shall be derived by transfer from "Procurement of Ammunition, Army, 1988/1990".

OPERATION AND MAINTENANCE, NAVY

For an additional amount for fiscal year 1990 for "Operation and maintenance, Navy", $279,400,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for fiscal year 1990 for "Operation and maintenance, Marine Corps", $47,300,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for fiscal year 1990 for "Operation and maintenance, Air Force", $320,300,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for fiscal year 1990 for "Operation and maintenance, Defense Agencies", $18,200,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for fiscal year 1990 for "Operation and maintenance, Air Force Reserve", $12,300,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for fiscal year 1990 for "Operation and maintenance, Air National Guard", $6,200,000.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other procurement, Army", $10,000,000, to remain available for obligation until September 30, 1992.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For an additional amount for "Research, development, test, and evaluation, Navy" in support of the unrelated marrow donor program, $9,000,000, to remain available for obligation until September 30, 1991: *Provided,* That not less than $6,500,000 shall be provided as a grant to the National Marrow Donor Program Foundation.

Grant programs—health.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE STOCK FUND

For an additional amount for fiscal year 1990 for "Defense stock fund", $400,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated or otherwise made available by this title are available only for obligation and expenditure to liquidate obligations undertaken pursuant to section 3732 of the Revised Statutes (41 U.S.C. 11), however, funds appropriated or otherwise made available by this title for "Other Procurement, Army" and "Research, Development, Test, and Evaluation, Navy" shall be exempt from the provisions of this section.

SEC. 202. AUTHORITY TO ACCEPT CONTRIBUTIONS.—(a)(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2608. Acceptance of contributions for defense programs, projects, and activities

"(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from any person, foreign government, or international organization any contribution of money or real or personal property made by such person, foreign government, or international organization for use by the Department of Defense.

"(b) ESTABLISHMENT OF DEFENSE COOPERATION ACCOUNT.—(1) There is established in the Treasury of the United States a special account to be known as the 'Defense Cooperation Account'.

"(2) Contributions of money and proceeds from the sale of any property accepted by the Secretary of Defense under subsection (a) shall be credited to the Defense Cooperation Account.

"(c) USE OF THE DEFENSE COOPERATION ACCOUNT.—(1) Funds in the Defense Cooperation Account may be appropriated for a function described in section 114 of this title only to the extent that the appropriation of such funds for such purpose is authorized in accordance with that section.

"(2) Funds in the Defense Cooperation Account shall not be made available for obligation or expenditure except to the extent and in the manner provided in subsequent appropriations Acts.

"(d) USE OF PROPERTY.—Any contribution of property received under this section may be—

"(1) retained and used by the Department of Defense in the form in which it was donated;

"(2) sold or otherwise disposed of upon such terms and conditions and in accordance with such procedures as the Secretary determines appropriate; or

"(3) converted into a form usable by the Department of Defense.

"(e) REPORTING REQUIREMENT.—(1) Not later than 30 days after the end of each quarter of each fiscal year, the Secretary of Defense shall submit to Congress a report on contributions of property accepted by the Secretary under this section during the preceding quarter. The Secretary shall include in each such report a description of all property having a value of more than $1,000,000.

"(2) In computing the value of any property referred to in paragraph (1), the Secretary shall aggregate the value of—

"(A) similar items of property accepted by the Secretary during the quarter concerned; and

"(B) components which, if assembled, would comprise all or a substantial part of an item of equipment or a facility.

"(f) AUTHORITY TO USE PROPERTY.—Property accepted under subsection (a) may be used by the Secretary of Defense without specific authorization, except that such property may not be used in connection with any program, project, or activity if the use of such property would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity.

"(g) INVESTMENT OF MONEY.—Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Defense Cooperation Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

"(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Defense Cooperation Account.

"(h) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.

"(i) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money and property accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.

"(j) ITEMS INCLUDED AS CONTRIBUTIONS.—In this section, the term 'contribution' includes a devise of real property or a bequest of personal property.

"(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting at the end the following new item:

"2608. Acceptance of contributions and services for defense programs, projects, and activities.".

(b) CONFORMING REPEAL.—The Act entitled "An Act to authorize the acceptance of conditional gifts to further the defense effort" approved July 27, 1954 (68 Stat. 566; 50 U.S.C. 1151 et seq.), is repealed.

50 USC 1151 note.

(c) TRANSFER OF FUNDS.—Any money in the special account provided for in section 3 of the Act referred to in subsection (b) on the date of the enactment of this Act shall be credited to the Defense Cooperation Account provided for in section 2608(b) of title 10, United States Code, as added by subsection (a).

TITLE III—SUPPLEMENTAL APPROPRIATIONS FOR EMERGENCY REFUGEE ASSISTANCE

DEPARTMENT OF STATE

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund", $10,000,000 to remain available until expended.

Approved October 1, 1990.

LEGISLATIVE HISTORY—H.J. Res. 655:

HOUSE REPORTS: No. 101-754 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Sept. 30, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):
Oct. 1, Presidential remarks.