

108TH CONGRESS
2^D SESSION

H. J. RES. 107

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2004

Received

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 2005,
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 fiscal year 2005, and for other purposes, namely:

5 SEC. 101. Such amounts as may be necessary under
6 the authority and conditions provided in the applicable ap-
7 propriations Act for fiscal year 2004 for continuing
8 projects or activities including the costs of direct loans and
9 loan guarantees (not otherwise specifically provided for in
10 this joint resolution) which were conducted in fiscal year
11 2004, at a rate for operations not exceeding the current
12 rate, and for which appropriations, funds, or other author-
13 ity was made available in the following appropriations
14 Acts:

15 (1) The Agriculture, Rural Development, Food
16 and Drug Administration, and Related Agencies Ap-
17 propriations Act, 2004.

18 (2) The Departments of Commerce, Justice,
19 and State, the Judiciary, and Related Agencies Ap-
20 propriations Act, 2004, notwithstanding section 15
21 of the State Department Basic Authorities Act of
22 1956, section 313 of the Foreign Relations Author-
23 ization Act, Fiscal Years 1994 and 1995 (Public
24 Law 103–236), and section 504(a)(1) of the Na-
25 tional Security Act of 1947 (50 U.S.C. 414(a)(1)).

1 (3) The District of Columbia Appropriations
2 Act, 2004.

3 (4) The Energy and Water Development Approp-
4 riations Act, 2004, notwithstanding section
5 504(a)(1) of the National Security Act of 1947 (50
6 U.S.C. 414(a)(1)).

7 (5) The Foreign Operations, Export Financing,
8 and Related Programs Appropriations Act, 2004,
9 notwithstanding section 10 of Public Law 91–672
10 and section 15 of the State Department Basic Au-
11 thorities Act of 1956.

12 (6) The Department of Homeland Security Ap-
13 propriations Act, 2004.

14 (7) The Department of the Interior and Related
15 Agencies Appropriations Act, 2004.

16 (8) The Departments of Labor, Health and
17 Human Services, and Education, and Related Agen-
18 cies Appropriations Act, 2004.

19 (9) The Legislative Branch Appropriations Act,
20 2004.

21 (10) The Military Construction Appropriations
22 Act, 2004.

23 (11) The Transportation, Treasury, and Inde-
24 pendent Agencies Appropriations Act, 2004.

1 (12) The Departments of Veterans Affairs and
2 Housing and Urban Development, and Independent
3 Agencies Appropriations Act, 2004.

4 SEC. 102. Appropriations made by section 101 shall
5 be available to the extent and in the manner which would
6 be provided by the pertinent appropriations Act.

7 SEC. 103. The appropriations Acts listed in section
8 101 shall be deemed to include miscellaneous and supple-
9 mental appropriation laws enacted during fiscal year
10 2004.

11 SEC. 104. No appropriation or funds made available
12 or authority granted pursuant to section 101 shall be used
13 to initiate or resume any project or activity for which ap-
14 propriations, funds, or other authority were not available
15 during fiscal year 2004.

16 SEC. 105. Appropriations made and authority grant-
17 ed pursuant to this joint resolution shall cover all obliga-
18 tions or expenditures incurred for any program, project,
19 or activity during the period for which funds or authority
20 for such project or activity are available under this joint
21 resolution.

22 SEC. 106. Activities authorized for 2004 by sections
23 1902(a)(10)(E)(iv) and 1933 of the Social Security Act
24 shall continue through the date specified in section 107(c)
25 of this joint resolution: *Provided*, That for purposes of the

1 budget scoring guidance in effect for the Congress and the
2 Executive branch respectively, and notwithstanding rule 3
3 of the Budget Scorekeeping Guidelines set forth in the
4 joint explanatory statement of the committee of conference
5 accompanying Conference Report 105–217, the provisions
6 of this section shall be deemed to be direct spending.

7 SEC. 107. Unless otherwise provided for in this joint
8 resolution or in the applicable appropriations Act, appro-
9 priations and funds made available and authority granted
10 pursuant to this joint resolution shall be available until
11 (a) enactment into law of an appropriation for any project
12 or activity provided for in this joint resolution, or (b) the
13 enactment into law of the applicable appropriations Act
14 by both Houses without any provision for such project or
15 activity, or (c) November 20, 2004, whichever first occurs.

16 SEC. 108. Expenditures made pursuant to this joint
17 resolution shall be charged to the applicable appropriation,
18 fund, or authorization whenever a bill in which such appli-
19 cable appropriation, fund, or authorization is contained is
20 enacted into law.

21 SEC. 109. Appropriations and funds made available
22 by or authority granted pursuant to this joint resolution
23 may be used without regard to the time limitations for
24 submission and approval of apportionments set forth in
25 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. 110. Notwithstanding any other provision of
4 this joint resolution, except section 107, for those pro-
5 grams that had high initial rates of operation or complete
6 distribution of fiscal year 2004 appropriations at the be-
7 ginning of that fiscal year because of distributions of fund-
8 ing to States, foreign countries, grantees or others, similar
9 distributions of funds for fiscal year 2005 shall not be
10 made and no grants shall be awarded for such programs
11 funded by this resolution that would impinge on final
12 funding prerogatives.

13 SEC. 111. This joint resolution shall be implemented
14 so that only the most limited funding action of that per-
15 mitted in the joint resolution shall be taken in order to
16 provide for continuation of projects and activities.

17 SEC. 112. Activities authorized by section 403(f) of
18 Public Law 103–356, as amended by section 632 of the
19 Transportation, Treasury, and Independent Agencies Ap-
20 propriations Act, 2004 (Public Law 108–199, division F),
21 and activities authorized under the heading “Treasury
22 Franchise Fund” in the Treasury Department Appropria-
23 tions Act, 1997 (Public Law 104–208, division A, section
24 101(f)), as amended by section 123 of the Treasury De-
25 partment Appropriations Act, 2003 (Public Law 108–7,

1 division J), may continue through the date specified in
2 section 107(c) of this joint resolution.

3 SEC. 113. The authority provided by section 2808 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2004 (division B of Public Law 108–136; 117 Stat.
6 1723) shall continue in effect through the date specified
7 in section 107(c) of this joint resolution: *Provided*, That
8 such authority shall not be available until after the date
9 on which the Secretary of Defense submits all of the quar-
10 terly reports required for fiscal year 2004 under sub-
11 section (d) of such section 2808.

12 SEC. 114. Notwithstanding any other provision of
13 this joint resolution, except sections 107 and 108,
14 amounts are made available for the Strategic National
15 Stockpile (“SNS”) at a rate for operations not exceeding
16 the lower of the amount which would be made available
17 under H.R. 5006, as passed by the House of Representa-
18 tives on September 9, 2004, or S. 2810, as reported by
19 the Committee on Appropriations of the Senate on Sep-
20 tember 15, 2004: *Provided*, That no funds shall be made
21 available for the SNS to the Department of Homeland Se-
22 curity under this joint resolution: *Provided further*, That
23 amounts made available to the Department of Homeland
24 Security under this joint resolution are reduced by the
25 amount otherwise attributable to funding for the SNS:

1 *Provided further*, That the terms and conditions of H.R.
2 5006 shall apply to funds made available under this sec-
3 tion.

4 SEC. 115. Section 503(f) of the Small Business In-
5 vestment Act of 1958 (15 U.S.C. 697(f)) shall be applied
6 by substituting the date specified in section 107(c) of this
7 joint resolution for “October 1, 2004”.

8 SEC. 116. The authorities provided by sections 344,
9 1023, and 1306 of Public Law 108–136, sections 1318
10 and 1319 of Public Law 108–11, and section 302j(a) of
11 title 37, United States Code, shall continue in effect
12 through the date specified in section 107(c) of this joint
13 resolution or the date of enactment into law of a defense
14 authorization Act for fiscal year 2005, whichever is earlier.

15 SEC. 117. Section 6 of Public Law 107–57, as
16 amended by section 2213 of Public Law 108–106, shall
17 be applied by substituting the date specified in section
18 107(c) of this joint resolution for “October 1, 2004”, and
19 sections 508 and 512 of the Foreign Operations, Export
20 Financing, and Related Programs Appropriations Act,
21 2004 (Public Law 108–199, division D), as made applica-
22 ble to fiscal year 2005 by the provisions of this joint reso-
23 lution, shall not apply with respect to Pakistan through
24 the date specified in section 107(c) of this joint resolution.

1 SEC. 118. Programs, activities, eligibility require-
2 ments, and advisory committees authorized under the
3 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.)
4 through fiscal year 2004, shall remain in effect through
5 the date specified in section 107(c) of this joint resolution.

6 SEC. 119. (a) Section 616(d) of the Foreign Oper-
7 ations, Export Financing, and Related Programs Appro-
8 priations Act, 2004 (Public Law 108–199, division D)
9 shall apply to funds made available by this joint resolution
10 pursuant to section 619(a) of such Act: *Provided*, That
11 for purposes of funds made available by this joint resolu-
12 tion that are used to carry out section 616(d) of such Act,
13 a candidate country is a country that satisfies the require-
14 ments of subparagraphs (A) and (B) of section 606(a)(2)
15 of such Act.

16 SEC. 120. Notwithstanding any other provision of
17 this joint resolution, except section 107, the District of
18 Columbia may expend local funds for programs and activi-
19 ties under the heading, “District of Columbia Funds—Op-
20 erating Expenses” at the rate set forth for such programs
21 and activities under title II of H.R. 4850 of the 108th
22 Congress, as passed by the House of Representatives: *Pro-*
23 *vided*, That section 2302 of the Emergency Wartime Sup-
24 plemental Appropriations Act, 2003 (Public Law 108–11)
25 shall be applied by substituting the date specified in sec-

1 tion 107(e) of this joint resolution for “September 30,
2 2004”.

3 SEC. 121. Section 1302 of the Panama Canal Act of
4 1979 (22 U.S.C. 3712) is amended by adding the fol-
5 lowing new subsection at the end:

6 “(e)(1) The Panama Canal Commission and the Of-
7 fice of Transition Administration (described in section
8 3504 of Public Law 106–65) shall terminate on October
9 1, 2004.

10 “(2) Upon termination pursuant to paragraph (1),
11 the Panama Canal Revolving Fund shall be transferred
12 to the General Services Administration (GSA). GSA shall
13 use the amounts in the Fund to make payments of any
14 outstanding liabilities of the Commission, as well as any
15 expenses associated with the termination of the Office of
16 Transition Administration and the Commission. The fund
17 shall be the exclusive source available for payment of any
18 outstanding liabilities of the Commission.”.

19 SEC. 122. (a) Notwithstanding any other provision
20 of law or of this joint resolution, except section 107, such
21 amounts as may be necessary for administrative expenses
22 of the following operating administrations shall be avail-
23 able to the Secretary of Transportation out of the High-
24 way Trust Fund (other than the Mass Transit Account)
25 at a rate for operations not exceeding the current rate and

1 for which authority was made available under the Trans-
2 portation, Treasury, and Independent Agencies Appro-
3 priations Act, 2004:

4 (1) Federal Highway Administration, for pur-
5 poses described in 23 U.S.C. 104(a)(1)(A);

6 (2) Bureau of Transportation Statistics, in ac-
7 cordance with 49 U.S.C. 111;

8 (3) National Highway Traffic Safety Adminis-
9 tration, in accordance with chapter 301 of title 49,
10 United States Code, and part C of subtitle VI of
11 title 49, United States Code;

12 (4) National Highway Traffic Safety Adminis-
13 tration, in accordance with 23 U.S.C. 402, 403, 405,
14 410 and chapter 303 of title 49, United States
15 Code; and

16 (5) Federal Motor Carrier Safety Administra-
17 tion, for purposes described in 23 U.S.C.
18 104(a)(1)(B):

19 *Provided*, That funds authorized under this subsection
20 shall be available for obligation in the same manner as
21 if the funds were apportioned under chapter 1 of title 23,
22 United States Code: *Provided further*, That paragraphs
23 (1), (2), and (3) of this subsection shall be subject to any
24 limitation on obligations for Federal-aid highways and
25 highway safety construction programs.

1 (b) Notwithstanding any other provision of law or of
2 this joint resolution, except section 107, such amounts as
3 may be necessary for administrative expenses of the Fed-
4 eral Transit Administration, in accordance with the Fed-
5 eral Transit Administration's programs authorized by
6 chapter 53 of title 49, United States Code, shall be avail-
7 able to the Secretary of Transportation out of the Mass
8 Transit Account of the Highway Trust Fund at a rate
9 for operations not exceeding the current rate and for
10 which authority was made available under the Transpor-
11 tation, Treasury, and Independent Agencies Appropria-
12 tions Act, 2004: *Provided*, That funds authorized under
13 this subsection shall be available for obligation in the same
14 manner provided under section 5338(g) of title 49, United
15 States Code.

16 (c) Notwithstanding any other provision of law or of
17 this joint resolution, except section 107, such amounts as
18 may be necessary for the Federal Motor Carrier Safety
19 Administration to make grants to and enter into contracts
20 with States for personnel costs for implementation of 49
21 U.S.C. 31102, commercial driver's license program im-
22 provements, border enforcement operations, and section
23 210 of Public Law 106-159 shall be available to the Sec-
24 retary of Transportation out of the Highway Trust Fund
25 (other than the Mass Transit Account) at a rate not ex-

1 ceeding the current rate and for which authority was made
2 available under the Transportation, Treasury, and Inde-
3 pendent Agencies Appropriations Act, 2004: *Provided*,
4 That funds authorized under this subsection shall be avail-
5 able for obligation in the same manner as if the funds
6 were apportioned under chapter 1 of title 23, United
7 States Code and shall be subject to any limitation on obli-
8 gations for Federal-aid highways and highway safety con-
9 struction programs.

10 (d) For purposes of the budget scoring guidance in
11 effect for the Congress and the Executive branch respec-
12 tively, and notwithstanding rule 3 of the Budget
13 Scorekeeping Guidelines set forth in the joint explanatory
14 statement of the committee of conference accompanying
15 Conference Report 105–217, the provisions of subsections
16 (a), (b), and (c) with regard to contract authority shall
17 be deemed to be direct spending.

18 (e) Notwithstanding any other provision of law,
19 amounts shall continue to be appropriated or credited to
20 the Highway Trust Fund after the date of any expenditure
21 pursuant to this joint resolution.

22 SEC. 123. Notwithstanding any other provision of
23 law, the Overseas Private Investment Corporation is au-
24 thorized to undertake any program authorized by title IV
25 of the Foreign Assistance Act of 1961 in Iraq, subject to

1 the regular notification procedures of the Committees on
2 Appropriations, through the date specified in section
3 107(e) of this joint resolution.

4 SEC. 124. Notwithstanding any other provision of
5 this joint resolution, and notwithstanding the language in
6 the paragraph under the heading “Housing for Persons
7 With Disabilities” in title II of the Departments of Vet-
8 erans Affairs and Housing and Urban Development, and
9 Independent Agencies Appropriations Act, 2004, the Sec-
10 retary of Housing and Urban Development shall make
11 \$14,610,000 from amounts appropriated under such head-
12 ing in fiscal year 2004 available for amendments to exist-
13 ing tenant-based assistance contracts entered into prior to
14 fiscal year 2004 pursuant to section 811 of the Cranston-
15 Gonzalez National Affordable Housing Act (with only one
16 amendment authorized for any such contract).

17 SEC. 125. Section 402(b) of the Surface Mining Con-
18 trol and Reclamation Act of 1977 (30 U.S.C. 1232(b))
19 shall be applied by substituting the date specified in sec-
20 tion 107(e) of this joint resolution for “September 30,
21 2004”.

22 SEC. 126. For entitlements and other mandatory pay-
23 ments whose budget authority was provided in appropria-
24 tions Acts for fiscal year 2004, and for activities under
25 the Food Stamp Act of 1977, activities shall be continued

1 at the rate to maintain program levels under current law,
2 under the authority and conditions provided in the appli-
3 cable appropriations Act for fiscal year 2004, to be contin-
4 ued through the date specified in section 107(c): *Provided*,
5 That notwithstanding section 107, funds shall be available
6 and obligations for mandatory payments due on or about
7 November 1 and December 1, 2004, may continue to be
8 made.

9 SEC. 127. Notwithstanding section 101 of this joint
10 resolution, amounts are provided for “Special Supple-
11 mental Nutrition Program for Women, Infants and Chil-
12 dren (WIC),” at a rate for operations not to exceed
13 \$5,087,000,000.

14 SEC. 128. Notwithstanding section 101 of this joint
15 resolution, amounts are provided for “Election Assistance
16 Commission—Salaries and Expenses”, at a rate for oper-
17 ations not to exceed \$7,800,000: *Provided*, That such
18 amounts may be apportioned to reflect the agency activi-
19 ties associated with a Federal election.

20 SEC. 129. Funds available under this joint resolution
21 for “Bureau of Indian Affairs—Indian Land and Water
22 Claims Settlements and Miscellaneous Payments to Indi-
23 ans” shall be available for payments by the United States
24 pursuant to the settlement of *Seneca Nation of Indians*
25 *v. State of New York*.

1 SEC. 130. Amounts available under this joint resolu-
2 tion to carry out subtitle D of title XXXVI of Public Law
3 106–398 shall be deemed to include transfers of funds
4 from other accounts made during fiscal year 2004 to carry
5 out the purposes of the subtitle and the amounts available
6 under this joint resolution for the accounts from which
7 funds were transferred shall be adjusted for the transfer.

8 SEC. 131. For the purposes of the Ricky Ray Hemo-
9 philia Relief Fund Act of 1998 (Public Law 105–369),
10 the term “expended” in section 101(d) of such Act and
11 the term “payment” in section 103 of such Act shall mean
12 “delivered orders-obligations unpaid” as defined in the
13 United States Standard General Ledger Accounts and
14 Definitions.

15 SEC. 132. Notwithstanding any other provision of
16 this joint resolution, except section 108, for expenses nec-
17 essary to carry out the Presidential Transition Act of
18 1963, \$2,500,000.

19 SEC. 133. Title II of Public Law 108–106 is amended
20 under the heading “Iraq Relief and Reconstruction Fund”
21 by—

22 (1) striking “\$3,243,000,000” and inserting
23 “\$5,090,000,000” for security and law enforcement;

1 (2) striking “\$1,318,000,000” and inserting
2 “\$1,960,000,000” for justice, public safety infra-
3 structure, and civil society;

4 (3) striking “\$5,560,000,000” and inserting
5 “\$4,455,000,000” for the electric sector;

6 (4) striking “\$1,890,000,000” and inserting
7 “\$1,723,000,000” for oil infrastructure;

8 (5) striking “\$4,332,000,000” and inserting
9 “\$2,361,000,000” for water resources and sanita-
10 tion;

11 (6) striking “\$153,000,000” and inserting
12 “\$845,000,000” for private sector development; and

13 (7) striking “\$280,000,000” and inserting
14 “\$342,000,000” for education, refugees, human
15 rights and governance.

16 SEC. 134. Title II of Public Law 108–106 is amended
17 under the heading “Iraq Relief and Reconstruction
18 Fund”—

19 (1) in the sixth proviso, by striking
20 “\$29,000,000” and inserting “\$119,000,000”; and

21 (2) in the seventh proviso by—

22 (A) striking “Coalition Provisional Author-
23 ity” and inserting “United States Agency for
24 International Development”; and

1 (B) striking “to fully pay for its” and in-
2 serting “for”.

3 SEC. 135. Sections 569 and 574 of H.R. 4818, as
4 passed by the House of Representatives on July 15, 2004,
5 are hereby enacted into law: *Provided*, That not to exceed
6 \$360,000,000 of the funds made available by Public Law
7 108–106 under the heading “Iraq Relief and Reconstruc-
8 tion Fund” may be made available for the purposes of
9 such section 569.

10 SEC. 136. During the portion of fiscal year 2005 cov-
11 ered by this joint resolution, the Corps of Engineers shall
12 continue work on all uncompleted projects underway in fis-
13 cal year 2004, notwithstanding budget proposals to with-
14 hold funding for shore protection and certain construction
15 projects, and shall not divert funds into any reserve fund
16 not specifically authorized by an Act of Congress.

Passed the House of Representatives September 29,
2004.

Attest:

JEFF TRANDAHL,
Clerk.