

108TH CONGRESS
1ST SESSION

H. J. RES. 69

Making continuing appropriations for the fiscal year 2004, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2003

Mr. YOUNG of Florida introduced the following joint resolution; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 2004,
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 fiscal year 2004, and for other purposes, namely:

1 SEC. 101. Such amounts as may be necessary under
2 the authority and conditions provided in the applicable ap-
3 propriations Act for fiscal year 2003 for continuing
4 projects or activities including the costs of direct loans and
5 loan guarantees (not otherwise specifically provided for in
6 this joint resolution) which were conducted in fiscal year
7 2003, at a rate for operations not exceeding the current
8 rate, and for which appropriations, funds, or other author-
9 ity was made available in the following appropriations
10 Acts:

11 (1) The Agriculture, Rural Development, Food
12 and Drug Administration, and Related Agencies Ap-
13 propriations Act, 2003.

14 (2) The Departments of Commerce, Justice,
15 and State, the Judiciary, and Related Agencies Ap-
16 propriations Act, 2003, notwithstanding section 15
17 of the State Department Basic Authorities Act of
18 1956, section 313 of the Foreign Relations Author-
19 ization Act, Fiscal Years 1994 and 1995 (Public
20 Law 103–236), and section 504(a)(1) of the Na-
21 tional Security Act of 1947 (50 U.S.C. 414(a)(1)).

22 (3) The District of Columbia Appropriations
23 Act, 2003.

24 (4) The Energy and Water Development Appro-
25 priations Act, 2003, notwithstanding section

1 504(a)(1) of the National Security Act of 1947 (50
2 U.S.C. 414(a)(1)).

3 (5) The Foreign Operations, Export Financing,
4 and Related Programs Appropriations Act, 2003,
5 notwithstanding section 10 of Public Law 91–672
6 and section 15 of the State Department Basic Au-
7 thorities Act of 1956.

8 (6) The Department of the Interior and Related
9 Agencies Appropriations Act, 2003.

10 (7) The Departments of Labor, Health and
11 Human Services, and Education, and Related Agen-
12 cies Appropriations Act, 2003.

13 (8) The Military Construction Appropriations
14 Act, 2003.

15 (9) The Department of Transportation and Re-
16 lated Agencies Appropriations Act, 2003.

17 (10) The Treasury and General Government
18 Appropriations Act, 2003.

19 (11) The Departments of Veterans Affairs and
20 Housing and Urban Development, and Independent
21 Agencies Appropriations Act, 2003.

22 SEC. 102. Appropriations made by section 101 shall
23 be available to the extent and in the manner which would
24 be provided by the pertinent appropriations Act.

1 SEC. 103. The appropriations Acts listed in section
2 101 shall be deemed to include supplemental appropriation
3 laws enacted during fiscal year 2003.

4 SEC. 104. No appropriation or funds made available
5 or authority granted pursuant to section 101 shall be used
6 to initiate or resume any project or activity for which ap-
7 propriations, funds, or other authority were not available
8 during fiscal year 2003.

9 SEC. 105. Appropriations made and authority grant-
10 ed pursuant to this joint resolution shall cover all obliga-
11 tions or expenditures incurred for any program, project,
12 or activity during the period for which funds or authority
13 for such project or activity are available under this joint
14 resolution.

15 SEC. 106. (a) The matter under the heading “De-
16 partment of Education—Education for the Disadvan-
17 taged” in division G of Public Law 108–7 is amended—

18 (1) by striking “\$4,651,199,000” and inserting
19 “\$6,895,199,000”; and

20 (2) by striking “\$9,027,301,000” and inserting
21 “\$6,783,301,000”.

22 (b) The amendments made by subsection (a) shall
23 take effect on the date of the enactment of this Act.

24 SEC. 107. Unless otherwise provided for in this joint
25 resolution or in the applicable appropriations Act, appro-

1 priations and funds made available and authority granted
2 pursuant to this joint resolution shall be available until
3 (a) enactment into law of an appropriation for any project
4 or activity provided for in this joint resolution, or (b) the
5 enactment into law of the applicable appropriations Act
6 by both Houses without any provision for such project or
7 activity, or (c) October 31, 2003, whichever first occurs.

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

13 SEC. 109. Appropriations and funds made available
14 by or authority granted pursuant to this joint resolution
15 may be used without regard to the time limitations for
16 submission and approval of apportionments set forth in
17 section 1513 of title 31, United States Code, but nothing
18 herein shall be construed to waive any other provision of
19 law governing the apportionment of funds.

20 SEC. 110. Notwithstanding any other provision of
21 this joint resolution, except section 107, for those pro-
22 grams that had high initial rates of operation or complete
23 distribution of fiscal year 2003 appropriations at the be-
24 ginning of that fiscal year because of distributions of fund-
25 ing to States, foreign countries, grantees or others, similar

1 distributions of funds for fiscal year 2004 shall not be
2 made and no grants shall be awarded for such programs
3 funded by this resolution that would impinge on final
4 funding prerogatives.

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

9 SEC. 112. For entitlements and other mandatory pay-
10 ments whose budget authority was provided in appropria-
11 tions Acts for fiscal year 2003, and for activities under
12 the Food Stamp Act of 1977, activities shall be continued
13 at the rate to maintain program levels under current law,
14 under the authority and conditions provided in the appli-
15 cable appropriations Act for fiscal year 2003, to be contin-
16 ued through the date specified in section 107(c): *Provided*,
17 That notwithstanding section 107, funds shall be available
18 and obligations for mandatory payments due on or about
19 November 1 and December 1, 2003, may continue to be
20 made.

21 SEC. 113. Section 1316(c) of Public Law 108–11
22 shall be applied by substituting the date specified in sec-
23 tion 107(e) of this joint resolution for “September 30,
24 2003” each place it appears.

1 SEC. 114. Activities authorized by section 403(f) of
2 Public Law 103–356, as amended by section 634 of Public
3 Law 107–67, and activities authorized under the heading
4 “Treasury Franchise Fund” in the Treasury Department
5 Appropriations Act, 1997 (Public Law 104–208), as
6 amended by section 120 of the Treasury Department Ap-
7 propriations Act, 2001 (Public Law 106–554), may con-
8 tinue through the date specified in section 107(c) of this
9 joint resolution.

10 SEC. 115. Notwithstanding section 235(a)(2) of the
11 Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)),
12 the authority of subsections (a) through (c) of section 234
13 of such Act, shall remain in effect through the date speci-
14 fied in section 107(c) of this joint resolution.

15 SEC. 116. Section 503(f) of the Small Business In-
16 vestment Act of 1958 (15 U.S.C. 697(f)) shall be applied
17 by substituting the date specified in section 107(c) of this
18 joint resolution for “October 1, 2003”.

19 SEC. 117. Section 303(g)(2) of the Small Business
20 Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended
21 by striking “1.38 percent” in the last sentence and insert-
22 ing “1.46 percent”.

23 SEC. 118. Collection and use of maintenance fees as
24 authorized by section 4(i) and 4(k) of the Federal Insecti-
25 cide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136a–

1 1(i) and (k)) may continue through the date specified in
2 section 107(c) of this joint resolution. Prohibitions against
3 collecting “other fees” as described in section 4(i)(6) of
4 the Federal Insecticide, Fungicide, and Rodenticide Act
5 (7 U.S.C. 136a–1(i)(6)) shall continue in effect through
6 the date specified in section 107(c) of this joint resolution.

7 SEC. 119. The full amount provided under this joint
8 resolution for necessary expenses to carry out the Com-
9 prehensive Environmental Response, Compensation, and
10 Liability Act of 1980 (CERCLA), section 118(f) of the
11 Superfund Amendments and Reauthorization Act of 1986,
12 and section 3019 of the Solid Waste Disposal Act, shall
13 be derived from the general fund.

14 SEC. 120. National Aeronautics and Space Adminis-
15 tration is authorized to implement full cost accounting as
16 of October 1, 2003, in the account structure that is con-
17 sistent with the President’s request for fiscal year 2004.

18 SEC. 121. Notwithstanding any other provision of
19 this joint resolution, except section 107(c), the limitation
20 on new loan guarantee commitments of the Federal Hous-
21 ing Administration, General and Special Risk Insurance
22 Fund, shall be \$3,800,000,000 for the period of applica-
23 bility of this joint resolution to continue projects and ac-
24 tivities under that account: *Provided*, That the Secretary
25 of Housing and Urban Development shall submit daily re-

1 ports to the Committees on Appropriations of the House
2 of Representatives and the Senate on the total amount of
3 new loan guarantee commitments issued during the period
4 of applicability of this joint resolution.

5 SEC. 122. For the period covered by this joint resolu-
6 tion, there shall be available, at the current rate of oper-
7 ations for fiscal year 2003, such funds as may be nec-
8 essary for grants and necessary expenses as provided for,
9 in accordance with, and subject to the requirements set
10 forth in the Compacts of Free Association, as amended,
11 and their related agreements, (sections 211, 212, 213,
12 214, 215, and 217) as between the Government of the
13 United States of America and the Government of the Re-
14 public of the Marshall Islands (signed April 30, 2003),
15 and (sections 211, 212, 213, 214, and 216) as between
16 the Government of the United States of America and the
17 Federated States of Micronesia (signed May 14, 2003);
18 to remain available until expended: *Provided*, That if H.J.
19 Res. 63 of the 108th Congress, or similar legislation to
20 approve the Compacts of Free Association, is enacted, any
21 funding made available in this appropriation shall be con-
22 sidered to have been made available and expended for the
23 purposes of funding for fiscal year 2004 as provided for
24 in such enacted legislation.

1 SEC. 123. From amounts available to the Bureau of
2 Indian Affairs under this joint resolution, \$123,500 shall
3 be available to satisfy the requirements specified in sec-
4 tions 10(f), 11(b)(2), and 11(c) of Public Law 106–263.

5 SEC. 124. Notwithstanding any other provision of
6 this joint resolution, except section 107(c), the District of
7 Columbia may expend local funds for programs and activi-
8 ties under the heading “District of Columbia Funds-Oper-
9 ating Expenses” at the rate set forth for such programs
10 and activities under title II of H.R. 2765, 108th Congress,
11 as passed by the House of Representatives.

12 SEC. 125. Notwithstanding any other provision of law
13 or of this joint resolution, except section 107, amounts
14 provided in this joint resolution and in prior Appropria-
15 tions Acts from the Airport and Airway Trust Fund shall
16 be available for fiscal year 2004, at a rate for operations
17 not exceeding the current rate and for which authority was
18 made available under the Department of Transportation
19 and Related Agencies Appropriations Act, 2003, for ex-
20 penditures to meet obligations, heretofore and hereafter
21 incurred, as paid from the Airport and Airway Trust fund
22 in fiscal year 2003.

23 SEC. 126. Notwithstanding any other provision of law
24 or of this joint resolution, except section 107, such
25 amounts as may be necessary for administrative expenses

1 of the Federal Highway Administration, for purposes de-
2 scribed in 23 U.S.C. 104(a)(1)(A), shall continue to be
3 transferred and credited to the Highway Trust Fund
4 (other than the Mass Transit Account), to be available to
5 the Secretary of Transportation, at a rate for operations
6 not exceeding the current rate and for which authority was
7 made available under the Department of Transportation
8 and Related Agencies Appropriations Act, 2003: *Provided*,
9 That funds authorized under this section shall be available
10 for obligation in the same manner as if the funds were
11 apportioned under chapter 1 of title 23, United States
12 Code, and shall be subject to any limitation on obligations
13 for Federal-aid highways and highway safety construction
14 programs.

15 SEC. 127. Notwithstanding any other provision of law
16 or of this joint resolution, except section 107, such
17 amounts as may be necessary for administrative expenses
18 of the Bureau of Transportation Statistics, in accordance
19 with 49 U.S.C. 111, shall continue to be transferred and
20 credited to the Highway Trust Fund (other than the Mass
21 Transit Account), to be available to the Secretary of
22 Transportation, at a rate for operations not exceeding the
23 current rate and for which authority was made available
24 under the Department of Transportation and Related
25 Agencies Appropriations Act, 2003: *Provided*, That funds

1 authorized under this section shall be available for obliga-
2 tion in the same manner as if the funds were apportioned
3 under chapter 1 of title 23, United States Code, and shall
4 be subject to any limitation on obligations for Federal-aid
5 highways and highway safety construction programs.

6 SEC. 128. Notwithstanding any other provision of law
7 or of this joint resolution, except section 107, such
8 amounts as may be necessary for administrative expenses
9 of the Federal Transit Administration, in accordance with
10 the Federal Transit Administration's programs authorized
11 by chapter 53 of title 49, United States Code, shall con-
12 tinue to be transferred and credited to the Mass Transit
13 Account of the Highway Trust Fund, to be available to
14 the Secretary of Transportation, at a rate for operations
15 not exceeding the current rate and for which authority was
16 made available under the Department of Transportation
17 and Related Agencies Appropriations Act, 2003: *Provided*,
18 That funds authorized under this section shall be available
19 for obligation in the same manner provided under section
20 5338(g) of title 49, United States Code.

21 SEC. 129. Notwithstanding any other provision of law
22 or of this joint resolution, except section 107, such
23 amounts as may be necessary for administrative expenses
24 of the National Highway Traffic Safety Administration,
25 in accordance with 23 U.S.C. 402, 403, 405, 410 and

1 chapter 303 of title 49, United States Code, shall continue
2 to be transferred and credited to the Highway Trust Fund
3 (other than the Mass Transit Account), to be available to
4 the Secretary of Transportation, at a rate for operations
5 not exceeding the current rate and for which authority was
6 made available under the Department of Transportation
7 and Related Agencies Appropriations Act, 2003: *Provided*,
8 That funds authorized under this section shall be available
9 for obligation in the same manner as if the funds were
10 apportioned under chapter 1 of title 23, United States
11 Code.

12 SEC. 130. Notwithstanding any other provision of law
13 or of this joint resolution, except section 107, such
14 amounts as may be necessary for administrative expenses
15 of the Federal Motor Carrier Safety Administration, for
16 purposes described in 23 U.S.C. 104(a)(1)(B), shall con-
17 tinue to be transferred and credited to the Highway Trust
18 Fund (other than the Mass Transit Account), to be avail-
19 able to the Secretary of Transportation, at a rate for oper-
20 ations not exceeding the current rate and for which au-
21 thority was made available under the Department of
22 Transportation and Related Agencies Appropriations Act,
23 2003: *Provided*, That funds authorized under this section
24 shall be available for obligation in the same manner as

1 if the funds were apportioned under chapter 1 of title 23,
2 United States Code.

3 SEC. 131. Notwithstanding any other provision of
4 law, amounts shall continue to be appropriated or credited
5 to the Airport and Airway Trust Fund and the Highway
6 Trust Fund after the date of any expenditure pursuant
7 to this Act.

8 SEC. 132. Notwithstanding rule 3 of the Budget
9 Scorekeeping Guidelines set forth in the joint explanatory
10 statement of the committee of conference accompanying
11 Conference Report 105–217, the provisions of sections
12 125 through 130, and section 134, of this joint resolution
13 that would change direct spending or receipts under sec-
14 tion 252 of the Balanced Budget and Emergency Deficit
15 Control Act of 1985 were they included in an Act other
16 than an appropriations Act shall be treated as direct
17 spending or receipts legislation, as appropriate, under sec-
18 tion 252 of the Balanced Budget and Emergency Deficit
19 Control Act of 1985, and by the Chairmen of the House
20 and Senate Budget Committees, as appropriate, under the
21 Congressional Budget Act of 1974.

22 SEC. 133. Notwithstanding any other provision of
23 this joint resolution, during fiscal year 2004, direct loans
24 under section 23 of the Arms Export Control Act may be
25 made available for the Czech Republic, gross obligations

1 for the principal amounts of which shall not exceed
2 \$550,000,000: *Provided*, That such loans shall be repaid
3 in not more than twelve years, including a grace period
4 of up to five years on repayment of principal: *Provided*
5 *further*, That no funds are available for the subsidy costs
6 for these loans: *Provided further*, That the Government of
7 the Czech Republic shall pay the full cost, as defined in
8 section 502 of the Federal Credit Reform Act of 1990,
9 associated with these loans, including the cost of any de-
10 faults: *Provided further*, That any fees associated with
11 these loans shall be paid by the Government of the Czech
12 Republic prior to any disbursement of any loan proceeds:
13 *Provided further*, That no funds made available to the
14 Czech Republic under this joint resolution or any other
15 Act may be used for payment of any fees associated with
16 these loans.

17 SEC. 134. The following provisions of law shall con-
18 tinue in effect through the date specified in section 107(c)
19 of this joint resolution:

20 (1) Sections 9(b)(7), 14(a), 17(a)(2)(B)(i), and
21 18(f)(2) of the Richard B. Russell National School
22 Lunch Act (42 U.S.C. 1758(b)(7), 1762a(a),
23 1766(a)(2)(B)(i), and 1769(f)(2)).

1 (2) Section 15 of the Commodity Distribution
2 Reform Act and WIC Amendments of 1987
3 (7 U.S.C. 612c note; Public Law 100–237).

4 SEC. 135. Section 8144(b) of the Department of De-
5 fense Appropriations Act, 2003, Public Law 107–248, is
6 amended by striking “on September 30, 2003” and insert-
7 ing “October 31, 2003”.

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