

108TH CONGRESS  
1ST SESSION

# H. J. RES. 69

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2003

Received

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## 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,

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 2004, 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 2003 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 2003, 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, 2003.

18           (2) The Departments of Commerce, Justice,  
19 and State, the Judiciary, and Related Agencies Ap-  
20 propriations Act, 2003, 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, 2003.

3           (4) The Energy and Water Development Approp-  
4 riations Act, 2003, 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, 2003,  
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 the Interior and Related  
13 Agencies Appropriations Act, 2003.

14           (7) The Departments of Labor, Health and  
15 Human Services, and Education, and Related Agen-  
16 cies Appropriations Act, 2003.

17           (8) The Military Construction Appropriations  
18 Act, 2003.

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

21           (10) The Treasury and General Government  
22 Appropriations Act, 2003.

23           (11) The Departments of Veterans Affairs and  
24 Housing and Urban Development, and Independent  
25 Agencies Appropriations Act, 2003.

1       SEC. 102. Appropriations made by section 101 shall  
2 be available to the extent and in the manner which would  
3 be provided by the pertinent appropriations Act.

4       SEC. 103. The appropriations Acts listed in section  
5 101 shall be deemed to include supplemental appropriation  
6 laws enacted during fiscal year 2003.

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

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

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

21               (1) by striking “\$4,651,199,000” and inserting  
22               “\$6,895,199,000”; and

23               (2) by striking “\$9,027,301,000” and inserting  
24               “\$6,783,301,000”.

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

3 SEC. 107. Unless otherwise provided for in this joint  
4 resolution or in the applicable appropriations Act, appro-  
5 priations and funds made available and authority granted  
6 pursuant to this joint resolution shall be available until  
7 (a) enactment into law of an appropriation for any project  
8 or activity provided for in this joint resolution, or (b) the  
9 enactment into law of the applicable appropriations Act  
10 by both Houses without any provision for such project or  
11 activity, or (c) October 31, 2003, whichever first occurs.

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

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

24 SEC. 110. Notwithstanding any other provision of  
25 this joint resolution, except section 107, for those pro-

1 grams that had high initial rates of operation or complete  
2 distribution of fiscal year 2003 appropriations at the be-  
3 ginning of that fiscal year because of distributions of fund-  
4 ing to States, foreign countries, grantees or others, similar  
5 distributions of funds for fiscal year 2004 shall not be  
6 made and no grants shall be awarded for such programs  
7 funded by this resolution that would impinge on final  
8 funding prerogatives.

9       SEC. 111. This joint resolution shall be implemented  
10 so that only the most limited funding action of that per-  
11 mitted in the joint resolution shall be taken in order to  
12 provide for continuation of projects and activities.

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

1        SEC. 113. Section 1316(c) of Public Law 108–11  
2 shall be applied by substituting the date specified in sec-  
3 tion 107(c) of this joint resolution for “September 30,  
4 2003” each place it appears.

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

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

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

23        SEC. 117. Section 303(g)(2) of the Small Business  
24 Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended

1 by striking “1.38 percent” in the last sentence and insert-  
2 ing “1.46 percent”.

3       SEC. 118. Collection and use of maintenance fees as  
4 authorized by section 4(i) and 4(k) of the Federal Insecti-  
5 cide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136a-  
6 1(i) and (k)) may continue through the date specified in  
7 section 107(c) of this joint resolution. Prohibitions against  
8 collecting “other fees” as described in section 4(i)(6) of  
9 the Federal Insecticide, Fungicide, and Rodenticide Act  
10 (7 U.S.C. 136a-1(i)(6)) shall continue in effect through  
11 the date specified in section 107(c) of this joint resolution.

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

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

23       SEC. 121. Notwithstanding any other provision of  
24 this joint resolution, except section 107(c), the limitation  
25 on new loan guarantee commitments of the Federal Hous-



1 ing Administration, General and Special Risk Insurance  
2 Fund, shall be \$3,800,000,000 for the period of applica-  
3 bility of this joint resolution to continue projects and ac-  
4 tivities under that account: *Provided*, That the Secretary  
5 of Housing and Urban Development shall submit daily re-  
6 ports to the Committees on Appropriations of the House  
7 of Representatives and the Senate on the total amount of  
8 new loan guarantee commitments issued during the period  
9 of applicability of this joint resolution.

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

1 funding made available in this appropriation shall be con-  
2 sidered to have been made available and expended for the  
3 purposes of funding for fiscal year 2004 as provided for  
4 in such enacted legislation.

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

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

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

1 incurred, as paid from the Airport and Airway Trust fund  
2 in fiscal year 2003.

3       SEC. 126. Notwithstanding any other provision of law  
4 or of this joint resolution, except section 107, such  
5 amounts as may be necessary for administrative expenses  
6 of the Federal Highway Administration, for purposes de-  
7 scribed in 23 U.S.C. 104(a)(1)(A), shall continue to be  
8 transferred and credited to the Highway Trust Fund  
9 (other than the Mass Transit Account), to be available to  
10 the Secretary of Transportation, at a rate for operations  
11 not exceeding the current rate and for which authority was  
12 made available under the Department of Transportation  
13 and Related Agencies Appropriations Act, 2003: *Provided*,  
14 That funds authorized under this section shall be available  
15 for obligation in the same manner as if the funds were  
16 apportioned under chapter 1 of title 23, United States  
17 Code, and shall be subject to any limitation on obligations  
18 for Federal-aid highways and highway safety construction  
19 programs.

20       SEC. 127. Notwithstanding any other provision of law  
21 or of this joint resolution, except section 107, such  
22 amounts as may be necessary for administrative expenses  
23 of the Bureau of Transportation Statistics, in accordance  
24 with 49 U.S.C. 111, shall continue to be transferred and  
25 credited to the Highway Trust Fund (other than the Mass

1 Transit Account), to be available to the Secretary of  
2 Transportation, at a rate for operations not exceeding the  
3 current rate and for which authority was made available  
4 under the Department of Transportation and Related  
5 Agencies Appropriations Act, 2003: *Provided*, That funds  
6 authorized under this section shall be available for obliga-  
7 tion in the same manner as if the funds were apportioned  
8 under chapter 1 of title 23, United States Code, and shall  
9 be subject to any limitation on obligations for Federal-aid  
10 highways and highway safety construction programs.

11       SEC. 128. Notwithstanding any other provision of law  
12 or of this joint resolution, except section 107, such  
13 amounts as may be necessary for administrative expenses  
14 of the Federal Transit Administration, in accordance with  
15 the Federal Transit Administration's programs authorized  
16 by chapter 53 of title 49, United States Code, shall con-  
17 tinue to be transferred and credited to the Mass Transit  
18 Account of the Highway Trust Fund, to be available to  
19 the Secretary of Transportation, at a rate for operations  
20 not exceeding the current rate and for which authority was  
21 made available under the Department of Transportation  
22 and Related Agencies Appropriations Act, 2003: *Provided*,  
23 That funds authorized under this section shall be available  
24 for obligation in the same manner provided under section  
25 5338(g) of title 49, United States Code.

1       SEC. 129. Notwithstanding any other provision of law  
2 or of this joint resolution, except section 107, such  
3 amounts as may be necessary for administrative expenses  
4 of the National Highway Traffic Safety Administration,  
5 in accordance with 23 U.S.C. 402, 403, 405, 410 and  
6 chapter 303 of title 49, United States Code, shall continue  
7 to be transferred and credited to the Highway Trust Fund  
8 (other than the Mass Transit Account), to be available to  
9 the Secretary of Transportation, at a rate for operations  
10 not exceeding the current rate and for which authority was  
11 made available under the Department of Transportation  
12 and Related Agencies Appropriations Act, 2003: *Provided*,  
13 That funds authorized under this section shall be available  
14 for obligation in the same manner as if the funds were  
15 apportioned under chapter 1 of title 23, United States  
16 Code.

17       SEC. 130. Notwithstanding any other provision of law  
18 or of this joint resolution, except section 107, such  
19 amounts as may be necessary for administrative expenses  
20 of the Federal Motor Carrier Safety Administration, for  
21 purposes described in 23 U.S.C. 104(a)(1)(B), shall con-  
22 tinue to be transferred and credited to the Highway Trust  
23 Fund (other than the Mass Transit Account), to be avail-  
24 able to the Secretary of Transportation, at a rate for oper-  
25 ations not exceeding the current rate and for which au-

1 thority was made available under the Department of  
2 Transportation and Related Agencies Appropriations Act,  
3 2003: *Provided*, That funds authorized under this section  
4 shall be available for obligation in the same manner as  
5 if the funds were apportioned under chapter 1 of title 23,  
6 United States Code.

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

12       SEC. 132. 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 sections  
16 125 through 130, and section 134, of this joint resolution  
17 that would change direct spending or receipts under sec-  
18 tion 252 of the Balanced Budget and Emergency Deficit  
19 Control Act of 1985 were they included in an Act other  
20 than an appropriations Act shall be treated as direct  
21 spending or receipts legislation, as appropriate, under sec-  
22 tion 252 of the Balanced Budget and Emergency Deficit  
23 Control Act of 1985, and by the Chairmen of the House  
24 and Senate Budget Committees, as appropriate, under the  
25 Congressional Budget Act of 1974.

1        SEC. 133. Notwithstanding any other provision of  
2 this joint resolution, during fiscal year 2004, direct loans  
3 under section 23 of the Arms Export Control Act may be  
4 made available for the Czech Republic, gross obligations  
5 for the principal amounts of which shall not exceed  
6 \$550,000,000: *Provided*, That such loans shall be repaid  
7 in not more than twelve years, including a grace period  
8 of up to five years on repayment of principal: *Provided*  
9 *further*, That no funds are available for the subsidy costs  
10 for these loans: *Provided further*, That the Government of  
11 the Czech Republic shall pay the full cost, as defined in  
12 section 502 of the Federal Credit Reform Act of 1990,  
13 associated with these loans, including the cost of any de-  
14 faults: *Provided further*, That any fees associated with  
15 these loans shall be paid by the Government of the Czech  
16 Republic prior to any disbursement of any loan proceeds:  
17 *Provided further*, That no funds made available to the  
18 Czech Republic under this joint resolution or any other  
19 Act may be used for payment of any fees associated with  
20 these loans.

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

24                (1) Sections 9(b)(7), 14(a), 17(a)(2)(B)(i), and  
25                18(f)(2) of the Richard B. Russell National School

1 Lunch Act (42 U.S.C. 1758(b)(7), 1762a(a),  
2 1766(a)(2)(B)(i), and 1769(f)(2)).

3 (2) Section 15 of the Commodity Distribution  
4 Reform Act and WIC Amendments of 1987  
5 (7 U.S.C. 612e note; Public Law 100–237).

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

Passed the House of Representatives September 25,  
2003.

Attest:

JEFF TRANDAHL,

*Clerk.*