

Public Law 99-103
99th Congress

Joint Resolution

Making continuing appropriations for the fiscal year 1986, and for other purposes.

Sept. 30, 1985

[H.J. Res. 388]

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 the Government for the fiscal year 1986, and for other purposes, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for projects or activities, not otherwise specifically provided for in this joint resolution, for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1986;

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986;

District of Columbia Appropriation Act, 1986;

Energy and Water Development Appropriation Act, 1986;

Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1986;

Department of the Interior and Related Agencies Appropriation Act, 1986;

Legislative Branch Appropriation Act, 1986;

Department of Transportation and Related Agencies Appropriation Act, 1986; and

Treasury, Postal Service, and General Government Appropriation Act, 1986.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1985, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1985, 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, 1985, the pertinent project or activity shall be continued under the appropriation, 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 appropriation Acts for the fiscal year 1985.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1985, the pertinent project or activity shall be continued under the appropriation, fund, or author-

ity 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 appropriation Acts for the fiscal year 1985.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1985, 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 the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(6) No appropriation or fund made available or authority granted pursuant to this subsection 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 1985.

(b)(1) Such amounts as may be necessary for projects or activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1985, under the current terms and conditions and at a rate for operations not in excess of the current rate, for which provision was made in the following appropriation Acts:

Foreign Assistance and Related Programs Appropriation Act, 1985;

Military Construction Appropriation Act, 1985; and
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1985 and section 101(k) of Public Law 98-473.

(2) No appropriation or fund made available or authority granted pursuant to this subsection 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 1985.

(c) Such amounts as may be necessary for continuing activities, not otherwise specifically provided for in this joint resolution, which were conducted in the fiscal year 1985, for which provision was made in the Department of Defense Appropriation Act, 1985, under the current terms and conditions and at a rate for operations not in excess of the current rate: *Provided*, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used for new production of items not funded for production in fiscal year 1985 or prior years, for the increase in production rates above those sustained with fiscal year 1985 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 1985: *Provided further*, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later: *Provided further*, That the appropriations or funds made available or authority granted pursuant to this subsection for procurement of MX missiles shall be in accordance with and

98 Stat. 1884.

98 Stat. 1877.

98 Stat. 3305.

98 Stat. 1837.

98 Stat. 1904.

subject to all the limitations, restrictions, and conditions set forth in the Department of Defense Authorization Act, 1986 (S. 1160) conference agreement and provided for in the conference report (H. Rept. 99-235) filed in the House of Representatives on July 29, 1985.

SEC. 102. Unless otherwise provided for in this joint resolution or in the applicable appropriation Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1985, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) November 14, 1985, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to 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. 105. No provision in any appropriation Act for the fiscal year 1986 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 102(c) of this joint resolution.

SEC. 106. Appropriations and funds made available or authority granted pursuant to 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.

Approved September 30, 1985.

LEGISLATIVE HISTORY—H.J. Res. 388:

HOUSE REPORT No. 99-272 (Comm. on Appropriations).

SENATE REPORT No. 99-142 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Sept. 18, considered and passed House.

Sept. 25, considered and passed Senate.