

Public Law 108–84
108th Congress

Joint Resolution

Sept. 30, 2003

[H.J. Res. 69]

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

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 fiscal year 2004, and for other purposes, namely:

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

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003.

(2) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

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

(4) The Energy and Water Development Appropriations Act, 2003, notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(5) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003, notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

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

(7) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003.

(8) The Military Construction Appropriations Act, 2003.

(9) The Department of Transportation and Related Agencies Appropriations Act, 2003.

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

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

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

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

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2003.

SEC. 105. Appropriations made and authority granted pursuant to 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. 106. (a) The matter under the heading “Department of Education—Education for the Disadvantaged” in division G of Public Law 108-7 is amended—

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

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

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

SEC. 107. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to 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 into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 31, 2003, whichever first occurs.

SEC. 108. 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. 109. Appropriations and funds made available by 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.

SEC. 110. Notwithstanding any other provision of this joint resolution, except section 107, for those programs that had high initial rates of operation or complete distribution of fiscal year 2003 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2004 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint

Ante, p. 326.

Effective date.

Expiration date.

resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2003, and for activities under the Food Stamp Act of 1977, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2003, to be continued through the date specified in section 107(c): *Provided*, That notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1 and December 1, 2003, may continue to be made.

Applicability.
Ante, p. 570.

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

SEC. 114. Activities authorized by section 403(f) of Public Law 103-356, as amended by section 634 of Public Law 107-67, and activities authorized under the heading “Treasury Franchise Fund” in the Treasury Department Appropriations Act, 1997 (Public Law 104-208), as amended by section 120 of the Treasury Department Appropriations Act, 2001 (Public Law 106-554), may continue through the date specified in section 107(c) of this joint resolution.

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

Applicability.

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

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

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

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

SEC. 120. National Aeronautics and Space Administration is authorized to implement full cost accounting as of October 1, 2003, in the account structure that is consistent with the President’s request for fiscal year 2004.

SEC. 121. Notwithstanding any other provision of this joint resolution, except section 107(c), the limitation on new loan guarantee commitments of the Federal Housing Administration, General and Special Risk Insurance Fund, shall be \$3,800,000,000 for the period of applicability of this joint resolution to continue projects

and activities under that account: *Provided*, That the Secretary of Housing and Urban Development shall submit daily reports to the Committees on Appropriations of the House of Representatives and the Senate on the total amount of new loan guarantee commitments issued during the period of applicability of this joint resolution. Reports.

SEC. 122. For the period covered by this joint resolution, there shall be available, at the current rate of operations for fiscal year 2003, such funds as may be necessary for grants and necessary expenses as provided for, in accordance with, and subject to the requirements set forth in the Compacts of Free Association, as amended, and their related agreements, (sections 211, 212, 213, 214, 215, and 217) as between the Government of the United States of America and the Government of the Republic of the Marshall Islands (signed April 30, 2003), and (sections 211, 212, 213, 214, and 216) as between the Government of the United States of America and the Federated States of Micronesia (signed May 14, 2003); to remain available until expended: *Provided*, That if H.J. Res. 63 of the 108th Congress, or similar legislation to approve the Compacts of Free Association, is enacted, any funding made available in this appropriation shall be considered to have been made available and expended for the purposes of funding for fiscal year 2004 as provided for in such enacted legislation.

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

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

SEC. 125. Notwithstanding any other provision of law or of this joint resolution, except section 107, amounts provided in this joint resolution and in prior Appropriations Acts from the Airport and Airway Trust Fund shall be available for fiscal year 2004, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003, for expenditures to meet obligations, heretofore and hereafter incurred, as paid from the Airport and Airway Trust fund in fiscal year 2003.

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

SEC. 127. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Bureau of Transportation Statistics, in accordance with 49 U.S.C. 111, shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

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

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

SEC. 130. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Motor Carrier Safety Administration, for purposes described in 23 U.S.C. 104(a)(1)(B), shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 131. Notwithstanding any other provision of law, amounts shall continue to be appropriated or credited to the Airport and

Airway Trust Fund and the Highway Trust Fund after the date of any expenditure pursuant to this Act.

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

SEC. 133. Notwithstanding any other provision of this joint resolution, during fiscal year 2004, direct loans under section 23 of the Arms Export Control Act may be made available for the Czech Republic, gross obligations for the principal amounts of which shall not exceed \$550,000,000: *Provided*, That such loans shall be repaid in not more than twelve years, including a grace period of up to five years on repayment of principal: *Provided further*, That no funds are available for the subsidy costs for these loans: *Provided further*, That the Government of the Czech Republic shall pay the full cost, as defined in section 502 of the Federal Credit Reform Act of 1990, associated with these loans, including the cost of any defaults: *Provided further*, That any fees associated with these loans shall be paid by the Government of the Czech Republic prior to any disbursement of any loan proceeds: *Provided further*, That no funds made available to the Czech Republic under this joint resolution or any other Act may be used for payment of any fees associated with these loans.

Loans.

Czech Republic.

SEC. 134. The following provisions of law shall continue in effect through the date specified in section 107(c) of this joint resolution:

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

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

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22 USC 5952
note.

SEC. 135. Section 8144(b) of the Department of Defense Appropriations Act, 2003, Public Law 107–248, is amended by striking “on September 30, 2003” and inserting “October 31, 2003”.

Approved September 30, 2003.

LEGISLATIVE HISTORY—H.J. Res. 69:

CONGRESSIONAL RECORD, Vol. 149 (2003):

Sept. 25, considered and passed House and Senate.