

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. J. RES. 111

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2002

Received

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## JOINT RESOLUTION

Making continuing appropriations for the fiscal year 2003,  
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 2003, 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 2002 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 2002, 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, 2002;

18           (2) the Departments of Commerce, Justice, and  
19 State, the Judiciary, and Related Agencies Appro-  
20 priations Act, 2002, notwithstanding section 15 of  
21 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

1 Law 103–236), and section 504(a)(1) of the Na-  
2 tional Security Act of 1947 (50 U.S.C. 414(a)(1));

3 (3) the Department of Defense Appropriations  
4 Act, 2002, notwithstanding section 504(a)(1) of the  
5 National Security Act of 1947 (50 U.S.C.  
6 414(a)(1));

7 (4) the District of Columbia Appropriations  
8 Act, 2002;

9 (5) the Energy and Water Development Approp-  
10 riations Act, 2002, notwithstanding section  
11 504(a)(1) of the National Security Act of 1947 (50  
12 U.S.C. 414(a)(1));

13 (6) the Foreign Operations, Export Financing,  
14 and Related Programs Appropriations Act, 2002,  
15 notwithstanding section 10 of Public Law 91–672  
16 and section 15 of the State Department Basic Au-  
17 thorities Act of 1956;

18 (7) the Department of the Interior and Related  
19 Agencies Appropriations Act, 2002;

20 (8) the Departments of Labor, Health and  
21 Human Services, and Education, and Related Agen-  
22 cies Appropriations Act, 2002;

23 (9) the Legislative Branch Appropriations Act,  
24 2002;

1           (10) the Military Construction Appropriations  
2           Act, 2002;

3           (11) the Department of Transportation and Re-  
4           lated Agencies Appropriations Act, 2002;

5           (12) the Treasury and General Government Ap-  
6           propriations Act, 2002; and

7           (13) the Departments of Veterans Affairs and  
8           Housing and Urban Development, and Independent  
9           Agencies Appropriations Act, 2002.

10        SEC. 102. No appropriation or funds made available  
11        or authority granted pursuant to section 101 for the De-  
12        partment of Defense shall be used for new production of  
13        items not funded for production in fiscal year 2002 or  
14        prior years, for the increase in production rates above  
15        those sustained with fiscal year 2002 funds, or to initiate,  
16        resume, or continue any project, activity, operation, or or-  
17        ganization which are defined as any project, subproject,  
18        activity, budget activity, program element, and subpro-  
19        gram within a program element and for investment items  
20        are further defined as a P-1 line item in a budget activity  
21        within an appropriation account and an R-1 line item  
22        which includes a program element and subprogram ele-  
23        ment within an appropriation account, for which appro-  
24        priations, funds, or other authority were not available dur-  
25        ing fiscal year 2002: *Provided*, That no appropriation or

1 funds made available or authority granted pursuant to  
2 section 101 for the Department of Defense shall be used  
3 to initiate multi-year procurements utilizing advance pro-  
4 curement funding for economic order quantity procure-  
5 ment unless specifically appropriated later.

6       SEC. 103. Appropriations made by section 101 shall  
7 be available to the extent and in the manner which would  
8 be provided by the pertinent appropriations Act.

9       SEC. 104. No appropriation or funds made available  
10 or authority granted pursuant to section 101 shall be used  
11 to initiate or resume any project or activity for which ap-  
12 propriations, funds, or other authority were not available  
13 during fiscal year 2002.

14       SEC. 105. (a) For purposes of section 101, the term  
15 “rate for operations not exceeding the current rate”—

16           (1) has the meaning given such term (including  
17 supplemental appropriations and rescissions) in the  
18 attachment to Office of Management and Budget  
19 Bulletin No. 01–10 entitled “Apportionment of the  
20 Continuing Resolution(s) for Fiscal Year 2002” and  
21 dated September 27, 2001, applied by substituting  
22 “FY 2002” for “FY 2001” each place it appears;  
23 but

24           (2) does not include any unobligated balance of  
25 funds appropriated in Public Law 107–38 and car-

1 ried forward to fiscal year 2002, other than funds  
2 transferred by division B of Public Law 107–117.

3 (b) The appropriations Acts listed in section 101  
4 shall be deemed to include supplemental appropriation  
5 laws enacted during fiscal year 2002.

6 SEC. 106. Appropriations made and authority grant-  
7 ed pursuant to this joint resolution shall cover all obliga-  
8 tions or expenditures incurred for any program, project,  
9 or activity during the period for which funds or authority  
10 for such project or activity are available under this joint  
11 resolution.

12 SEC. 107. Unless otherwise provided for in this joint  
13 resolution or in the applicable appropriations Act, appro-  
14 priations and funds made available and authority granted  
15 pursuant to this joint resolution shall be available until  
16 (a) enactment into law of an appropriation for any project  
17 or activity provided for in this joint resolution, or (b) the  
18 enactment into law of the applicable appropriations Act  
19 by both Houses without any provision for such project or  
20 activity, or (c) October 4, 2002, whichever first occurs.

21 SEC. 108. Expenditures made pursuant to this joint  
22 resolution shall be charged to the applicable appropriation,  
23 fund, or authorization whenever a bill in which such appli-  
24 cable appropriation, fund, or authorization is contained is  
25 enacted into law.

1        SEC. 109. Appropriations and funds made available  
2 by or authority granted pursuant to this joint resolution  
3 may be used without regard to the time limitations for  
4 submission and approval of apportionments set forth in  
5 section 1513 of title 31, United States Code, but nothing  
6 herein shall be construed to waive any other provision of  
7 law governing the apportionment of funds.

8        SEC. 110. Notwithstanding any other provision of  
9 this joint resolution, except section 107, for those pro-  
10 grams that had high initial rates of operation or complete  
11 distribution of fiscal year 2002 appropriations at the be-  
12 ginning of that fiscal year because of distributions of fund-  
13 ing to States, foreign countries, grantees or others, similar  
14 distributions of funds for fiscal year 2003 shall not be  
15 made and no grants shall be awarded for such programs  
16 funded by this resolution that would impinge on final  
17 funding prerogatives.

18        SEC. 111. This joint resolution shall be implemented  
19 so that only the most limited funding action of that per-  
20 mitted in the joint resolution shall be taken in order to  
21 provide for continuation of projects and activities.

22        SEC. 112. For the Overseas Private Investment Cor-  
23 poration Program account, for the cost of direct and guar-  
24 anteed loans, at an annual rate not to exceed \$19,000,000,  
25 to be derived by transfer from the Overseas Private Invest-

1 ment Corporation non-credit account, subject to section  
2 107(c).

3       SEC. 113. Activities authorized by section 403(f) of  
4 Public Law 103–356, as amended by section 634 of Public  
5 Law 107–67, and activities authorized under the heading  
6 “Treasury Franchise Fund” in the Treasury Department  
7 Appropriations Act, 1997 (Pub. L. 104–208), as amended  
8 by section 120 of the Treasury Department Appropria-  
9 tions Act, 2001 (Pub. L. 106–554), may continue through  
10 the date specified in section 107(c) of this joint resolution.

11       SEC. 114. Activities authorized by Title IV–A of the  
12 Social Security Act, and by sections 510, 1108(b), and  
13 1925 of such Act, shall continue in the manner authorized  
14 for fiscal year 2002 through December 31, 2002 (notwith-  
15 standing section 1902(e)(1)(A) of such Act): *Provided*,  
16 That grants and payments may be made pursuant to this  
17 authority at the beginning of fiscal year 2003 for the first  
18 quarter of such year, at the level provided for such activi-  
19 ties for the first quarter of fiscal year 2002: *Provided fur-*  
20 *ther*, That notwithstanding Rule 3 of the Budget  
21 Scorekeeping Guidelines set forth in the joint explanatory  
22 statement of the committee of conference accompanying  
23 Conference Report 105–217, the provisions of this section  
24 that would have been estimated by the Office of Manage-  
25 ment and Budget as changing direct spending or receipts



1 under section 252 of the Balanced Budget and Emergency  
2 Deficit Control Act of 1985 were they included in an Act  
3 other than an appropriations Act shall be treated as direct  
4 spending or receipts legislation, as appropriate, under sec-  
5 tion 252 of the Balanced Budget and Emergency Deficit  
6 Control Act of 1985, and by the Chairmen of the House  
7 and Senate Budget Committees, as appropriate, under the  
8 Congressional Budget Act of 1974.

9       SEC. 115. Activities authorized by section 1722A of  
10 title 38, United States Code may continue through the  
11 date specified in section 107(c) of this joint resolution.

12       SEC. 116. In addition to amounts made available in  
13 section 101 and subject to sections 107(c) and 108 of this  
14 joint resolution, such sums as may be necessary for con-  
15 tributions authorized by 10 U.S.C. 1111 for the Uni-  
16 formed Services of the Department of Defense, the Coast  
17 Guard, the Public Health Service, and the National Oce-  
18 anic and Atmospheric Administration are made available  
19 to accounts for the pay of members of such participating  
20 uniformed services, to be paid from such accounts into the  
21 Fund established under 10 U.S.C. 1111, pursuant to 10  
22 U.S.C. 1116(c).

23       SEC. 117. None of the funds made available under  
24 this Act, or any other Act, shall be used by an Executive

1 agency to implement any activity in violation of section  
2 501 of title 44, United States Code.

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. Security service fees authorized under 49  
13 U.S.C. 44940 shall be credited as offsetting collections  
14 and the maximum amount collected shall be used for pro-  
15 viding security services authorized by that section: *Pro-*  
16 *vided*, That the sum available from the General Fund shall  
17 be reduced as such offsetting collections are received dur-  
18 ing fiscal year 2003.

Passed the House of Representatives September 26,  
2002.

Attest:

JEFF TRANDAHL,

*Clerk.*