

105TH CONGRESS
2^D SESSION

H. J. RES. 128

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 1998

Received

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1999,
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 the fiscal year 1999, and for other purposes, namely:

5 SEC. 101. (a) Such amounts as may be necessary
6 under the authority and conditions provided in the appli-
7 cable appropriations Act for the fiscal year 1998 for con-
8 tinuing projects or activities including the costs of direct
9 loans and loan guarantees (not otherwise specifically pro-
10 vided for in this joint resolution) which were conducted
11 in the fiscal year 1998 and for which appropriations,
12 funds, or other authority would be available in the follow-
13 ing appropriations Acts:

14 (1) the Agriculture, Rural Development, Food
15 and Drug Administration, and Related Agencies Ap-
16 propriations Act, 1999;

17 (2) the Departments of Commerce, Justice, and
18 State, the Judiciary, and Related Agencies Appro-
19 priations Act, 1999, notwithstanding section 15 of
20 the State Department Basic Authorities Act of
21 1956, section 701 of the United States Information
22 and Educational Exchange Act of 1948, section 313
23 of the Foreign Relations Authorization Act, Fiscal
24 Years 1994 and 1995 (Public Law 103–236), and

1 section 53 of the Arms Control and Disarmament
2 Act;

3 (3) the Department of Defense Appropriations
4 Act, 1999, notwithstanding section 504(a)(1) of the
5 National Security Act of 1947;

6 (4) the District of Columbia Appropriations
7 Act, 1999;

8 (5) the Energy and Water Development Approp-
9 riations Act, 1999;

10 (6) the Foreign Operations, Export Financing,
11 and Related Programs Appropriations Act, 1999,
12 notwithstanding section 10 of Public Law 91–672
13 and section 15 of the State Department Basic Au-
14 thorities Act of 1956;

15 (7) the Department of the Interior and Related
16 Agencies Appropriations Act, 1999;

17 (8) the Departments of Labor, Health and
18 Human Services, and Education, and Related Agen-
19 cies Appropriations Act, 1999, the House and Sen-
20 ate reported versions of which shall be deemed to
21 have passed the House and Senate respectively as of
22 October 1, 1998, for the purposes of this joint reso-
23 lution, unless a reported version is passed as of Oc-
24 tober 1, 1998, in which case the passed version shall

1 be used in place of the reported version for purposes
2 of this joint resolution;

3 (9) the Legislative Branch Appropriations Act,
4 1999;

5 (10) the Department of Transportation and Re-
6 lated Agencies Appropriations Act, 1999;

7 (11) the Treasury and General Government Ap-
8 propriations Act, 1999; and

9 (12) the Departments of Veterans Affairs and
10 Housing and Urban Development, and Independent
11 Agencies Appropriations Act, 1999:

12 *Provided*, That whenever the amount which would be made
13 available or the authority which would be granted in
14 these Acts as passed by the House and Senate as of Octo-
15 ber 1, 1998, is different than that which would be avail-
16 able or granted under current operations, the pertinent
17 project or activity shall be continued at a rate for oper-
18 ations not exceeding the current rate: *Provided further*,
19 That whenever the amount of the budget request is less
20 than the amount for current operations and the amount
21 which would be made available or the authority which
22 would be granted in these appropriations Acts as passed
23 by the House and Senate as of October 1, 1998, is less
24 than the amount for current operations, then the pertinent
25 project or activity shall be continued at a rate for oper-

1 ations not exceeding the greater of the rates that would
2 be provided by the amount of the budget request or the
3 amount which would be made available or the authority
4 which would be granted in these appropriations Acts: *Pro-*
5 *vided further*, That whenever there is no amount made
6 available under any of these appropriations Acts as passed
7 by the House and Senate as of October 1, 1998, for a
8 continuing project or activity which was conducted in fis-
9 cal year 1998 and for which there is fiscal year 1999 fund-
10 ing included in the budget request, the pertinent project
11 or activity shall be continued at a rate for operations not
12 exceeding the lesser of the rates that would be provided
13 by the amount of the budget request or the rate for cur-
14 rent operations under the authority and conditions pro-
15 vided in the applicable appropriations Act for the fiscal
16 year 1998.

17 (b) Whenever the amount which would be made avail-
18 able or the authority which would be granted under an
19 Act listed in this section as passed by the House as of
20 October 1, 1998, is different from that which would be
21 available or granted under such Act as passed by the Sen-
22 ate as of October 1, 1998, the pertinent project or activity
23 shall be continued at a rate for operations not exceeding
24 the current rate under the appropriation, fund, or author-
25 ity granted by the applicable appropriations Act for the

1 fiscal year 1999 and under the authority and conditions
2 provided in the applicable appropriations Act for the fiscal
3 year 1998: *Provided*, That whenever the amount of the
4 budget request is less than the amount for current oper-
5 ations and the amounts which would be made available
6 or the authority which would be granted in these appro-
7 priations Acts as passed by the House and the Senate as
8 of October 1, 1998, are both less than the amount for
9 current operations, then the pertinent project or activity
10 shall be continued at a rate for operations not exceeding
11 the greater of the rates that would be provided by the
12 amount of the budget request or the amount which would
13 be made available or the authority which would be granted
14 in the applicable appropriations Act as passed by the
15 House or as passed by the Senate under the appropriation,
16 fund, or authority provided in the applicable appropria-
17 tions Act for the fiscal year 1999 and under the authority
18 and conditions provided in the applicable appropriations
19 Act for the fiscal year 1998.

20 (c) Whenever an Act listed in this section has
21 been passed by only the House or only the Senate as of
22 October 1, 1998, the pertinent project or activity shall be
23 continued under the appropriation, fund, or authority
24 granted by the one House at a rate for operations not ex-
25 ceeding the current rate and under the authority and con-

1 ditions provided in the applicable appropriations Act for
2 the fiscal year 1998: *Provided*, That whenever the amount
3 of the budget request is less than the amount for current
4 operations and the amounts which would be made avail-
5 able or the authority which would be granted in the appro-
6 priations Act as passed by the one House as of October
7 1, 1998, is less than the amount for current operations,
8 then the pertinent project or activity shall be continued
9 at a rate for operations not exceeding the greater of the
10 rates that would be provided by the amount of the budget
11 request or the amount which would be made available or
12 the authority which would be granted in the applicable ap-
13 propriations Act as passed by the one House under the
14 appropriation, fund, or authority provided in the applica-
15 ble appropriations Act for the fiscal year 1999 and under
16 the authority and conditions provided in the applicable ap-
17 propriations Act for the fiscal year 1998: *Provided further*,
18 That whenever there is no amount made available under
19 any of these appropriations Acts as passed by the House
20 or the Senate as of October 1, 1998, for a continuing
21 project or activity which was conducted in fiscal year 1998
22 and for which there is fiscal year 1999 funding included
23 in the budget request, the pertinent project or activity
24 shall be continued at a rate for operations not exceeding
25 the lesser of the rates that would be provided by the

1 amount of the budget request or the rate for current oper-
2 ations under the authority and conditions provided in the
3 applicable appropriations Act for the fiscal year 1998.

4 SEC. 102. No appropriation or funds made available
5 or authority granted pursuant to section 101 for the De-
6 partment of Defense shall be used for new production of
7 items not funded for production in fiscal year 1998 or
8 prior years, for the increase in production rates above
9 those sustained with fiscal year 1998 funds, or to initiate,
10 resume, or continue any project, activity, operation, or or-
11 ganization which are defined as any project, subproject,
12 activity, budget activity, program element, and subpro-
13 gram within a program element and for investment items
14 are further defined as a P-1 line item in a budget activity
15 within an appropriation account and an R-1 line item
16 which includes a program element and subprogram ele-
17 ment within an appropriation account, for which appro-
18 priations, funds, or other authority were not available dur-
19 ing the fiscal year 1998: *Provided*, That no appropriation
20 or funds made available or authority granted pursuant to
21 section 101 for the Department of Defense shall be used
22 to initiate multi-year procurements utilizing advance pro-
23 curement funding for economic order quantity procure-
24 ment unless specifically appropriated later.

1 SEC. 103. 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. 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 the fiscal year 1998.

9 SEC. 105. No provision which is included in an appro-
10 priations Act enumerated in section 101 but which was
11 not included in the applicable appropriations Act for fiscal
12 year 1998 and which by its terms is applicable to more
13 than one appropriation, fund, or authority shall be appli-
14 cable to any appropriation, fund, or authority provided in
15 this joint resolution.

16 SEC. 106. Unless otherwise provided for in this joint
17 resolution or in the applicable appropriations Act, appro-
18 priations and funds made available and authority granted
19 pursuant to this joint resolution shall be available until
20 (a) enactment into law of an appropriation for any project
21 or activity provided for in this joint resolution, or (b) the
22 enactment into law of the applicable appropriations Act
23 by both Houses without any provision for such project or
24 activity, or (c) October 9, 1998, whichever first occurs.

1 SEC. 107. Appropriations made and authority grant-
2 ed pursuant to this joint resolution shall cover all obliga-
3 tions or expenditures incurred for any program, project,
4 or activity during the period for which funds or authority
5 for such project or activity are available under this joint
6 resolution.

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

12 SEC. 109. No provision in the appropriations Act for
13 the fiscal year 1999 referred to in section 101 of this Act
14 that makes the availability of any appropriation provided
15 therein dependent upon the enactment of additional au-
16 thorizing or other legislation shall be effective before the
17 date set forth in section 106(c) of this joint resolution.

18 SEC. 110. Appropriations and funds made available
19 by or authority granted pursuant to this joint resolution
20 may be used without regard to the time limitations for
21 submission and approval of apportionments set forth in
22 section 1513 of title 31, United States Code, but nothing
23 herein shall be construed to waive any other provision of
24 law governing the apportionment of funds.

1 SEC. 111. This joint resolution shall be implemented
2 so that only the most limited funding action of that per-
3 mitted in the joint resolution shall be taken in order to
4 provide for continuation of projects and activities.

5 SEC. 112. Notwithstanding any other provision of
6 this joint resolution, except section 106, for those pro-
7 grams that had high initial rates of operation or complete
8 distribution of fiscal year 1998 appropriations at the be-
9 ginning of that fiscal year because of distributions of fund-
10 ing to States, foreign countries, grantees or others, similar
11 distributions of funds for fiscal year 1999 shall not be
12 made and no grants shall be awarded for such programs
13 funded by this resolution that would impinge on final
14 funding prerogatives.

15 SEC. 113. Notwithstanding any other provision of
16 this joint resolution, except section 106, the rate for oper-
17 ations for projects and activities that would be funded
18 under the heading “International Organizations and Con-
19 ferences, Contributions to International Organizations” in
20 the Departments of Commerce, Justice, and State, the Ju-
21 diciary, and Related Agencies Appropriations Act, 1999,
22 shall be the amount provided by the provisions of section
23 101 multiplied by the ratio of the number of days covered
24 by this resolution to 365.

1 SEC. 114. Notwithstanding any other provision of
2 this joint resolution, except section 106, the rate for oper-
3 ations for the following activities funded with Federal
4 Funds for the District of Columbia, shall be at a rate for
5 operations not exceeding the current rate, multiplied by
6 the ratio of the number of days covered by this joint reso-
7 lution to 365: Corrections Trustee Operations, Offender
8 Supervision, Public Defender Services, Parole Revocation,
9 Adult Probation, and Court Operations.

10 SEC. 115. Activities authorized by sections
11 1309(a)(2), 1319, 1336(a), and 1376(c) of the National
12 Flood Insurance Act of 1968, as amended (42 U.S.C.
13 4001 et seq.), may continue through the date specified in
14 section 106 of this joint resolution.

15 SEC. 116. Section 28f(a) of title 30, United States
16 Code, is amended by striking the words “The holder”
17 through “\$100 per claim.” And inserting “The holder of
18 each unpatented mining claim, mill, or tunnel site located
19 pursuant to the mining laws of the United States before
20 October 1, 1998 shall pay the Secretary of the Interior,
21 on or before September 1, 1999 a claim maintenance fee
22 of \$100 per claim site.”. Notwithstanding any other provi-
23 sion of law, the time for locating any unpatented mining
24 claim, mill, or tunnel site pursuant to 30 U.S.C. 28g may

1 continue through the date specified in section 106 of this
2 joint resolution.

3 SEC. 117. The amounts charged for patent fees
4 through the date provided in section 106 shall be the
5 amounts charged by the Patent and Trademark Office on
6 September 30, 1998, including any applicable surcharges
7 collected pursuant to section 8001 of P.L. 103-66: *Pro-*
8 *vided*, That such fees shall be credited as offsetting collec-
9 tions to the Patent and Trademark Office Salaries and
10 Expenses account: *Provided further*, That during the pe-
11 riod covered by this joint resolution, the commissioner may
12 recognize fees that reflect partial payment of the fees au-
13 thorized by this section and may require unpaid amounts
14 to be paid within a time period set by the Commissioner.

15 SEC. 118. Notwithstanding sections 101, 104, and
16 106 of this joint resolution, until 30 days after the date
17 specified in section 106, funds may be used to initiate or
18 resume projects or activities at a rate in excess of the cur-
19 rent rate to the extent necessary, consistent with existing
20 agency plans, to achieve Year 2000 (Y2K) computer con-
21 version.

22 SEC. 119. Notwithstanding any other provision of
23 this joint resolution, except section 106, the amount made
24 available for projects and activities for decennial census
25 programs shall be the higher of the amount that would

1 be provided under the heading “Bureau of the Census,
2 Periodic Censuses and Programs” in the Departments of
3 Commerce, Justice, and State, the Judiciary, and Related
4 Agencies Appropriations Act, 1999, as passed by the
5 House, or the amount that would be provided by such Act
6 as passed by the Senate, or the amount of the budget re-
7 quest, multiplied by the ratio of the number of days cov-
8 ered by this resolution to 365.

Passed the House of Representatives September 17,
1998.

Attest:

ROBIN H. CARLE,

Clerk.