

107TH CONGRESS
1ST SESSION

H. J. RES. 65

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2001

Received

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 2002,
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 2002, and for other purposes, namely:

5 SEC. 101. (a)(1) Such amounts as may be necessary
6 under the authority and conditions provided in the appli-
7 cable appropriations Act for fiscal year 2001 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 fiscal year 2001 and for which appropriations, funds,
12 or other authority would be available in the following ap-
13 propriations Acts:

14 (A) the Agriculture, Rural Development, Food
15 and Drug Administration, and Related Agencies Ap-
16 propriations Act, 2002;

17 (B) the Departments of Commerce, Justice,
18 and State, the Judiciary, and Related Agencies Ap-
19 propriations Act, 2002, notwithstanding section 15
20 of the State Department Basic Authorities Act of
21 1956, section 313 of the Foreign Relations Author-
22 ization Act, Fiscal Years 1994 and 1995 (Public
23 Law 103–236), and section 504(a)(1) of the Na-
24 tional Security Act of 1947 (50 U.S.C. 414(a)(1));

1 (C) the Energy and Water Development Appro-
2 priations Act, 2002;

3 (D) the Foreign Operations, Export Financing,
4 and Related Programs Appropriations Act, 2002,
5 notwithstanding section 10 of Public Law 91-672
6 and section 15 of the State Department Basic Au-
7 thorities Act of 1956;

8 (E) the Department of the Interior and Related
9 Agencies Appropriations Act, 2002;

10 (F) the Legislative Branch Appropriations Act,
11 2002;

12 (G) the Military Construction Appropriations
13 Act, 2002;

14 (H) the Department of Transportation and Re-
15 lated Agencies Appropriations Act, 2002;

16 (I) the Treasury and General Government Ap-
17 propriations Act, 2002; and

18 (J) the Departments of Veterans Affairs and
19 Housing and Urban Development, and Independent
20 Agencies Appropriations Act, 2002:

21 *Provided*, That whenever the amount which would be made
22 available or the authority which would be granted in these
23 Acts as passed by the House and Senate as of October
24 1, 2001, is different than that which would be available
25 or granted under current operations, the pertinent project

1 or activity shall be continued at a rate for operations not
2 exceeding the current rate: *Provided further*, That when-
3 ever there is no amount made available under any of these
4 appropriations Acts as passed by the House and Senate
5 as of October 1, 2001, for a continuing project or activity
6 which was conducted in fiscal year 2001 and for which
7 there is fiscal year 2002 funding included in the budget
8 request, the pertinent project or activity shall be continued
9 at the rate for current operations under the authority and
10 conditions provided in the applicable appropriations Act
11 for fiscal year 2001.

12 (2) Whenever the amount which would be made avail-
13 able or the authority which would be granted under an
14 Act listed in this subsection as passed by the House as
15 of October 1, 2001, is different from that which would
16 be available or granted under such Act as passed by the
17 Senate as of October 1, 2001, the pertinent project or ac-
18 tivity shall be continued at a rate for operations not ex-
19 ceeding the current rate and under the authority and con-
20 ditions provided in the applicable appropriations Act for
21 fiscal year 2001.

22 (3) Whenever an Act listed in this subsection has
23 been passed by only the House or only the Senate as of
24 October 1, 2001, the pertinent project or activity shall be
25 continued under the appropriation, fund, or authority

1 granted by the one House at a rate for operations not ex-
2 ceeding the current rate and under the authority and con-
3 ditions provided in the applicable appropriations Act for
4 fiscal year 2001: *Provided*, That whenever there is no
5 amount made available under any of these appropriations
6 Acts as passed by the House or the Senate as of October
7 1, 2001, for a continuing project or activity which was
8 conducted in fiscal year 2001 and for which there is fiscal
9 year 2002 funding included in the budget request, the per-
10 tinent project or activity shall be continued at the rate
11 for current operations under the authority and conditions
12 provided in the applicable appropriations Act for fiscal
13 year 2001.

14 (b) Such amounts as may be necessary under the au-
15 thority and conditions provided in the applicable appro-
16 priations Act for fiscal year 2001 for continuing projects
17 or activities including the costs of direct loans and loan
18 guarantees (not otherwise specifically provided for in this
19 joint resolution) which were conducted in fiscal year 2001,
20 at a rate for operations not exceeding the current rate,
21 and for which appropriations, funds, or other authority
22 was made available in the following appropriations Acts:

23 (1) the Department of Defense Appropriations
24 Act, 2001, notwithstanding section 504(a)(1) of the

1 National Security Act of 1947 (50 U.S.C.
2 414(a)(1)); and

3 (2) the Departments of Labor, Health and
4 Human Services, and Education, and Related Agen-
5 cies Appropriations Act, 2001; and

6 (3) the District of Columbia Appropriations
7 Act, 2001.

8 SEC. 102. No appropriation or funds made available
9 or authority granted pursuant to section 101 for the De-
10 partment of Defense shall be used for new production of
11 items not funded for production in fiscal year 2001 or
12 prior years, for the increase in production rates above
13 those sustained with fiscal year 2001 funds, or to initiate,
14 resume, or continue any project, activity, operation, or or-
15 ganization which are defined as any project, subproject,
16 activity, budget activity, program element, and subpro-
17 gram within a program element and for investment items
18 are further defined as a P-1 line item in a budget activity
19 within an appropriation account and an R-1 line item
20 which includes a program element and subprogram ele-
21 ment within an appropriation account, for which appro-
22 priations, funds, or other authority were not available dur-
23 ing fiscal year 2001: *Provided*, That no appropriation or
24 funds made available or authority granted pursuant to
25 section 101 for the Department of Defense shall be used

1 to initiate multi-year procurements utilizing advance pro-
2 curement funding for economic order quantity procure-
3 ment unless specifically appropriated later.

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

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 2001.

12 SEC. 105. No provision which is included in an appro-
13 priations Act listed in section 101(a) but which was not
14 included in the applicable appropriations Act for fiscal
15 year 2001 and which by its terms is applicable to more
16 than one appropriation, fund, or authority shall be appli-
17 cable to any appropriation, fund, or authority provided in
18 this joint resolution.

19 SEC. 106. Appropriations made and authority grant-
20 ed pursuant to this joint resolution shall cover all obliga-
21 tions or expenditures incurred for any program, project,
22 or activity during the period for which funds or authority
23 for such project or activity are available under this joint
24 resolution.

1 SEC. 107. Unless otherwise provided for in this joint
2 resolution or in the applicable appropriations Act, appro-
3 priations and funds made available and authority granted
4 pursuant to this joint resolution shall be available until
5 (a) enactment into law of an appropriation for any project
6 or activity provided for in this joint resolution, or (b) the
7 enactment into law of the applicable appropriations Act
8 by both Houses without any provision for such project or
9 activity, or (c) October 16, 2001, whichever first occurs.

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

15 SEC. 109. No provision in any appropriations Act for
16 fiscal year 2002 listed in section 101(a) that makes the
17 availability of any appropriation provided therein depend-
18 ent upon the enactment of additional authorizing or other
19 legislation shall be effective before the date set forth in
20 section 107(c) of this joint resolution.

21 SEC. 110. Appropriations and funds made available
22 by or authority granted pursuant to this joint resolution
23 may be used without regard to the time limitations for
24 submission and approval of apportionments set forth in
25 section 1513 of title 31, United States Code, but nothing

1 herein shall be construed to waive any other provision of
2 law governing the apportionment of funds.

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

7 SEC. 112. Notwithstanding any other provision of
8 this joint resolution, except section 107, for those pro-
9 grams that had high initial rates of operation or complete
10 distribution of fiscal year 2001 appropriations at the be-
11 ginning of that fiscal year because of distributions of fund-
12 ing to States, foreign countries, grantees or others, similar
13 distributions of funds for fiscal year 2002 shall not be
14 made and no grants shall be awarded for such programs
15 funded by this resolution that would impinge on final
16 funding prerogatives.

17 SEC. 113. Activities authorized by sections 1319 and
18 1336(a) of the National Flood Insurance Act of 1968 (42
19 U.S.C. 4001 et seq.) may continue through the date speci-
20 fied in section 107(e) of this joint resolution.

21 SEC. 114. Activities authorized by title V of the De-
22 partments of Veterans Affairs and Housing and Urban
23 Development, and Independent Agencies Appropriations
24 Act, 1998, may continue through the date specified in sec-
25 tion 107(c) of this joint resolution.

1 SEC. 115. Activities authorized by section 7 of the
2 Export-Import Bank Act of 1945 (12 U.S.C. 635f) and
3 section 1(c) of Public Law 103–428, may continue
4 through the date specified in section 107(c) of this joint
5 resolution.

6 SEC. 116. Activities authorized by chapter 2 of title
7 II of the Trade Act of 1974 shall continue through the
8 date specified in section 107(c) of this joint resolution.

9 SEC. 117. Activities authorized by subsection (f) of
10 section 403 of Public Law 103–356 may continue through
11 the date specified in section 107(c) of this joint resolution.

12 SEC. 118. Notwithstanding any other provision of
13 this joint resolution, except section 107, the Library of
14 Congress may temporarily transfer to the revolving fund
15 established under section 103 of Public Law 106–481
16 amounts to continue program operations at a rate not ex-
17 ceeding the rate under authority applicable prior to Octo-
18 ber 1, 2001.

19 SEC. 119. Of amounts provided by section 101 of this
20 joint resolution, for projects and activities that would be
21 funded under the heading “International Organizations
22 and Conferences, Contributions to International Organiza-
23 tions” in the Departments of Commerce, Justice, and
24 State, the Judiciary, and Related Agencies Appropriations
25 Act, 2001, \$100,000,000 may be made available only pur-

1 suant to a certification by the Secretary of State that the
2 United Nations has taken no action in calendar year 2001
3 prior to the date of enactment of this Act to increase fund-
4 ing for any United Nations program without identifying
5 an offsetting decrease elsewhere in the United Nations
6 budget and cause the United Nations to exceed the budget
7 for the biennium 2000–2001 of \$2,535,700,000.

8 SEC. 120. Notwithstanding any other provision of
9 this joint resolution, in the event that H.R. 1088, the In-
10 vestor and Capital Markets Fee Relief Act, or other legis-
11 lation to amend section 6(b) of the Securities Act of 1933
12 (15 U.S.C. 77f(b)), and sections 13(e), 14(g), and 31 of
13 the Securities Exchange Act of 1934 (15 U.S.C. 78m(e),
14 78n(g), and 78ee), is enacted into law during the period
15 covered by this joint resolution, the fees, charges, and as-
16 sessments authorized by such sections, as amended, shall
17 be deposited and credited as offsetting collections to the
18 account that provides appropriations to the Securities and
19 Exchange Commission.

20 SEC. 121. Collection and use of maintenance fees as
21 authorized by section 4(i) and 4(k) of the Federal Insecti-
22 cide, Fungicide, and Rodenticide Act (7 U.S.C. § 136a–
23 1(i) and (k)) may continue through the date specified in
24 section 107(c) of this joint resolution. Prohibitions against
25 collecting “other fees” as described in section 4(i)(6) of

1 the Federal Insecticide, Fungicide, and Rodenticide Act
2 (7 U.S.C. § 136a–1(i)(6)) shall continue in effect through
3 the date specified in section 107(c) of this joint resolution.

4 SEC. 122. Notwithstanding section 106 of this joint
5 resolution, funds made available in Public Law 107–38
6 are not limited by the terms and conditions of this joint
7 resolution.

 Passed the House of Representatives September 24,
2001.

Attest:

JEFF TRANDAHL,

Clerk.