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Collection Code: **SECLOG**

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Subject/Description: **OVERSIZE ATTACHMENT # 9468 NARA # 9359 BOX 4
FOLDER 4D BILL FILE RECEIVED FROM THE OFFICE OF
THE EXECUTIVE CLERK - OCT 11 02 ENROLLED BILL H.J.
RES 122 - MAKING FURTHER CONTINUING
APPROPRIATIONS FOR THE FISCAL YEAR 2003 AND FOR
OTHER PURPOSES**



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

THE DIRECTOR

THE PRESIDENT HAS SEEN

October 11, 2002

10/11/02

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.J. Res. 122 -- Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes

Sponsors: Representative Young (R), Florida
Senator Byrd (D), West Virginia

Last Day for Action

October 23, 2002 -- Wednesday

Your signature as soon as possible is recommended. Funding for the agencies and accounts covered by the enrolled bill expires at midnight on Friday, October 11th.

Purpose

Provides FY 2003 appropriations for continuing projects and activities of the Federal Government through October 18, 2002.

Agency Recommendations

Office of Management and Budget
Other affected departments
and agencies

Approval

Approval (Assumed)

Discussion

At this time, none of the regular thirteen FY 2003 appropriations bills have been signed into law. On September 30th you signed into law H.J. Res. 111 (P.L. 107-229), a clean short-term continuing resolution (CR), and on October 4th you signed a one-week extension of that resolution, H.J. Res. 112 (P.L. 107-235).

H.J. Res. 122 further amends the terms and conditions of H.J. Res. 111 to provide the authorities necessary for continued government operations through October 18, 2002. This resolution responds to many concerns raised by the Administration. It includes language that addresses a funding anomaly that would have restricted resources for the Transportation Security

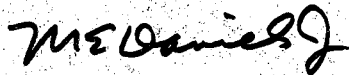
Agency (TSA), reduces spending under the CR for "one-time, non-recurring projects and activities" and authorizes the implementation of a new, no subsidy-cost Foreign Military Financing Loan to the government of Poland for the purchase of F-16 aircraft, weapons and related logistics support. H.J. Res. 122 passed the House on October 10th by a vote of 275 - 144 and the Senate by unanimous consent on October 11th.

The Congress has, however, included some provisions that are unnecessary for the efficient operation of government, such as several onerous reporting requirements. The Congress also continues to include language that purports to limit the ability of OMB and other agencies to efficiently procure printing services. As noted previously, this language violates the constitutional principles of separation of powers and therefore is not binding on the Executive Branch.

Recommendation

H.J. Res. 122 provides the Administration with sufficient resources and authority to continue government operations in the absence of appropriations bills. Therefore, I recommend that you sign the enrolled bill.

Sincerely,

A handwritten signature in black ink, appearing to read "ME Daniels Jr", written in a cursive, stylized script.

Mitchell E. Daniels, Jr.
Director

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

Joint Resolution

Making further continuing appropriations for the fiscal year 2003, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107-229 is further amended by striking the date specified in section 107(c) and inserting "October 18, 2002".

SEC. 2. Section 101(2) of Public Law 107-229 is amended by striking "section 15" and all that follows through "(Public Law 103-236), and".

SEC. 3. Section 114 of Public Law 107-229 is amended by inserting before the colon at the end of the first proviso the following: "*Provided further*, That section 3001 of the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) is amended by striking subsection (d), and such amendment shall take effect as if included in such Act on the date of its enactment".

SEC. 4. Section 117 of Public Law 107-229 is amended to read as follows:

"SEC. 117. (a) The Congress finds that section 501 of title 44, United States Code, and section 207(a) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) require that (except as otherwise provided in such sections) all printing, binding, and blankbook work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office, and establishment of the Government, shall be done at the Government Printing Office.

"(b) No funds appropriated under this joint resolution or any other Act may be used—

"(1) to implement or comply with the Office of Management and Budget Memorandum M-02-07, 'Procurement of Printing and Duplicating through the Government Printing Office', issued May 3, 2002, or any other memorandum or similar opinion reaching the same, or substantially the same, result as such memorandum; or

"(2) to pay for the printing (other than by the Government Printing Office) of the budget of the United States Government submitted by the President of the United States under section 1105 of title 31, United States Code."

SEC. 5. Public Law 107-229 is amended by adding at the end the following new sections:

"SEC. 120. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2002, and for activities under the Food Stamp Act of 1977, activities shall be continued at a rate to maintain program

U.S. WHITE HOUSE

H. J. Res. 122—4

after the expiration of the period covered by the final joint resolution making continuing appropriations for fiscal year 2003.

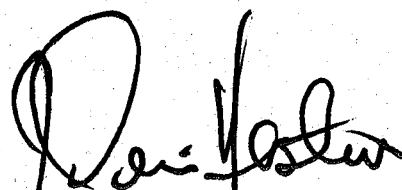
"(d)(1) Each report required by subsection (a) shall include a list of all executive branch accounts for which departments and agencies are operating under apportionments that provide for a rate of operations that is lower than the current rate, within the meaning of sections 101 and 105. For each such account, the report shall include an estimate of the current rate for the period covered by this joint resolution and the estimate of obligations during such period.

"(2) By December 6, 2002, the Comptroller General shall submit to the Committees on Appropriations a report identifying executive branch accounts for which apportionments made from funds appropriated or authority granted by this joint resolution provide for a rate of operations that differs from the current rate, within the meaning of sections 101 and 105.

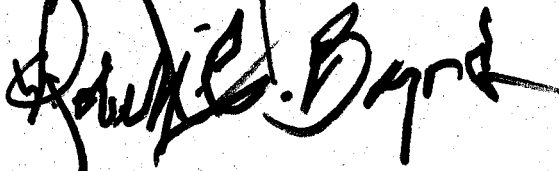
"SEC. 135. Appropriations made by this joint resolution are hereby reduced, at an annual rate, by the amounts specified and in the accounts identified for one-time, non-recurring projects and activities in Attachment C of Office of Management and Budget Bulletin No. 02-06, Supplement No. 1, dated October 4, 2002.

"SEC. 136. Activities authorized for 2002 by sections 1902(a)(10)(E)(iv) and 1933 of the Social Security Act, as amended, with respect to individuals described in section 1902(a)(10)(E)(iv)(I) of such Act may continue through 60 days after the date specified in section 107(c) of Public Law 107-229, as amended.

"SEC. 137. Notwithstanding any other provision of this joint resolution, except sections 107(c) and 108, during fiscal year 2003, the annual rate of operations for the Federal-aid highways program for fiscal year 2003 shall be \$31,799,104,000: *Provided*, That total obligations for this program while operating under joint resolutions making continuing appropriations for fiscal year 2003 shall not exceed \$27,700,000,000, unless otherwise specified in a subsequent appropriations Act. This section shall not affect the availability of unobligated balances carried forward into fiscal year 2003 that would otherwise be available for obligation."



Speaker of the House of Representatives.

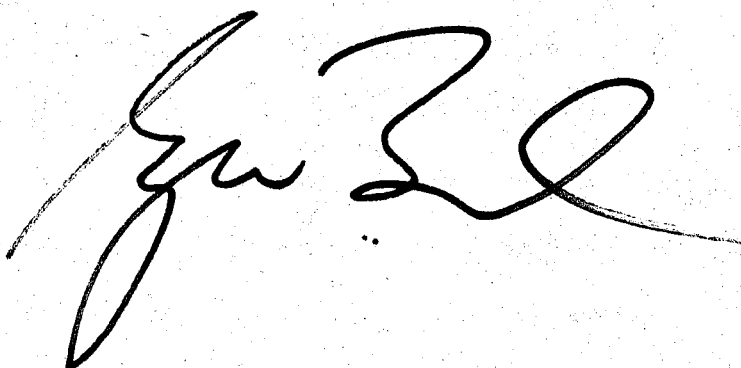


~~Vice President of the United States and~~

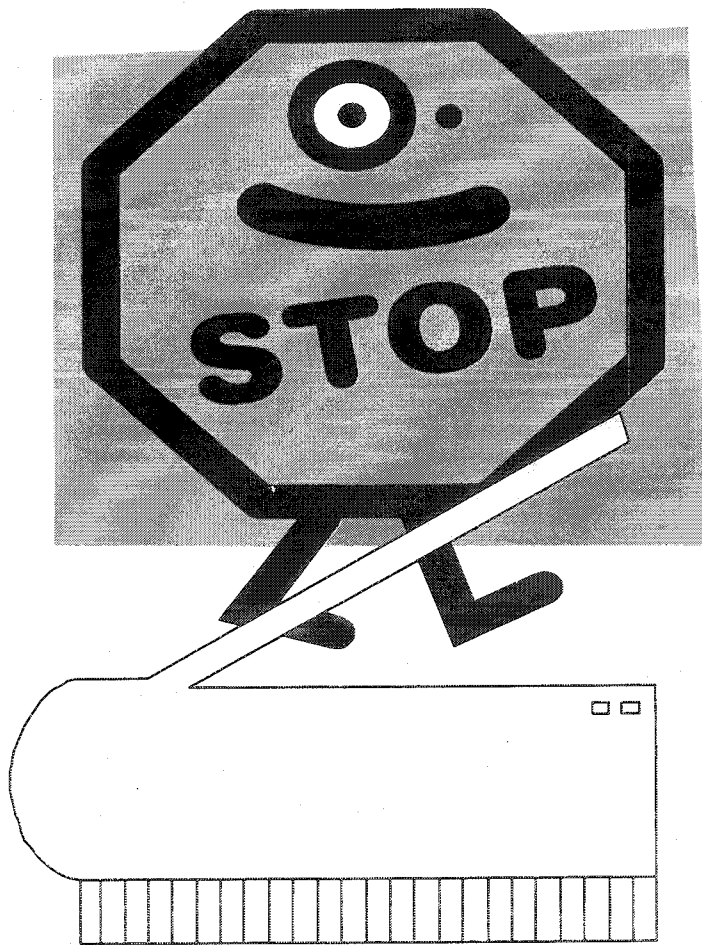
President of the Senate *pro tempore*

APPROVED

OCT 11 2002



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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

October 11, 2002

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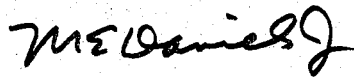
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Mitchell E. Daniels, Jr.
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SEC. 4. Section 117 of Public Law 107-229 is amended to read as follows:

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"(b) No funds appropriated under this joint resolution or any other Act may be used—

"(1) to implement or comply with the Office of Management and Budget Memorandum M-02-07, 'Procurement of Printing and Duplicating through the Government Printing Office', issued May 3, 2002, or any other memorandum or similar opinion reaching the same, or substantially the same, result as such memorandum; or

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SEC. 5. Public Law 107-229 is amended by adding at the end the following new sections:

"SEC. 120. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2002, and for activities under the Food Stamp Act of 1977, activities shall be continued at a rate to maintain program

OCT 11 2002
THE WHITE HOUSE

levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2002, 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, 2002, may continue to be made.

"SEC. 121. Notwithstanding any other provision of this joint resolution, the annual rate of operations for the Commodity Futures Trading Commission (CFTC) Salaries and Expenses Account shall not exceed \$71,960,000 and shall include the cost of lease of office space for the CFTC's New York regional office at an annual rate not to exceed \$1,949,000.

"SEC. 122. In addition to funds made available in section 101, the Department of Justice may transfer to the Immigration User Fee Account established by section 286(h) of the Immigration and Nationality Act (8 U.S.C. 1356(h)) such sums as may be necessary from unobligated balances from funds appropriated to the Immigration and Naturalization Service by Public Law 107-77 and division B of Public Law 107-117, at a rate not to exceed \$90,000,000 for the first quarter, through the date specified in section 107(c): *Provided*, That the sums transferred under this section shall be reimbursed from the Immigration User Fee Account by not later than April 1, 2003.

"SEC. 123. Notwithstanding section 105(a)(2), in addition to amounts made available in section 101, and subject to sections 107(c) and 108, for purposes of calculating the rate of operations of General Legal Activities (GLA) in the Department of Justice, \$7,300,000 available during fiscal year 2002 from the Executive Office of the President shall be credited to GLA for purposes of administering the Victims Compensation Program.

"SEC. 124. Activities authorized by the Parole Commission and Reorganization Act, P.L. 94-233, as amended, may continue through the date specified in section 107(c).

"SEC. 125. Notwithstanding any other provision of this joint resolution, in addition to amounts made available in section 101, and subject to sections 107(c) and 108, such funds, from fee collections in fiscal year 2003, shall be available for the Securities and Exchange Commission to continue implementation of section 8 of Public Law 107-123.

"SEC. 126. Notwithstanding any other provision of this joint resolution, except section 107, the District of Columbia may expend local funds at a rate in excess of the rate under authority applicable prior to October 1, 2002 to cover payments that would be funded under the heading 'Repayment of Loans and Interest'.

"SEC. 127. No funds appropriated in this joint resolution or any other Act may be used to implement any restructuring of the Civil Works Program of the US Army Corps of Engineers which would involve the transfer of Civil Works missions, functions, or responsibilities from the US Army Corps of Engineers to any other executive branch agency or department without explicit congressional authorization.

"SEC. 128. Notwithstanding any other provision of this joint resolution, during fiscal year 2003, direct loans under section 23 of the Arms Export Control Act may be made available for Poland, gross obligations for the principal amounts of which shall not exceed \$3,800,000,000: *Provided*, That such loans shall be repaid in not more than 15 years, including a grace period of up to 8 years

on repayment of principal: *Provided further*, That no funds are available for the subsidy costs of these loans: *Provided further*, That the Government of Poland shall pay the full cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with the loans, including the cost of any defaults: *Provided further*, That any fees associated with these loans shall be paid by the Government of Poland prior to any disbursement of loan proceeds: *Provided further*, That no funds made available to Poland under this joint resolution or any other Act may be used for payment of any fees associated with these loans.

"SEC. 129. Notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect until the date specified in section 107(c).

"SEC. 130. Notwithstanding any other provision of this joint resolution, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payment to John F. Mink, widower of Patsy Mink, late a Representative from the State of Hawaii, \$150,000.

"SEC. 131. Notwithstanding section 105(a)(2), in addition to amounts made available in section 101, and subject to sections 107(c) and 108, for purposes of calculating the rate of operations for the Transportation Security Administration (TSA) and the Federal Emergency Management Agency (FEMA), the amount transferred by Public Law 107-206 from TSA to FEMA shall be credited to TSA, and such amount shall be deducted from FEMA.

"SEC. 132. Activities authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) may continue through the date specified in section 107(c) of this joint resolution.

"SEC. 133. (a) Each specified department or agency shall, by December 6, 2002, submit directly to the Committees on Appropriations a report containing an evaluation of the effect on the specified management areas of operating through September 30, 2003, under joint resolutions making continuing appropriations for fiscal year 2003 that fund programs and activities at not exceeding the current rate of operations.

"(b) For purposes of subsection (a):

"(1) The term 'specified department or agency' means a department or agency identified on page 49 or 50 of the Budget of the United States Government, Fiscal Year 2003 (H. Doc. 107-159, Vol. I), except for the Department of Defense.

"(2) The term 'specified management areas' means the following management priorities described in the President's Management Agenda (August 2001): strategic management of human capital, competitive sourcing, improved financial performance, expanded electronic government, and budget and performance integration.

"SEC. 134. (a) The Director of the Office of Management and Budget shall submit to the Committees on Appropriations a monthly report on all departmental and agency obligations made since the beginning of fiscal year 2003 while operating under joint resolutions making continuing appropriations for such fiscal year.

"(b) Each report required by subsection (a) shall set forth obligations by account, and shall contain a comparison of such obligations to the obligations incurred during the same period for fiscal year 2002.

"(c) Reports shall be submitted under subsection (a) beginning 1 month after the enactment of this section, and ending 1 month

after the expiration of the period covered by the final joint resolution making continuing appropriations for fiscal year 2003.

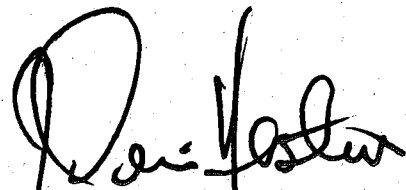
"(d)(1) Each report required by subsection (a) shall include a list of all executive branch accounts for which departments and agencies are operating under apportionments that provide for a rate of operations that is lower than the current rate, within the meaning of sections 101 and 105. For each such account, the report shall include an estimate of the current rate for the period covered by this joint resolution and the estimate of obligations during such period.

"(2) By December 6, 2002, the Comptroller General shall submit to the Committees on Appropriations a report identifying executive branch accounts for which apportionments made from funds appropriated or authority granted by this joint resolution provide for a rate of operations that differs from the current rate, within the meaning of sections 101 and 105.

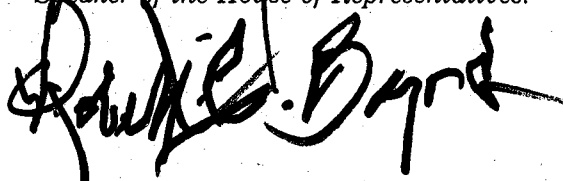
"SEC. 135. Appropriations made by this joint resolution are hereby reduced, at an annual rate, by the amounts specified and in the accounts identified for one-time, non-recurring projects and activities in Attachment C of Office of Management and Budget Bulletin No. 02-06, Supplement No. 1, dated October 4, 2002.

"SEC. 136. Activities authorized for 2002 by sections 1902(a)(10)(E)(iv) and 1933 of the Social Security Act, as amended, with respect to individuals described in section 1902(a)(10)(E)(iv)(I) of such Act may continue through 60 days after the date specified in section 107(c) of Public Law 107-229, as amended.

"SEC. 137. Notwithstanding any other provision of this joint resolution, except sections 107(c) and 108, during fiscal year 2003, the annual rate of operations for the Federal-aid highways program for fiscal year 2003 shall be \$31,799,104,000: *Provided*, That total obligations for this program while operating under joint resolutions making continuing appropriations for fiscal year 2003 shall not exceed \$27,700,000,000, unless otherwise specified in a subsequent appropriations Act. This section shall not affect the availability of unobligated balances carried forward into fiscal year 2003 that would otherwise be available for obligation."



Speaker of the House of Representatives.



~~Vice President of the United States and~~

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