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[Report No. 100-238]

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 1987

Received, read twice and referred to the Committee on Appropriations

DECEMBER 8, 1987

Reported by Mr. STENNIS, with amendments

[Omit the part struck through and insert the part printed in italic]

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year
1988, and for other purposes.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 ~~SECTION 1. In order to achieve the levels of deficit re-~~
- 4 ~~duction agreed to in the Economic Summit by the President~~
- 5 ~~and the Joint Leadership of Congress, notwithstanding any~~
- 6 ~~other provision of this resolution, the levels for defense~~
- 7 ~~spending (budget function 050) for fiscal year 1988 shall not~~
- 8 ~~exceed \$292,000,000,000 in budget authority and~~

1 \$285,400,000,000 in outlays and the levels for discretionary
2 non-defense domestic spending for fiscal year 1988 shall not
3 exceed \$162,900,000,000 in budget authority and
4 \$176,800,000,000 in outlays, and individual accounts within
5 this resolution shall be adjusted to meet the requirements of
6 this sentence.

7 In order to carry out the levels agreed to in the Eco-
8 nomic Summit, the Committee on Appropriations shall take
9 such steps as are necessary to apportion these levels among
10 the various subcommittees and shall make such recommenda-
11 tions in the conference report on this resolution as ensure
12 that these levels are not exceeded.

13 The following sums are hereby appropriated, out of any
14 money in the Treasury not otherwise appropriated, and out of
15 applicable corporate or other revenues, receipts, and funds,
16 for the several departments, agencies, corporations, and other
17 organizational units of the Government for the fiscal year
18 1988, and for other purposes, namely:

19 Sec. 101. (a) Such amounts as may be necessary for
20 programs, projects, or activities at the rate for operations and
21 to the extent and in the manner provided for in H.R. 2763,
22 the Departments of Commerce, Justice, and State, the Judi-
23 ciary, and Related Agencies Appropriations Act, 1988, as
24 passed by the House of Representatives on July 1, 1987.

1 *SEC. 101. (a) Such amounts as may be necessary for*
2 *programs, projects, or activities at the rate for operations and*
3 *to the extent and in the manner provided for in H.R. 2763,*
4 *the Departments of Commerce, Justice, and State, the Judi-*
5 *ciary, and Related Agencies Appropriations Act, 1988, as*
6 *passed by the Senate on October 15, 1987: Provided, That*
7 *discretionary domestic budget authority shall not exceed*
8 *\$10.43 billion and that discretionary domestic outlays (ex-*
9 *cluding prior year outlays) shall not exceed \$8.03 billion:*
10 *Provided further, That discretionary international affairs*
11 *budget authority shall not exceed \$3.74 billion and that dis-*
12 *cretionary international affairs outlays (excluding prior year*
13 *outlays) shall not exceed \$2.77 billion.*

14 **(b) Such amounts as may be necessary for programs,**
15 **projects, or activities at the rate for operations and to the**
16 **extent and in the manner provided for in H.R. 3576, the**
17 **Department of Defense Appropriations Act, 1988, as report-**
18 **ed to the House of Representatives on October 28, 1987.**

19 *(b) Such amounts as may be necessary for programs,*
20 *projects, or activities at the rate for operations and to the*
21 *extent and in the manner provided for in S. 1923, the De-*
22 *partment of Defense Appropriations Act, 1988, as reported to*
23 *the Senate on December 4, 1987: Provided, That defense*
24 *budget authority shall not exceed \$276.11 billion and that*

1 *defense outlays (excluding prior year outlays) shall not*
2 *exceed \$162.44 billion.*

3 (e) Such amounts as may be necessary for programs,
4 projects, or activities at the rate for operations and to the
5 extent and in the manner provided for in H.R. 2713, the
6 District of Columbia Appropriations Act, 1988, as passed by
7 the House of Representatives on June 26, 1987.

8 (c) Such amounts as may be necessary for programs,
9 projects, or activities at the rate for operations and to the
10 extent and in the manner provided for in H.R. 2713, the
11 District of Columbia Appropriations Act, 1988, as passed by
12 the Senate on September 30, 1987: Provided, That discre-
13 tionary domestic budget authority shall not exceed \$560 mil-
14 lion and that discretionary domestic outlays (excluding prior
15 year outlays) shall not exceed \$550 million.

16 (d) Such amounts as may be necessary for programs,
17 projects, or activities at the rate for operations and to the
18 extent and in the manner provided for in H.R. 2700, the
19 Energy and Water Development Appropriations Act, 1988,
20 as passed by the House of Representatives on June 24,
21 1987.

22 (d) Such amounts as may be necessary for programs,
23 projects, or activities at the rate for operations and to the
24 extent and in the manner provided for in H.R. 2700, the
25 Energy and Water Development Appropriations Act, 1988,

1 *as passed by the Senate on November 18, 1987: Provided,*
2 *That discretionary domestic budget authority shall not exceed*
3 *\$9.31 billion and that discretionary domestic outlays (ex-*
4 *cluding prior year outlays) shall not exceed \$5.91 billion:*
5 *Provided further, That defense budget authority shall not*
6 *exceed \$7.75 billion and that defense outlays (excluding*
7 *prior year outlays) shall not exceed \$5.04 billion.*

8 (e) ~~Such amounts as may be necessary for programs,~~
9 ~~projects, or activities at the rate for operations and to the~~
10 ~~extent and in the manner provided for in H.R. 3186, the~~
11 ~~Foreign Operations, Export Financing and Related Programs~~
12 ~~Appropriations Act, 1988, as reported to the House of Rep-~~
13 ~~resentatives on August 6, 1987.~~

14 (e) *Such amounts as may be necessary for programs,*
15 *projects, or activities at the rate for operations and to the*
16 *extent and in the manner provided for in S. 1924, the For-*
17 *ign Assistance, Export Financing and Related Programs*
18 *Appropriations Act, 1988, as reported to the Senate on De-*
19 *cember 4, 1987: Provided, That discretionary international*
20 *affairs budget authority shall not exceed \$13.04 billion and*
21 *that discretionary international affairs outlays (excluding*
22 *prior year outlays) shall not exceed \$5.32 billion.*

23 (f) ~~Such amounts as may be necessary for programs,~~
24 ~~projects, or activities at the rate for operations and to the~~
25 ~~extent and in the manner provided for in H.R. 2783, the~~

1 ~~Department of Housing and Urban Development-Independ-~~
2 ~~ent Agencies Appropriations Act, 1988, as passed by the~~
3 ~~House of Representatives on September 22, 1987.~~

4 (f) *Such amounts as may be necessary for programs,*
5 *projects, or activities at the rate for operations and to the*
6 *extent and in the manner provided for in H.R. 2783, the*
7 *Department of Housing and Urban Development-Independ-*
8 *ent Agencies Appropriations Act, 1988, as passed by the*
9 *Senate on October 15, 1987: Provided, That discretionary*
10 *domestic budget authority shall not exceed \$40.87 billion and*
11 *that discretionary domestic outlays (excluding prior year out-*
12 *lays) shall not exceed \$18.46 billion: Provided further, That*
13 *defense budget authority shall not exceed \$350 million and*
14 *that defense outlays (excluding prior year outlays) shall not*
15 *exceed \$280 million.*

16 (g) ~~Such amounts as may be necessary for programs,~~
17 ~~projects, or activities at the rate for operations and to the~~
18 ~~extent and in the manner provided for in H.R. 2712, the~~
19 ~~Department of the Interior and Related Agencies Appropria-~~
20 ~~tions Act, 1988, as passed by the House of Representatives~~
21 ~~on June 25, 1987.~~

22 (g) *Such amounts as may be necessary for programs,*
23 *projects, or activities at the rate for operations and to the*
24 *extent and in the manner provided for in H.R. 2712, the*
25 *Department of the Interior and Related Agencies Appropria-*

1 *tions Act, 1988, as passed by the Senate on September 30,*
2 *1987: Provided, That discretionary domestic budget author-*
3 *ity shall not exceed \$9.79 billion and that discretionary do-*
4 *mestic outlays (excluding prior year outlays) shall not exceed*
5 *\$6.66 billion.*

6 (h) ~~Such amounts as may be necessary for programs,~~
7 ~~projects, or activities at the rate for operations and to the~~
8 ~~extent and in the manner provided for in H.R. 3058, the~~
9 ~~Departments of Labor, Health and Human Services, and~~
10 ~~Education, and Related Agencies Appropriations Act, 1988,~~
11 ~~as passed by the House of Representatives on August 5,~~
12 ~~1987.~~

13 (h) *Such amounts as may be necessary for programs,*
14 *projects, or activities at the rate for operations and to the*
15 *extent and in the manner provided for in H.R. 3058, the*
16 *Departments of Labor, Health and Human Services, and*
17 *Education, and Related Agencies Appropriations Act, 1988,*
18 *as passed by the Senate on October 14, 1987: Provided, That*
19 *discretionary domestic budget authority shall not exceed*
20 *\$38.26 billion and that discretionary domestic outlays (ex-*
21 *cluding prior year outlays) shall not exceed \$19.20 billion:*
22 *Provided further, That discretionary international affairs*
23 *budget authority shall not exceed \$5 million and that discre-*
24 *tionary international affairs outlays (excluding prior year*
25 *outlays) shall not exceed \$1 million.*

1 (i) Such amounts as may be necessary for programs,
2 projects, or activities at the rate for operations and to the
3 extent and in the manner provided for in H.R. 2714, the
4 Legislative Branch Appropriations Act, 1988, as passed by
5 the House of Representatives on June 29, 1987.

6 (i) *Such amounts as may be necessary for programs,*
7 *projects, or activities at the rate for operations and to the*
8 *extent and in the manner provided for in H.R. 2714, the*
9 *Legislative Branch Appropriations Act, 1988, as passed by*
10 *the Senate on September 30, 1987: Provided, That discre-*
11 *tionary domestic budget authority shall not exceed \$1.77 bil-*
12 *lion and that discretionary domestic outlays (excluding prior*
13 *year outlays) shall not exceed \$1.56 billion.*

14 (j) Such amounts as may be necessary for programs,
15 projects, or activities at the rate for operations and to the
16 extent and in the manner provided for in H.R. 2906, the
17 Military Construction Appropriations Act, 1988, as passed
18 by the House of Representatives on July 14, 1987.

19 (j) *Such amounts as may be necessary for programs,*
20 *projects, or activities at the rate for operations and to the*
21 *extent and in the manner provided for in H.R. 2906, the*
22 *Military Construction Appropriations Act, 1988, as passed*
23 *by the Senate on October 27, 1987: Provided, That defense*
24 *budget authority shall not exceed \$8.50 billion and that de-*

1 *fense outlays (excluding prior year outlays) shall not exceed*
 2 *\$2.37 billion.*

3 (k) Such amounts as may be necessary for programs,
 4 projects, or activities at the rate for operations and to the
 5 extent and in the manner provided for in H.R. 3520, the
 6 Rural Development, Agriculture, and Related Agencies
 7 Appropriations Act, 1988, as reported to the House of
 8 Representatives on October 20, 1987: *Provided*, That with
 9 respect to the line items for which monies are appropriated in
 10 the paragraph under the heading:

11 CORPORATIONS

12 COMMODITY CREDIT CORPORATION

13 OPERATING EXPENSES

14 in title I of such bill, any monies otherwise available to the
 15 Commodity Credit Corporation not otherwise obligated (in-
 16 cluding the proceeds of repayments of price support loans
 17 made on the 1987 or previous crops and any proceeds of
 18 sales of commodities from Commodity Credit Corporation
 19 stocks) may be transferred to such line items or may be used
 20 to reimburse the Commodity Credit Corporation during fiscal
 21 year 1988 for net realized losses sustained, but not previous-
 22 ly reimbursed (pursuant to the Act of August 17, 1961)—

23 (1) if the Secretary of Agriculture determines such
 24 transfer or use is necessary to ensure the efficient and
 25 effective implementation of the programs under the
 26 Food Security Act of 1985, and

1 (2) the Secretary provides advance notice of the
2 transfer or use to Congress.

3 (k) *Such amounts as may be necessary for programs,*
4 *projects, or activities at the rate for operations and to the*
5 *extent and in the manner provided for in S. 1800, the Agri-*
6 *culture, Rural Development, and Related Agencies*
7 *Appropriations Act, 1988, as reported to the Senate on Oc-*
8 *tober 16, 1987: Provided, That discretionary domestic budget*
9 *authority shall not exceed \$15.11 billion and that discretion-*
10 *ary domestic outlays (excluding prior year outlays) shall not*
11 *exceed \$6.33 billion: Provided further, That discretionary*
12 *international affairs budget authority shall not exceed \$1.06*
13 *billion and that discretionary international affairs outlays*
14 *(excluding prior year outlays) shall not exceed \$1.35 billion.*

15 (A) ~~Such amounts as may be necessary for programs,~~
16 ~~projects, or activities at the rate for operations and to the~~
17 ~~extent and in the manner provided for in H.R. 2890, the~~
18 ~~Department of Transportation and Related Agencies Appro-~~
19 ~~priations Act, 1988, as passed by the House of Representa-~~
20 ~~tives on July 13, 1987.~~

21 (l) *Such amounts as may be necessary for programs,*
22 *projects, or activities at the rate for operations and to the*
23 *extent and in the manner provided for in H.R. 2890, the*
24 *Department of Transportation and Related Agencies Appro-*
25 *priations Act, 1988, as passed by the Senate on October 29,*

1 *1987: Provided, That discretionary domestic budget author-*
2 *ity shall not exceed \$10.52 billion and that discretionary do-*
3 *mestic outlays shall not exceed \$9.18 billion.*

4 (m) *Such amounts as may be necessary for programs,*
5 *projects, or activities at the rate for operations and to the*
6 *extent and in the manner provided for in H.R. 2907, the*
7 *Treasury, Postal Service, and General Government Appro-*
8 *priations Act, 1988, as passed by the House of Representa-*
9 *tives on July 15, 1987.*

10 (m) *Such amounts as may be necessary for programs,*
11 *projects, or activities at the rate for operations and to the*
12 *extent and in the manner provided for in H.R. 2907, the*
13 *Treasury, Postal Service, and General Government*
14 *Appropriations Act, 1988, as passed by the Senate on Sep-*
15 *tember 25, 1987: Provided, That discretionary domestic*
16 *budget authority shall not exceed \$8.49 billion and that dis-*
17 *cretionary domestic outlays (excluding prior year outlays)*
18 *shall not exceed \$6.94 billion: Provided further, That defense*
19 *budget authority shall not exceed \$15 million and that de-*
20 *fense outlays (excluding prior year outlays) shall not exceed*
21 *\$15 million.*

22 (n) *Such amounts as may be necessary for continuing*
23 *the following activities, not otherwise provided for in this*
24 *joint resolution, which were conducted in the fiscal year*
25 *1987, under the terms and conditions provided in applicable*

1 appropriations Acts for the fiscal year 1987, at the current
2 rate: *Provided*, That no appropriation or fund made available
3 or authority granted pursuant to this subsection shall be used
4 to initiate or resume any project or activity for which appro-
5 priations, funds, or authority were not available during fiscal
6 year 1987:

7 activities authorized by the Older Americans Act;
8 dislocated worker assistance programs authorized
9 by title III of the Job Training Partnership Act;

10 activities authorized by titles III, V, X, XVII,
11 XIX, and XX of the Public Health Service Act and
12 the Anti-Drug Abuse Act of 1986;

13 Work Incentives (WIN) activities authorized by
14 title IV of the Social Security Act;

15 child abuse and adoption opportunities activities
16 authorized by the Child Abuse Prevention and Treat-
17 ment Act, as amended, title II of Public Law 95-266,
18 and by sections 402-409 of Public Law 98-473;

19 activities authorized by the Family Violence Pre-
20 vention and Services Act;

21 activities authorized by the Developmental Dis-
22 abilities and Assistance and Bill of Rights Act;

23 activities authorized by the Native American Pro-
24 grams Act;

1 activities of the United States Mint in the Depart-
2 ment of the Treasury; and
3 activities of the White House Conference on Drug
4 Abuse and Control in the Executive Office of the
5 President.

6 (n) Notwithstanding any other provision of this joint
7 resolution, the levels for defense spending (budget function
8 050) for fiscal year 1988 shall not exceed \$292.0 billion in
9 budget authority and shall be \$285.4 billion in outlays and
10 the levels for discretionary nondefense spending shall not
11 exceed \$162.9 billion in budget authority and \$176.8 billion
12 in outlays, and individual accounts within this resolution
13 shall be adjusted to meet the requirements of this subsection.

14 SEC. 102. Unless otherwise provided for in this joint
15 resolution or in the applicable appropriations Act, appro-
16 priations and funds made available and authority granted
17 pursuant to this joint resolution shall be available from No-
18 vember 20, 1987, and shall remain available until (a) enact-
19 ment into law of an appropriation for any project or activity
20 provided for in this joint resolution, or (b) enactment of the
21 applicable appropriations Act by both Houses without any
22 provision for such project or activity, or (c) September 30,
23 1988, whichever first occurs.

24 SEC. 103. Appropriations made and authority granted
25 pursuant to this joint resolution shall cover all obligations or

1 expenditures incurred for any program, project, or activity
2 during the period for which funds or authority for such
3 project or activity are available under this joint resolution.

4 SEC. 104. Expenditures made pursuant to this joint res-
5 olution shall be charged to the applicable appropriation, fund,
6 or authorization (including a continuing appropriation for the
7 full year) whenever a bill in which such applicable appropria-
8 tion, fund, or authorization (including a continuing appropria-
9 tion for the full year) is contained is enacted into law.

10 SEC. 105. Section 1515 of title 31 of the United States
11 Code is amended by striking subsection (a) and inserting in
12 lieu thereof the following:

13 “(a) An appropriation required to be apportioned under
14 section 1512 of this title may be apportioned on a basis that
15 indicates the need for a deficiency or supplemental appropria-
16 tion to the extent necessary to permit payment of such pay
17 increases as may be granted pursuant to law to civilian offi-
18 cers and employees (including prevailing rate employees
19 whose pay is fixed and adjusted under subchapter IV of chap-
20 ter 53 of title 5) and to retired and active military person-
21 nel.”.

22 SEC. 106. The provisions of appropriations Acts within
23 the purview of this joint resolution, and the provisions of ap-
24 propriations Acts within the purview of the following joint
25 resolutions making continuing appropriations (section 101(c)

1 of Public Law 96-86 (93 Stat. 657), section 101(f) of Public
2 Law 98-151 (97 Stat. 973), section 101(b) of Public Law
3 98-473 (98 Stat. 1837), section 101 (a) and (c) of Public
4 Law 99-190 (99 Stat. 1185, 1224), and section 101 (g), (i),
5 and (l) of Public Laws 99-500 and 99-591 (100 Stat. 1783-
6 242, 1783-287, 1783-308, 3341-242, 3341-287, 3341-
7 308)), shall (to the extent and in the manner specified in
8 the pertinent section of any such joint resolution) be effective
9 as if enacted into law. Those provisions are effective on the
10 date of enactment of the pertinent joint resolution except to
11 the extent a different effective date is specified in the joint
12 resolution or pertinent appropriations Act.

13 SEC. 107. Amounts and authorities provided by this res-
14 olution shall be in accordance with the reports accompanying
15 the bills as passed by or reported to the ~~House~~ *Senate*.

16 ~~SEC. 108. In addition to any sums otherwise provided~~
17 ~~herein, there is appropriated \$500,000 to the United States~~
18 ~~Information Agency, "Educational and Cultural Exchange~~
19 ~~Programs", which shall be made available to the Seattle~~
20 ~~Goodwill Games Organizing Committee for cultural ex-~~
21 ~~changes of persons and other exchange-related activities as-~~
22 ~~sociated with the Goodwill Games to be held in 1990 in~~
23 ~~Seattle, Washington.~~

1 SEC. 109. Section 210(d) of the Immigration and Na-
2 tionality Act is amended by inserting the following new
3 paragraph:

4 “(3) No application fees collected by the Immigra-
5 tion and Naturalization Service (INS) pursuant to sec-
6 tion 210(b) of the Immigration and Nationality Act
7 (INA) may be used by the INS to offset the costs of
8 the special agricultural worker legalization program
9 until the INS implements the program consistent with
10 the statutory mandate as follows:

11 “(A) During the application period as defined
12 in section 210(a)(1)(A) of the INA the INS shall
13 not exclude from entry or deport any alien and
14 shall grant, where applicable, admission to the
15 United States, work authorization, and provide an
16 “employment authorized” endorsement or other
17 appropriate work permit to any alien who pre-
18 sents a nonfrivolous application for adjustment of
19 status subsection (a).

20 “(B) During the application period as defined
21 in section 210(a)(1)(A) of the INA the INS shall
22 permit any alien who presents a nonfrivolous ap-
23 plication for adjustment of status under subsection
24 (a) to file an application for adjustment of status
25 within the United States as provided for in section

1 210(b)(1)(B) or outside the United States as pro-
2 vided for in section 210(b)(1)(B) and, specifically,
3 under the procedures contained in 8 CFR
4 § 210.6.

5 “(C) ‘Nonfrivolous’ application is defined as
6 a declaration by the alien under penalty of perjury
7 that the alien has in fact worked the required
8 number of man-days, that identifies the type or
9 nature of documentation the alien intends to later
10 produce in conjunction with a complete applica-
11 tion, that identifies current or immediate past
12 employer(s), if known and that acknowledges that
13 false statements concerning eligibility constitute a
14 violation of title 18, United States Code, and/or
15 as an application defined in 8 CFR § 210.6(c).”.

16 SEC. 110. No funds appropriated in this or any other
17 Act may be used to deport or otherwise require departure
18 from the United States of an alien who either is the spouse of
19 a legalized person through a marriage entered into before
20 November 6, 1986, or was the child of a legalized person as
21 of November 6, 1986: *Provided*, That the terms “child” and
22 “spouse” have the meanings given such terms in section 101
23 of the Immigrant and Nationality Act, and the term “legal-
24 ized person” means an alien who has been granted lawful

1 resident status under section 210 or 245A of the Immigration
2 and Nationality Act.

3 SEC. 111. In addition to any sums provided under this
4 joint resolution, there is appropriated \$1,000,000 to the
5 Commission on the Bicentennial of the Constitution for a
6 grant to the We The People 200 Committee.

7 SEC. 112. None of the funds made available under this
8 joint resolution or any subsequent appropriations Act for
9 fiscal year 1988 for the Small Business Administration shall
10 be used for the implementation of section 921 of Public Law
11 99-661 and section 921 of Public Law 99-591 prior to Sep-
12 tember 30, 1988.

13 SEC. 113. The Secretary of the Army, acting through
14 the Chief of Engineers, is directed to continue with planning,
15 design, engineering and construction of the Des Moines Rec-
16 reational River and Greenbelt project in accordance with the
17 General Design Memorandum dated September 1987 and
18 Public Law 99-591 using funds heretofore, herein, or here-
19 after appropriated.

20 SEC. 114. PROJECT MODIFICATION.—The project for
21 flood protection on the Lower San Joaquin River, California,
22 authorized by section 10 of the Flood Control Act approved
23 December 22, 1944 (58 Stat. 901), is modified—

24 (1) to authorize the Secretary of the Army, acting
25 through the Chief of Engineers, to perform, in connec-

1 tion with the clearing and snagging authorized to be
2 performed on such river from Stockton, California, to
3 Friant Dam as part of such project by the Supplemen-
4 tal Appropriations Act, 1983 (97 Stat. 310)—

5 (A) clearing and snagging in the area of the
6 North Fork of the Kings River in Mendota Pool
7 from the southernly boundary of the James Recla-
8 mation District Number 1606 to Mendota Dam;

9 (B) fish and wildlife mitigation; and

10 (C) such rip-rapping in the area of the clear-
11 ing and snagging on such rivers as may be neces-
12 sary to prevent erosion from such clearing and
13 snagging; and

14 (2) to increase the estimated cost of the clearing
15 and snagging on the Lower San Joaquin River, includ-
16 ing the activities authorized by paragraph (1), from
17 \$5,000,000 to \$8,000,000.

18 SEC. 115. Notwithstanding any other provision of law,
19 none of the funds appropriated under this Act or any other
20 Act shall be used by the Department of the Interior to imple-
21 ment a reorganization of the Bureau of Reclamation.

22 SEC. 116. (A) The McGee Creek Project of the Bureau
23 of Reclamation shall not be deemed completed until such
24 time as construction of all authorized components of the

1 project are completed, including access roads and recreation
2 areas.

3 (B) The Bureau of Reclamation shall not transfer title of
4 the project to any other entity or require repayment of the
5 project or permit refinancing of the project until such time as
6 the project is completed according to the terms of (A) above.

7 SEC. 117. From within funds available for Energy
8 Supply, Research and Development Activities, \$8,500,000
9 shall be made available as a grant for the Loma Linda Uni-
10 versity Medical Center Proton-Beam Demonstration Cancer
11 Treatment Center and shall remain available until expended.

12 SEC. 118. From within funds available for Energy
13 Supply, Research and Development Activities, \$2,000,000
14 shall be made available as a grant for the Center for Physical
15 and Environmental Science at East Central University, Ada,
16 Oklahoma, and shall remain available until expended.

17 SEC. 119. The Federal Energy Regulatory Commission
18 is authorized to extend the time period required for com-
19 mencement of construction of Project No. 4506 for an addi-
20 tional two years upon application by the licensee to the Fed-
21 eral Energy Regulatory Commission if the Federal Energy
22 Regulatory Commission determines that an additional exten-
23 sion is warranted under the standard set forth in section 13 of
24 the Federal Power Act and is in the public interest, taking

1 into consideration the comprehensive review requirements of
2 the Federal Power Act.

3 ~~(RESCISSION)~~

4 SEC. 120. Of the funds made available in fiscal years
5 1985 and 1986 for expenses necessary to enable the Presi-
6 dent to carry out the provisions of section 23 of the Arms
7 Export Control Act, \$64,000,000 which was allocated for
8 the Republic of Korea and which remains as uncommitted
9 balances is rescinded.

10 SEC. 121. In addition to the provisions of section 101(e)
11 for Foreign Operations, Export Financing and Related Pro-
12 grams Appropriations Act, 1988 insert the following:

13 “(a)(1) Notwithstanding any numerical limitations speci-
14 fied in the Immigration and Nationality Act, the Attorney
15 General may admit aliens described in section (b) to the
16 United States as immigrants if—

17 “(A) they are admissible (except as otherwise pro-
18 vided in paragraph (2)) as immigrants, and

19 “(B) they are issued an immigrant visa and depart
20 from Vietnam during the 2-year period beginning 90
21 days after the date of the enactment of this Act.

22 “(2) The provisions of paragraphs (14), (15), (20), (21),
23 (25), and (32) of section 212(a) of the Immigration and Na-
24 tionality Act shall not be applicable to any alien seeking ad-
25 mission to the United States under this section, and the At-
26 torney General on the recommendation of a consular officer

1 may waive any other provision of such section (other than
2 paragraph (27), (29), or (33) and other than so much of para-
3 graph (28) as relates to trafficking in narcotics) with respect
4 to such an alien for humanitarian purposes, to assure family
5 unity, or when it is otherwise in the public interest. Any such
6 waiver by the Attorney General shall be in writing and shall
7 be granted only on an individual basis following an investiga-
8 tion by a consular officer.

9 “(3) Notwithstanding section 221(e) of the Immigration
10 and Nationality Act, immigrant visas issued to aliens under
11 this section shall be valid for a period of 8 months.

12 “(b)(1) An alien described in this subsection is an alien
13 who, as of the date of the enactment of this Act, is residing in
14 Vietnam and who establishes to the satisfaction of a consular
15 officer or an officer of the Immigration and Naturalization
16 Service after a face-to-face interview, that the alien—

17 “(A)(i) was born in Vietnam after January 1,
18 1962, and before January 1, 1976, and (ii) was fa-
19 thered by a citizen of the United States (such an alien
20 in this subsection referred to as a ‘principal alien’);

21 “(B) is the spouse or child of a principal alien and
22 is accompanying, or following to join, the principal
23 alien; or

24 “(C) subject to paragraph (2), either (i) is the
25 principal alien’s natural mother (or is the spouse or

1 child of such mother), or (ii) has acted in effect as the
2 principal alien's mother, father, or next-of-kin (or is the
3 spouse or child of such an alien), and is accompanying,
4 or following to join, the principal alien.

5 "(2) An immigrant visa may not be issued to an alien
6 under paragraph (1)(C) unless the principal alien involved is
7 unmarried and the officer referred to in paragraph (1) has
8 determined, in the officer's discretion, that (A) such an alien
9 has a bona fide relationship with the principal alien similar to
10 that which exists between close family members and (B) the
11 admission of such an alien is necessary for humanitarian pur-
12 poses or to assure family unity. If an alien described in para-
13 graph (1)(C)(ii) is admitted to the United States, the natural
14 mother of the principal alien involved shall not, thereafter, be
15 accorded any right, privilege, or status under the Immigra-
16 tion and Nationality Act by virtue of such percentage.

17 "(3) For purposes of this subsection, the term 'child' has
18 the meaning given such term in section 101(b)(1) (A), (B),
19 (C), (D), and (E) of the Immigration and Nationality Act.

20 "(e) Any alien admitted (or awaiting admission) to the
21 United States under this section shall be eligible for benefits
22 under chapter 2 of title IV of the Immigration and National-
23 ity Act to the same extent as individuals admitted (or await-
24 ing admission) to the United States under section 207 of such
25 Act are eligible for benefits under such chapter.

1 “(d) The Attorney General, in cooperation with the Sec-
2 retary of State, shall report to Congress 1 year, 2 years, and
3 3 years, after the date of the enactment of this Act on the
4 implementation of this section. Each such report shall include
5 the number of aliens who are issued immigrant visas and who
6 are admitted to the United States under this Act and number
7 of waivers granted under subsection (a)(2) and the reasons for
8 granting such waivers.

9 “(e) Except as otherwise specifically provided in this
10 section, the definitions contained in the Immigration and Na-
11 tionality Act shall apply in the administration of this section
12 and nothing contained in this section shall be held to repeal,
13 amend, alter, modify, effect, or restrict the powers, duties,
14 functions, or authority of the Attorney General in the admin-
15 istration and enforcement of such Act or any other law relat-
16 ing to immigration, nationality, or naturalization. The fact
17 that an alien may be eligible to be granted the status of
18 having been lawfully admitted for permanent residence under
19 this section shall not preclude the alien from seeking such
20 status under any other provision of law for which the alien
21 may be eligible.”.

22 SEC. 122. Section 17(d)(4)(G) of the United States
23 Housing Act of 1937 is amended by striking “36 months”
24 and inserting “48 months”.

1 Sec. 123. Any cooperative bank established under the
2 law of any State which was directed by the State banking
3 authority of such State to obtain Federal deposit insurance
4 between January 1, 1985, and January 1, 1987, shall be
5 deemed to be an insured institution described in section
6 21(f)(4)(F) of the Federal Home Loan Bank Act.

7 Sec. 124. No funds shall be expended for the purposes
8 of preparing necessary documentation for and issuance of a
9 special use authorization permitting land use and occupancy
10 and surface disturbing activities for any project to be con-
11 structed on Lewis Fork Creek in Madera County, California,
12 at the site above, and adjacent to, Corlieu Falls bordering the
13 Lewis Fork Creek National Recreation Trail until both of the
14 following conditions are met:

15 (1) A joint study is completed and submitted to
16 the Congress by the United States Forest Service and
17 the California Department of Parks and Recreation re-
18 garding the project's impact on the aesthetics of Cor-
19 lieu Falls, together with a finding that the Lewis Fork
20 Creek project will not substantially impact the flow at
21 Corlieu Falls.

22 (2) A study is completed and submitted to the
23 Congress by the United States Forest Service concern-
24 ing the project's impact on the Chukehansi Indian

1 Tribe, together with a finding that there will be no
2 impact on the tribe's adjacent sacred hot springs.

3 SEC. 125. Hereafter, the Secretary of Agriculture is au-
4 thorized, except for urban rodent control, to conduct activi-
5 ties and to enter into agreements with States, local jurisdic-
6 tions, individuals, and public and private agencies, organiza-
7 tions, and institutions in the control of nuisance mammals
8 and birds and those mammal and bird species that are reser-
9 voirs for zoonotic diseases, and to deposit any money collect-
10 ed under any such agreement into the appropriation accounts
11 that incur the costs to be available immediately and to
12 remain available until expended for Animal Damage Control
13 activities.

14 SEC. 126. Section 144(g)(2) of title 23, United States
15 Code, shall not apply to the Virginia Street Bridge in
16 Charleston, West Virginia.

17 SEC. 127. For 80 percent of the expenses necessary to
18 carry out a highway bypass project in the vicinity of Petos-
19 key, Michigan, that demonstrates methods of improving eco-
20 nomic development and regional transportation, there is au-
21 thorized to be appropriated \$28,000,000, to remain available
22 until expended, of which \$500,000 is hereby appropriated, to
23 remain available until expended: *Provided*, That all funds ap-
24 propriated under this head shall be exempt from any limita-

1 tion on obligations for Federal-aid highways and highway
2 safety construction programs.

3 **SEC. 128.** Funds made available to the United States
4 Postal Service pursuant to section 2401(a) of title 39, United
5 States Code, shall be used hereafter to continue full postal
6 service to the people of Holly Springs proper, including up-
7 grading, remodeling, and improving the United States Post
8 Office building located at 110 North Memphis Street, Holly
9 Springs, Mississippi.

10 **SEC. 129.** (a) None of the funds made available by this
11 or any other Act with respect to any fiscal year may be used
12 to make a contract for the manufacture of distinctive paper
13 for United States currency and securities pursuant to section
14 5114 of title 31, United States Code, with any corporation or
15 other entity owned or controlled by persons not citizens of
16 the United States, or for the manufacture of such distinctive
17 paper outside of the United States or its possessions. This
18 subsection shall not apply if the Secretary of the Treasury
19 determines that no domestic manufacturer of distinctive
20 paper for United States currency or securities exists with
21 which to make a contract and if the Secretary of the Treas-
22 ury publishes in the Federal Register a written finding stat-
23 ing the basis for the determination.

24 (b) None of the funds made available by this or any
25 other Act with respect to any fiscal year may be used to

1 procure paper for passports granted or issued pursuant to the
2 first section of the Act entitled "An Act to regulate the issue
3 and validity of passports, and for other purposes", approved
4 July 3, 1926 (22 U.S.C. 211a), if such paper is manufactured
5 outside of the United States or its possessions or is procured
6 from any corporation or other entity owned or controlled by
7 persons not citizens of the United States. This subsection
8 shall not apply if no domestic manufacturer for passport
9 paper exists.

10 ~~SEC. 130. INTEREST ON BACK PAY FOR FEDERAL~~
11 ~~EMPLOYEES.—(a) IN GENERAL.—~~Section 5596(b) of title 5,
12 United States Code, is amended—

13 (1) by redesignating paragraphs (2) and (3) as
14 paragraphs (3) and (4), respectively; and

15 (2) by adding after paragraph (1) the following:

16 "(2)(A) An amount payable under paragraph
17 (1)(A)(i) of this subsection shall be payable with
18 interest.

19 "(B) Such interest—

20 (i) shall be computed for the period begin-
21 ning on the effective date of the withdrawal or re-
22 duction involved and ending on a date not more
23 than 30 days before the date on which payment is
24 made;

1 “(ii) shall be computed at the rate or rates in
2 effect under section 6621(a)(1) of the Internal
3 Revenue Code of 1986 during the period de-
4 scribed clause (i); and

5 “(iii) shall be compounded daily.

6 “(C) Interest under this paragraph shall be paid
7 out of amounts available for payments under paragraph
8 (1) of this subsection.”.

9 (1) ~~GENERALLY.~~—Except as provided in para-
10 graph (2), the amendments made by subsection (a) shall
11 take effect on the date of the enactment of this Act,
12 and shall apply with respect to any employee found, in
13 a final judgment entered or a final decision otherwise
14 rendered on or after such date, to have been the sub-
15 ject of an unjustified or unwarranted personnel action,
16 the correction of which entitles such employee to an
17 amount under section 5596(b)(1)(A)(i) of title 5, United
18 States Code.

19 (2) ~~EXCEPTION.~~—

20 (A) ~~CASES IN WHICH A RIGHT TO INTER-~~
21 EST WAS RESERVED.—The amendments made by
22 subsection (a) shall also apply with respect to any
23 claim which was brought under section 5596 of
24 title 5, United States Code, and with respect to
25 which a final judgment was entered or a final de-

1 cision otherwise rendered before the date of the
2 enactment of this Act, if, under terms of such
3 judgment or decision, a right to interest was spe-
4 cifically reserved, contingent on the enactment of
5 a statute authorizing the payment of interest on
6 claims brought under such section 5596.

7 (B) METHOD OF COMPUTING INTEREST.—

8 The amount of interest payable under this para-
9 graph with respect to a claim shall be determined
10 in accordance with section 5596(b)(2)(B) of title 5,
11 United States Code (as amended by this section).

12 (C) SOURCE.—An amount payable under this
13 paragraph shall be paid from the appropriation
14 made by section 1304 of title 31, United States
15 Code, notwithstanding section 5596(b)(2)(C) of
16 title 5, United States Code (as amended by this
17 section) or any other provision of law.

18 (D) DEADLINE.—An application for a pay-
19 ment under this paragraph shall be ineffective if it
20 is filed after the end of the 1-year period begin-
21 ning on the date of the enactment of this Act.

22 SEC. 131. The Administrator of the General Services
23 Administration shall initiate the planning process necessary
24 to design and construct a facility for the Social Security Ad-

1 ministration in Wilkes-Barre, Pennsylvania, pursuant to sec-
2 tion 115 of Public Law 99-591.

3 **SEC. 132. PAY INCREASE FOR FEDERAL EMPLOY-**
4 **EES.—(a) 3 PERCENT INCREASE.**—Notwithstanding any
5 other provision of law, in the case of fiscal year 1988, the
6 overall percentage of the adjustment under section 5305 of
7 title 5, United States Code, in the rates of pay under the
8 General Schedule, and in the rates of pay under the other
9 statutory pay systems, shall be an increase of 3 percent.

10 **(b) EFFECTIVE DATE.**—Each increase in a pay rate or
11 schedule which takes effect pursuant to subsection (a) shall,
12 to the maximum extent practicable, be of the same percent-
13 age, and shall take effect as of the first day of the first appli-
14 cable pay period beginning on or after January 1, 1988.

15 **(c) FUNDING LIMITATION.**—Notwithstanding any other
16 provision of law, amounts appropriated in order to provide for
17 the adjustment described in subsection (a) in fiscal year 1988
18 shall cover not to exceed 35 percent of the increase in total
19 pay for such fiscal year.

20 **(d) DEFINITIONS.**—For purposes of this section—

21 **(1)** the term “total pay” means, with respect to a
22 fiscal year, the total amount of basic pay which will be
23 payable to employees covered by statutory pay systems
24 for service performed during such year;

1 (2) the term "increase in total pay" means, with
2 respect to a fiscal year, that part of total pay for such
3 year which is attributable to the adjustment taking
4 effect under this section during such year; and

5 (3) the term "statutory pay system" has the
6 meaning given such term by section 5301(e) of title 5,
7 United States Code.

8 SEC. 133. (a) Notwithstanding any other provision of
9 this Act or any other law, no adjustment in rates of pay
10 under section 5305 of title 5, United States Code, which be-
11 comes effective on or after October 1, 1987, and before Octo-
12 ber 1, 1988, shall have the effect of increasing the rate of
13 salary or basic pay for any office or position in the legislative,
14 executive, or judicial branch or in the government of the Dis-
15 trict of Columbia to a rate exceeding the rate (or maximum
16 rate, if higher) of salary or basic pay payable for that office or
17 position as of September 30, 1987, if, as of that date, such
18 rate (or maximum rate) is—

19 (1) fixed at a rate which is equal to or greater
20 than the rate of basic pay for level V of the Executive
21 Schedule under section 5316 of title 5, United States
22 Code, or

23 (2) limited to a maximum rate which is equal to
24 or greater than the rate of basic pay for such level V
25 (or to a percentage of such a maximum rate) by reason

1 of section 5308 of title 5, United States Code, or any
2 other provision of law or congressional resolution.

3 (b) For purposes of subsection (a), the rate or maximum
4 rate (as the case may be) of salary or basic pay payable as of
5 September 30, 1987, for any office or position which was not
6 in existence on such date shall be deemed to be the rate or
7 maximum rate (as the case may be) of salary or basic pay
8 payable to individuals in comparable offices or positions on
9 such date, as determined under regulations prescribed—

10 (1) by the President, in the case of any office or
11 position within the executive branch or in the govern-
12 ment of the District of Columbia;

13 (2) jointly by the Speaker of the House of Repre-
14 sentatives and the President pro tempore of the
15 Senate, in the case of any office or position within the
16 legislative branch, or

17 (3) by the Chief Justice of the United States, in
18 the case of any office or position within the judicial
19 branch.

20 SEC. 134. None of the funds in this or any other Act
21 shall be used to promulgate or otherwise implement the
22 notice of proposed rulemaking on foreign repair stations (14
23 CFR Parts 135 and 145) that was published by the Depart-
24 ment of Transportation and the Federal Aviation Administra-
25 tion in the Federal Register on November 24, 1987.

1 **SEC. 135. EXTENSION OF ATTAINMENT DEAD-**
2 **LINES.—(a) NONATTAINMENT AREAS FOR OZONE OR**
3 **CARBON MONOXIDE.—**No restriction or prohibition under
4 section 110(a)(2)(I), section 176(a) or (b), or section 316 of
5 the Clean Air Act shall be enforced in any State before
6 August 31, 1988, by reason of the failure of any State to
7 attain the national primary ambient air quality standard
8 under the Clean Air Act for photochemical oxidants (ozone)
9 or carbon monoxide (or both) by December 31, 1987, the
10 failure of any State to adopt and submit to the Administrator
11 an implementation plan which meets the requirements of part
12 D of title I of that Act and provides for attainment of such
13 standards by December 31, 1987, the failure of any State to
14 implement such a plan, or any combination of the foregoing.
15 If any such restriction or prohibition took effect in any State
16 before the enactment of this Act by reason of any such fail-
17 ure, the enforcement of that restriction or prohibition shall be
18 suspended until August 31, 1988. Prior to August 31, 1988,
19 the Administrator shall apply the provisions of section 173(1)
20 and (4) of that Act without regard to the December 31, 1987
21 attainment date.

22 **(b) EVALUATIONS AND DESIGNATIONS.—**Prior to
23 August 31, 1988, the Administrator shall evaluate air quality
24 data and make determinations with respect to the degree to
25 which areas throughout the nation have attained, or failed to

1 attain, either or both of the standards referred to in subsec-
2 tion (a) and shall designate those areas failing to attain either
3 or both of such standards as nonattainment areas within the
4 meaning of part D of title I of the Clean Air Act.

5 Sec. 136. (a) Section 315 of the Communications Act of
6 1934 (47 U.S.C. 315) is amended—

7 (1) by redesignating subsections (a) through (d) as
8 subsections (b) through (e), respectively; and

9 (2) by inserting before subsection (b) the following
10 new subsection:

11 “(a)(1) The Congress finds that—

12 “(A) despite technological advances, the electro-
13 magnetic spectrum remains a scarce and valuable
14 public resource;

15 “(B) there are still substantially more persons
16 who want to broadcast than there are frequencies to
17 allocate;

18 “(C) a broadcast license confers the right to use a
19 valuable public resource and a broadcaster is therefore
20 required to utilize that resource as a trustee for the
21 American people;

22 “(D) there is a substantial and continuing govern-
23 mental interest in conditioning the award or renewal of
24 a broadcast license on the requirement that the licens-
25 ee assure that widest possible dissemination of informa-

1 tion from diverse and antagonistic sources by present-
2 ing a reasonable opportunity for the discussion of con-
3 flicting views on issues of public importance;

4 “(E) while new video and audio services have
5 been proposed and introduced, many have not succeed-
6 ed and even those that are operating reach a far small-
7 er audience than broadcast stations;

8 “(F) even when and where new video and audio
9 services are available, they do not provide meaningful
10 alternatives to broadcast stations for the dissemination
11 of news and public affairs;

12 “(G) for more than thirty years, the Fairness
13 Doctrine and its corollaries, as developed by the Fed-
14 eral Communications Commission on the basis of the
15 provisions of this Act, have enhanced free speech by
16 securing the paramount right of the broadcast audience
17 to robust debate on issues of public importance; and

18 “(H) the Fairness Doctrine (i) fairly reflects the
19 statutory obligation of broadcasters under this Act to
20 operate in the public interest, (ii) was given statutory
21 approval by the Congress in making certain amend-
22 ments to this act in 1959, and (iii) strikes a reasonable
23 balance among the First Amendment rights of the
24 public, broadcast licensees, and speakers other than
25 owners of broadcast facilities.

1 “(2) A broadcast licensee shall afford reasonable oppor-
2 tunity for the discussion of conflicting views on issues of
3 public importance.

4 “(3) The enforcement and application of the requirement
5 imposed by this subsection shall be consistent with the rules
6 and policies of the Commission in effect on January 1,
7 1987.”.

8 (b) This section and the amendment to the Communica-
9 tions Act of 1934 added by this section—

10 (1) shall take effect upon the date of enactment of
11 this Act;

12 (2) shall apply to all cases within the jurisdiction
13 of the Federal Communications Commission on or after
14 such date; and

15 (3) shall supercede the holding and findings of the
16 Commission in its memorandum opinion and order of
17 August 6, 1987, In re Complaint of Syracuse Peace
18 Council Against Television Station WTVH, Syracuse,
19 New York, (F.C.C. 87-266).

20 SEC. 137. HAITI.—(a) SUSPENSION OF ASSIST-
21 ANCE.—During fiscal year 1988, none of the funds made
22 available by this joint resolution or by any other Act or joint
23 resolution may be obligated or expended to provide assist-
24 ance for Haiti (other than the assistance described in subsec-
25 tion (b)) unless the democratic process set forth in the Haitian

1 Constitution approved by the Haitian people on March 29,
2 1987, especially those provisions relating to the Provisional
3 Electoral Council, is being fully and faithfully adhered to by
4 the Government of Haiti.

5 (b) EXCEPTIONS.—Subsection (a) does not apply with
6 respect to humanitarian assistance provided through private
7 and voluntary organizations or nongovernmental organiza-
8 tions or to assistance provided in order to enable the continu-
9 ation of migrant and narcotics interdiction operations.

10 (c) OTHER SANCTIONS.—It is the sense of the Con-
11 gress that, in order to further encourage the Government of
12 Haiti to adhere to the constitutionally mandated transition to
13 democracy, the President should—

14 (1) suspend Haiti's eligibility for benefits under
15 the Caribbean Basin Economic Recovery Act; and

16 (2) seek international cooperation to encourage
17 such adherence by the Government of Haiti, through
18 the imposition of an international arms embargo and
19 comprehensive trade and financial sanctions.

20 SEC. 138. (a) None of the funds appropriated for fiscal
21 year 1988 by this Joint Resolution or any other law may be
22 obligated or expended to enter into, renew, extend, amend, or
23 otherwise modify any contract for the construction, alter-
24 ation, or repair of any public building or public work in the

1 United States with any contractor, subcontractor, or supplier
2 if such contractor, subcontractor, or supplier—

3 (1) is a citizen or national of Japan;

4 (2) is a corporation, partnership, or other entity
5 organized or existing under the laws of Japan, any
6 subdivision thereof, or any instrumentality of Japan or
7 such a subdivision; or

8 (3) is owned or controlled, directly or indirectly—

9 (A) by a citizen or national of Japan;

10 (B) by a corporation, partnership, or other
11 entity organized or existing under the laws of
12 Japan, any subdivision thereof; or any instrumen-
13 tality of Japan or such a subdivision; or

14 (C) by any combination of two or more of the
15 persons or entities, or both, described in subpara-
16 graphs (A) and (B) of this paragraph.

17 (b) The President or the head of a Federal agency may
18 waive the restrictions of subsection (a) of this section with
19 respect to an individual contract if the President or the head
20 of such agency determines that such action is necessary in
21 the public interest. The authority of the President or the head
22 of a Federal agency under this subsection may not be dele-
23 gated.

24 (c) As used in this section, the terms "contruction", "al-
25 teration", "repair", "public building", and "public work"

1 have the same meanings such terms have under the Act of
2 March 3, 1933 (41 U.S.C. 10 et seq.); commonly referred to
3 as the Buy American Act.

4 SEC. 139. From funds appropriated under this Act, a
5 State's allotment for the program year beginning July 1,
6 1988, under section 301 (b) for the Job Training Partnership
7 Act (Public Law 97-300) shall be reduced by an amount
8 equal to the unexpended balance of such State's allotment as
9 of June 30, 1988, in excess of the allowable unexpended
10 carry forward. The term "allowable unexpended carry for-
11 ward" shall be defined as 20 per centum of the State's allot-
12 ment under section 301(b) of the Job Training Partnership
13 Act for the program year beginning July 1, 1987. Funds not
14 allotted to States that exceeded the allowable unexpended
15 carry forward amount shall be allotted by the Secretary in
16 accordance with section 301(b) among States giving primary
17 consideration to States which have not exceeded the allow-
18 able unexpended carry forward amount as of June 30, 1988,
19 and have an average unemployment rate for the most recent
20 twelve months greater than the national average for such
21 period. In no case shall such funds be reallocated to any State
22 which had an unexpended balance as of June 30, 1988, in
23 excess of 35 per centum of its allotment under section 301(b)
24 for the program year beginning on July 1, 1987.

1 *SEC. 108. TWO PERCENT PAY INCREASE FOR FED-*
2 *ERAL EMPLOYEES AND MILITARY PERSONNEL.—(a) Not-*
3 *withstanding any other provision of law, in the case of fiscal*
4 *year 1988, the overall percentage of the adjustment under*
5 *section 5305 of title 5, United States Code, in the rates of*
6 *pay under the General Schedule, and in the rates of pay*
7 *under the other statutory pay systems, shall be an increase of*
8 *2 percent.*

9 *(1) EFFECTIVE DATE.—Each increase in a pay rate*
10 *or schedule which takes effect pursuant to subsection (a)*
11 *shall, to the maximum extent practicable, be of the same per-*
12 *centage, and shall take effect as of the first day of the first*
13 *applicable pay period beginning on or after January 1, 1988.*

14 *(2) DEFINITIONS.—For purposes of this section—*

15 *(i) the term “total pay” means, with respect to a*
16 *fiscal year, the total amount of basic pay which will be*
17 *payable to employees covered by statutory pay systems*
18 *for service performed during such year;*

19 *(ii) the term “increase in total pay” means, with*
20 *respect to a fiscal year, that part of total pay for such*
21 *year which is attributable to the adjustment taking*
22 *effect under this section during such year; and*

23 *(iii) the term “statutory pay system” has the*
24 *meaning given such term by section 5301(c) of title 5,*
25 *United States Code.*

1 **(b)** *Notwithstanding any other provision of law, in the*
2 *case of fiscal year 1988, any increase in the rates of basic*
3 *pay, basic allowance for subsistence and basic allowance for*
4 *quarters for members of the uniformed services, including*
5 *cadets and midshipmen, shall be limited to 2 percent effective*
6 *January 1, 1988.*

7 **SEC. 109.** *Notwithstanding any other provision of this*
8 *Act or any other law, no adjustment in rates of pay under*
9 *section 5305 of title 5, United States Code, which becomes*
10 *effective on or after October 1, 1987, and before October 1,*
11 *1988, shall have the effect of increasing the rate of salary or*
12 *basic pay for any office or position in the legislative, execu-*
13 *tive, or judicial branch or in the government of the District of*
14 *Columbia to a rate exceeding the rate (or maximum rate, if*
15 *higher) of salary or basic pay payable for the office or posi-*
16 *tion as of September 30, 1987, if, as of that date, such rate*
17 *(or maximum rate) is—*

18 **(1)** *fixed at a rate which is equal to or greater*
19 *than the rate of basic pay for level V of the Executive*
20 *Schedule under section 5316 of title 5, United States*
21 *Code, or*

22 **(2)** *limited to a maximum rate which is equal to*
23 *or greater than the rate of basic pay for such level V*
24 *(or to a percentage of such a maximum rate) by reason*

Calendar No. 465

100TH CONGRESS
1ST SESSION

H. J. RES. 395

[Report No. 100-238]

JOINT RESOLUTION

Making continuing appropriations for the fiscal year
1988, and for other purposes.

DECEMBER 8, 1987

Received; read twice and referred to the Committee on
Appropriations

DECEMBER 8, 1987

Reported with amendments