H. J. RES. 368

Making continuing appropriations for the fiscal year 1984, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1983

Mr. WHITTEN introduced the following joint resolution; which was referred to the Committee on Appropriations

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1984, 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 any
4 money in the Treasury not otherwise appropriated, and out of
5 applicable corporate or other revenues, receipts, and funds,
6 for the several departments, agencies, corporations, and other
7 organizational units of the Government for the fiscal year
8 1984, and for other purposes, namely:
9 Sec. 101. (a)(1) Such amounts as may be necessary for
10 projects or activities not otherwise specifically provided for in
11 this joint resolution and for which appropriations, funds, or
other authority would be available in the following appropriations Acts:

District of Columbia Appropriation Act, 1984;

and


(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed the House as of October 1, 1983, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1983, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: Provided, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1983, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1983.
(4) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1983, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for projects or activities, not otherwise specifically provided for in this joint resolution, at a rate for operations and to the extent and in the manner provided for in the following appropriations Acts as passed by the House of Representatives as of October 1, 1983:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1984;

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1984, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended;

Department of the Interior and Related Agencies Appropriation Act, 1984: Provided, That no funds provided in this or any other Act to agencies funded by
the Interior and Related Agencies Appropriation Act, 1983 (Public Law 97–394) may be expended to take actions related to termination of programs or closure of facilities until enactment of the Interior and Related Agencies Appropriation Act, 1984; and

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984.

(c) Such amounts as may be necessary for continuing activities, not otherwise specifically provided for in this joint resolution, which were conducted in the fiscal year 1983, for which provision was made in the Department of Defense Appropriation Act, 1983, as enacted in Public Law 97–377, under the current terms and conditions and at a rate for operations not in excess of the current rate or at the rate provided for in the budget estimates, whichever is lower: Provided, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used for new production of items not funded for production in fiscal year 1983 or prior years, for the increase in production rates above those sustained with fiscal year 1983 funds or to initiate or resume any project, activity, operation or organization which is defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element for investment items which is further defined as a
P–1 line item in a budget activity within an appropriation account and a R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1983: Provided further, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later: Provided further, That none of the funds appropriated or made available pursuant to this subsection shall be available for the conversion of any full time positions in support of the Army Reserve, Air Reserve, Army National Guard, and Air National Guard by Active or Reserve Military Personnel, from civilian positions designated "military technicians" to military positions.

(d) Such amounts as may be necessary for continuing the activities, not otherwise specifically provided for in this joint resolution, which were conducted in the fiscal year 1983, and which are under the purview of the Treasury, Postal Service, and General Government Appropriation Act, under the current terms and conditions and at a rate for operations not in excess of the current rate: Provided, That funds appropriated by Public Law 98–8 for payment to the General Services Administration, Federal Buildings Fund, for alter-
ations and repairs shall be excluded from the current rate
established under this subsection.

(e) Such amounts as may be necessary for continuing
the activities under the purview of the Foreign Assistance
Appropriations Act as provided for in Public Law 97–377
and Public Law 98–63, under the terms and conditions, and
at the rate, provided for in those Acts or at the rate provided
for in the budget estimates, whichever is lower, and under
the more restrictive authority, notwithstanding section 10 of
Public Law 91–672, and section 15(a) of the State Depart-
ment Basic Authorities Act of 1956, or any other provision of
law: Provided, That amounts allocated to each country under
this subsection shall not exceed those provided in fiscal year
1983 or those provided in the budget estimates for each
country, whichever are lower, unless submitted through the
regular reprogramming procedures of the Committees on Ap-
propriations, or unless otherwise specified in this paragraph.

(f) Such amounts as may be necessary for continuing the
following activities, not otherwise provided for in this joint
resolution, which were conducted in the fiscal year 1983,
under the terms and conditions provided in applicable appro-
priation Acts for the fiscal year 1983, at the current rate:

Health planning activities authorized by title XV
of the Public Health Service Act;
National Research Service Awards authorized by section 472(d) of the Public Health Service Act;
National Arthritis Advisory Board, National Diabetes Advisory Board, and National Digestive Diseases Advisory Board authorized by section 437 of the Public Health Service Act;
Medical Library Assistance programs authorized by title III of the Public Health Service Act;
Refugee and entrant assistance activities under the provisions of title IV of the Immigration and Nationality Act, title IV and part B of title III of the Refugee Act of 1980, and sections 501(a) and (b) of the Refugee Education Assistance Act of 1980: Provided, That such funds may be expended for individuals who would meet the definition of "Cuban and Haitian entrant" under section 501(e) of the Refugee Education Assistance Act of 1980 but for the application of paragraph (2)(B) thereof;
Child abuse prevention and treatment and adoption opportunities activities authorized by the Child Abuse Prevention and Treatment Act;
Rehabilitation and handicapped research activities authorized by the Rehabilitation Act of 1983 and the International Health Research Act of 1960;
Activities as at present of the Professional Standards Review Organization program authorized by titles XI and XVIII of the Social Security Act, as amended; Activities under the Domestic Volunteer Service Act of 1973, as amended; and
Emergency feeding activities as authorized by the Temporary Emergency Food Assistance Act of 1983, as amended; and Activities of the Department of Defense, Army National Guard and Army Reserve operation and maintenance and National Guard and Reserve equipment procurement.
(g) Such amounts as may be necessary for projects or activities, not otherwise provided for in this joint resolution, which were provided for in H.R. 3222, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1984, as reported to the House of Representatives on June 3, 1983, at a rate for operations and to the extent and in the manner provided for in such Act, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended: Provided, That notwithstanding the preceding provisions of this subsection and the provisions of subsection 101(b) of this joint resolution, funds shall be available for
Economic and Statistical Analysis, "Salaries and Expenses" and National Oceanic and Atmospheric Administration, "Operations, Research, and Facilities (Including Transfer of Funds)" in the Department of Commerce at a rate for operations and to the extent and in the manner provided for in H.R. 3222, as reported to the House of Representatives on June 3, 1983; and in addition, there shall be available for the administrative expenses of the Board for International Broadcasting at an annual rate of $1,075,000 and for grants for RFE/RL, Inc. at an annual rate of $104,980,000, of which not to exceed an annual rate of $52,000 may be made available for official reception and representation expenses.

Sec. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1983, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) November 15, 1983, whichever first occurs.

Sec. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.
Sec. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 105. Any appropriation for the fiscal year 1984 required to be apportioned pursuant to subchapter II of chapter 15 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of subchapter II of chapter 15 of title 31, United States Code.

Sec. 106. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) which is in excess of 14 per centum higher than the rate per square foot established for the space
and services by the General Services Administration for the fiscal year 1982.

Sec. 107. No provision in any appropriation Act for the fiscal year 1984 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

Sec. 108. Notwithstanding any other provision of this joint resolution except section 102, there are appropriated to the Postal Service Fund sufficient amounts so that postal rates for all preferred-rate mailers covered by section 3626 of title 39, United States Code, shall be continued at the rates in effect on September 1, 1983 (step 14): Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That six-day delivery and rural delivery of mail shall continue at the 1983 level.

Sec. 109. Funds shall be available for school assistance in federally affected areas authorized by title I of the Act of September 30, 1950, and the Act of September 23, 1950, at an annual rate of $585,000,000, under the terms and conditions provided in the applicable appropriation Act for fiscal year 1983.

Sec. 110. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal
year ending September 30, 1984, by this Act or any other
Act, may be used to pay any prevailing rate employee de-
scribed in section 5342(a)(2)(A) of title 5, United States
Code, or any employee covered by section 5348 of that title,
in an amount—

(1) during the period from October 1, 1983, until
the next applicable wage survey adjustment becomes
effective, which exceeds the rate which was payable
for the applicable grade and step of the applicable
wage schedule on September 30, 1983, in accordance
with section 107(a) of Public Law 97–377; and

(2) during the period consisting of the remainder
of the fiscal year ending September 30, 1984, which
exceeds, as a result of a wage survey adjustment, the
rate payable under paragraph (1) of this subsection by
more than the overall average percentage of the ad-
justment in the General Schedule during the fiscal year
ending September 30, 1984.

(b) Notwithstanding the provisions of section 9(b) of
Public Law 92–392 or section 704(b) of Public Law 95–454,
the provisions of subsection (a) of this section shall apply (in
such manner as the Office of Personnel Management shall
prescribe) to any prevailing rate employee to whom such sec-
tion 9(b) applies, except that the provisions of subsection (a)
may not apply to any increase in a wage schedule or rate
which is required by the terms of a contract entered into before the date of enactment of this Act.

(c) Notwithstanding any other provision of law, no prevailing rate employee described in paragraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the fiscal year ending September 30, 1984, at a rate which exceeds the rate which was payable for the applicable grade and step of the applicable wage schedule on September 30, 1983, except to the extent a higher rate would be payable under subsection (a) of this section were subsection (a) applicable to wage schedules and rates for prevailing rate employees described in such paragraphs (B) and (C) of section 5342(a)(2).

(d) For the purpose of this section, the rate payable to any employee who is covered by this section and who is paid from a schedule which was not in existence on September 30, 1983, shall be determined under regulations prescribed by the President.

(e) The provisions of this section shall apply only with respect to pay for services performed by any affected employee after the date of enactment of this Act.

(f) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any

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requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

Sec. 111. There is hereby appropriated $20,000,000 to be derived by transfer from funds available for obligation in fiscal year 1983 in the appropriation for "Guaranteed Student Loans", to remain available for obligation until September 30, 1984, to enable the Secretary of Education to comply with the consent decree entered in United States district court in the case of the United States of America against the Board of Education for the City of Chicago (80 C 5124) on September 24, 1980.