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CONTINUING APPROPRIATIONS, 1985

SEPTEMBER 17, 1984.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WHITTEN, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H.J. Res. 648]

The accompanying joint resolution provides interim financing for the new fiscal year beginning October 1 for programs under nine of the thirteen regular appropriation bills. The provisions of the continuing resolution automatically disengage as the regular annual appropriation bills are enacted into law. The following four bills have already become law:

Energy and Water Development (Public Law 98-360), HUD-Independent Agencies (Public Law 98-371), Legislative Branch (Public Law 98-367), and Commerce, Justice, State, and the Judiciary (Public Law 98-411).

STATUS OF APPROPRIATION BILLS

Since passage of the Congressional Budget Act, last year marked the first time the Congress proceeded to enact appropriation bills before a conference agreement on a first budget resolution had been adopted. The Committee on Appropriations marked up bills based on the House passed version of the budget resolution. This action saved many weeks—time which otherwise would have been lost for action on appropriation bills.

This year, a similar procedure was employed. Since a budget resolution conference agreement still has not been achieved, this action has been critical in enabling the Congress to act on appropriation measures. The Committee emphasizes that again this year, the reported bills are all within the guidelines set forth in the



House passed budget resolution. The accompanying resolution is also within the guidelines of the House passed budget resolution.

Twelve of the thirteen annual appropriation bills have been reported and ten have passed the House. It is anticipated that by the end of September the Committee will have reported all thirteen bills. The schedule for House consideration of the Transportation, Defense and Foreign Assistance bills is uncertain at this time.

The Senate is expected to pass up to ten 1985 appropriation bills by September 30. Conference action on several bills is possible before the end of the fiscal year.

Notwithstanding the improved performance of Congress in handling appropriation measures, it is evident that not all bills will be enacted by September 30. Therefore, timely enactment of the accompanying joint resolution is necessary to provide for the operation of numerous essential government programs.

The Committee continues to be dedicated to the principle of financing Federal programs under the traditional authorization and appropriations process which includes individual appropriation bills. Therefore, it will continue its efforts to get regular bills signed into law as soon as possible.

The Committee emphasizes that when regular bills are signed into law, the provisions of the continuing resolution automatically disengage and the regular appropriation bills then become the funding device. This continuing resolution in no way precludes subsequent enactment into law of the regular appropriation bills.

#### LEVELS OF FUNDING UNDER THE RESOLUTION

Section 101(a) provides continuing authority for programs under five fiscal year 1985 appropriation bills at the rates for operation and to the extent and manner provided in the bills as passed by the House of Representatives. Bills included under this section are:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985; District of Columbia Appropriation Act, 1985; Department of the Interior and Related Agencies Appropriation Act, 1985; Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1985; and Military Construction Appropriation Act, 1985.

In addition, section 101(a) provides for the Water Resource Development Act, 1984 (H.R. 3958) in the identical form as it passed the House of Representatives on October 6, 1983. This Act provides for initiation of several urgent new starts of critical flood control, navigation and other water resource projects of the Corps of Engineers and the Bureau of Reclamation. This action is consistent with the Committee's statement in the report accompanying the 1985 Energy and Water Development Appropriation Act concerning re-examining new starts of needed water resource projects.

Section 101(b) provides continuing authority for foreign assistance projects or activities at a rate for operations and to the extent and in the manner provided for in H.R. 6237, the Foreign Assistance and Related Programs Appropriations Act, 1985, as reported to the House of Representatives on September 13, 1984.



## MILITARY SPENDING LEVELS

Section 101(c) provides continuing authority for defense programs at a rate for operations not in excess of the current rate or the rate of the budget estimate, whichever is lower, until the regular Department of Defense Appropriation Act, 1985, is reported. The rate for operations would then be adjusted to reflect the House reported bill and subsequent House action.

Section 101(c) also provides that no appropriations or funds made available or authority granted pursuant to the continuing resolution shall be used to initiate new production of items not funded for production in fiscal year 1984 or prior years, for an increase in production rates above those sustained with fiscal year 1984 funds, or to initiate or resume any new project or activity. For purposes of this section of the resolution, a new project or activity is defined as any project, subproject, activity, budget activity, program element, or subprogram within a program element and for investment items, such new projects and activities are further defined as a P-1 line item in a budget activity within an appropriation account and an 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 fiscal year 1984. This new language should make perfectly clear that the intent of the Committee is to prohibit the Department of Defense from utilizing the appropriation account level as a benchmark against which its funding restrictions apply. Because of previous legal interpretations by the Department of Defense as to congressional intent, the Committee deems it necessary to so define a "project or activity" in the accompanying joint resolution.

Section 101(c) also places certain other restrictions on appropriations or funds made available or authority granted pursuant to the continuing resolution concerning multiyear procurements, support of military or paramilitary operations in Nicaragua, procurement of MX missiles, testing of antisatellite weapons and deployment of certain nuclear cruise missiles. The restrictions on procurement of MX missiles, testing of antisatellite weapons and deployment of certain nuclear cruise missiles are identical to restrictions provided for in the Department of Defense Authorization Act, 1985 (H.R. 5167) as passed by the House of Representatives on June 1, 1984.

The Committee has also included a provision in section 101(c) to continue the Retired Pay, Defense and National Guard and Reserve Equipment accounts at the current rate for operations until the regular appropriation bill is reported to the House.

Section 101(d) provides continuing authority for Transportation programs at a rate for operations not to exceed the current rate or the rate of the budget estimate, whichever is lower.

Section 101(e) provides continuing authority for activities provided for in the Treasury, Postal Service and General Government Appropriation Act, 1985, to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (H. Rept. 98-993) as passed by the House of Representatives on September 12, 1984.

Continuing authority is provided for 21 specific programs at the current rate for operations in section 101(f).



The joint resolution provides for the continuation of the existing provisions of law regarding the prohibition of federally funded abortions and the prohibition against preventing the implementation of programs of voluntary school prayer and meditation in the public schools.

## DEPARTMENT OF THE ARMY

### CORPS OF ENGINEERS—CIVIL

The Corps of Engineers is directed not to acquire by any means land in North Dakota adjacent to the upper reaches of the Oahe project—specifically, Fox Island, Briardale, Tokach Timber Haven and other lands similarly situated—for purposes of flood protection, until such time as all alternative measures—among them, bank stabilization, dredging, erection of levees, and control of river flow and reservoir elevations—have been thoroughly considered and pursued, and subsequently, the appropriate measure adopted.

House Report 98-916, accompanying the fiscal year 1984 Second Supplemental Appropriations Bill, indicates the Committee's support of the Manteo (Shallowbag) Bay, North Carolina, project and directs that no funds for construction shall be expended for this project until the necessary permits are obtained and until the Corps of Engineers can demonstrate that the project would generate economic returns commensurate with its costs. The Committee has been advised that a recently completed review of the project's economics indicates a favorable benefit-to-cost ratio.

Plans and specifications will be completed in December 1984 and subject to enactment of legislation providing the authority to acquire the land required for the project, the Corps is directed to allocate, within available funds, an amount sufficient to initiate construction in fiscal year 1985.

The Committee has been advised that a major blockage exists within an approximately 500-foot reach of the Hatchie River main channel, Mississippi. This reach of the river, between the mouths of Bridge Creek and Little Hatchie River, is totally blocked by a massive logjam, with heavy siltation having occurred within the blockage. Stream flows are forced to exit the channel and bypass the blockage through the adjacent flood plain. Large tracts of hardwood timber on this adjacent area are dead and more are dying. Farmlands, which exist within the bottoms, a short distance upstream of the blockage, are being subjected to severe flood damages. The problem is being compounded by additional resultant major siltation within the Hatchie River and Little Hatchie River channels upstream.

The Committee has included language in the resolution directing the Corps of Engineers to take such action as necessary to remove the blockage which has significantly reduced the flow carrying capability of the river causing flood damage in the area.

The Committee is aware of the severe erosion and bank sloughing occurring at national historic landmarks at Fort Toulouse, Alabama and Mound State Park in Moundville, Alabama.

The Fort Toulouse site was first settled by prehistoric Indians who at one time built five ceremonial mounds on the left bank of



the Coosa River. The land subsequently passed to the Spanish and then the French, who built Fort Toulouse in 1717. Historical records and maps indicate that the north and western portions of the site have long been subject to severe erosion and bank sloughing, seriously endangering the single remaining Indian mound and Fort Toulouse, which is being restored by the State of Alabama.

Mound State Park is located on the left bank of the Black Warrior River in Tuscaloosa County, Alabama. The left bank on the Black Warrior River is sloughing and eroding and endangering the Park's cultural resources and some of its structures at this historical site. The active erosion occurs over a reach of about 2,300 feet. The erosion of this area has caused the loss of cultural resources and this loss is expected to increase in magnitude as the erosion progresses toward the Indian Mounds. Existing structures, such as a concrete block conference building, are now threatened by the erosion and will likely be lost in the near future.

The joint resolution includes \$2,000,000, together with other funds available to the Corps, to prevent further damage to these historic sites.

The Committee directs the Corps of Engineers to undertake, in conjunction with the Tennessee Valley Authority, a study of the need, scope and activities related to development of a harbor facility on the Tennessee River at Guntersville, Alabama.

The Committee is aware that the Yazoo Mississippi Delta Levee District has operated and maintained the McKinney Bayou Pumping Station since 1962 although this responsibility was specifically a Federal cost in accordance with the Flood Control Act of 1946. Therefore, the Committee has included language in the joint resolution directing the Corps to assume operation and maintenance responsibility as intended in the original authorization.

In recognition of the increasing flood hazards throughout the Nation and the importance of alleviating these hazards in an economical manner, the Committee has included language in the joint resolution directing the Chief of Engineers, with the funds appropriated for the Meramec River Basin Flood Control study, to establish a demonstration project for flood forecasting/warning on the lower Meramec River. This project is to demonstrate the capability of non-structural means of flood control through the procurement and installation of commercially available equipment. The Chief of Engineers is to operate and maintain this system for a period of time sufficient to demonstrate its functioning during the occurrence of a 100-year Meramec River flood or for a period of 2 years, whichever is less. After the system has been field-tested, the Chief of Engineers is to report to the Congress the results of this prototype testing.

Within available funds the Corps of Engineers is directed to allocate funds for the following studies: Central Ohio comprehensive, Ohio, \$200,000; Upper Putah Creek, Calif., \$200,000; Mermentau, Calcasieu, Vermilion Rivers and Bayou Teche (Upper Teche Bayou), La., \$110,000; Green Bay Harbor, Fox River Channel, Wisc., \$130,000; Atlantic Coast of Maryland, Md. (CP&E), \$200,000; Lukfata Lake, Okla. hydropower study, \$100,000; Reelfoot Lake, Tenn. (comprehensive study), \$250,000; Jacksonville Harbor, St.



Johns River, and Intracoastal Waterway Modification, Fla., \$140,000; and Morehead City Harbor, N.C., \$200,000.

Within available funds, the Corps of Engineers is directed to initiate construction of the Bassett Creek flood control project, Minnesota.

Rapid and massive changes in land use such as spreading urbanization, conversion of land to row/crop agriculture, an expanded network of interstate highways and improved roads and other developments required by our population growth have brought about an increased incidence of flooding due to the deterioration of drainage outlets resulting from greater sedimentation introduced from these areas, streambank erosion and increased runoff from rainfall. It is imperative that we find solutions to our land and streambank erosion and sedimentation problems that are practical in application and reasonable in cost.

The Committee recognizes the severity of this problem and directs the Corps of Engineers and the Soil Conservation Service to maximize their joint efforts to solve this problem and to use to the fullest extent practical the scientific resources of the Agricultural Research Service's Sedimentation Laboratory at Oxford, Mississippi.

The Committee has included \$2,000,000 to enable the Corps of Engineers, working in concert with the Soil Conservation Service, to accelerate ongoing efforts (Public Law 98-360) to include solving the flooding and siltation problems prevalent in the small streams and rivers in the Yazoo Basin. These agencies shall give immediate attention to some of the worst areas such as Burney Branch (Oxford, Miss.) Town and Otoucalofa Creek (Water Valley, Miss.), Jasper Creek and Tallahatchie River (New Albany, Miss.), and Batupan Bogue.

The Committee is vitally interested in assuring that the Turtle Creek local flood protection project, Pennsylvania, continues to perform the function for which it was constructed. The overriding concern is for public safety, that is, prevention of loss of life and catastrophic property damage. The degradation of the Turtle Creek project has reduced the flood carrying capacity of the lower reach from the design level of 20,000 cfs to 15,000 cfs. Accordingly, the Committee has included language to authorize and direct the Secretary of the Army to repair and restore the project.

Within available funds, the Corps of Engineers is directed to initiate construction of the Des Moines River Greenbelt demonstration project, Iowa.

The Committee is aware that subsidence of the ground surface is occurring in areas of Arizona and is equally concerned about the need to conserve water in that State. It is also aware of the successful multipurpose Indian Bend Wash project and the 1981 Phoenix Urban Study which found that "artificial groundwater recharge appears to be a feasible method of achieving water conservation" and is interested in determining the impact of artificial groundwater recharge on ground subsidence. Therefore, the Committee directs the Division Engineer, South Pacific Division, to present in support of the fiscal year 1986 budget request, an engineering and planning program involving groundwater recharge in the area of Indian Bend Wash, Scottsdale, Arizona.



Within available funds, the Corps of Engineers is directed to initiate construction of the Cowaneseque Lake modification project, Pennsylvania.

Subsequent to enactment of P.L. 98-50, certain technical difficulties were discovered which inhibited the Corps from proceeding with construction of the Learning Facility at Huntsville, Alabama, funded by the Act. Language in the joint resolution is intended to resolve the technical impediments. It is recognized that the funds which the Corps grants to the University of Alabama would be those appropriated for the Learning Facility in P.L. 98-50, less the amount already spent for the design. The Committee reiterates the basic purpose and goal described in House Report 98-217. It is intended that the Learning Facility be constructed on University-owned land and that the facility be used by the Corps as a learning center in a university atmosphere for many years to come. The Committee also reiterates its belief that a dollar savings more than equal to the cost of the structure would be realized by a cost avoidance of lodging and other contract costs. In designing and constructing the center, the Corps should work closely with the University of Alabama to insure that the facility is fully compatible with the Corps and University needs.

The existing Federal project at Barnegat Inlet, New Jersey, constructed between 1938 and 1944 has failed to maintain a suitable and safe channel for navigation. The proposed work will rectify this condition and provide safer navigation for the estimated 19,400 vessels using the inlet annually. During the period 1970-1982, the U.S. Coast Guard assisted an average of 616 vessels each year at the inlet. These accidents have caused fatalities, with the most recent occurring in 1979.

In view of the urgent situation at Barnegat Inlet, the Committee has included \$4,000,000 in the joint resolution and directs the Corps to correct this critical navigation hazard.

The Committee has heard testimony concerning danger to commercial and recreational crafts in San Francisco Bay caused by floating debris. The Committee notes that the severely deteriorated Berkeley Pier on the eastern shore of San Francisco Bay is an obvious continuing source of dangerous debris in the Bay. In order to minimize the danger to shipping in the San Francisco Bay, the Committee has included language to authorize and direct the Corps of Engineers to remove deteriorated portions of the Berkeley Pier before they cause increasingly severe problems to shipping interests in the Bay. The Committee believes that this activity is fully consistent with the intention and scope of the authorized San Francisco Harbor and Bay Drift Removal project. The Corps of Engineers is directed to accomplish this within existing Operation and Maintenance funds.

The Committee is aware of the serious situation that exists on the completed local protection project at Glencoe, Alabama, along Little Cove Creek where existing shoaling is causing streambank sloughing and erosion. The Committee is concerned that the project continue to perform the function for which it was constructed and has included language to authorize and direct the Secretary of the Army to take the necessary measures to repair and restore the project.



The City of Slidell and other communities in St. Tammany Parish, Louisiana, have experienced three floods of record since 1979 resulting from high stages on the Pearl River. In April 1983, record stages occurred, devastating numerous businesses and as many as 1,000 homes causing over \$100,000,000 in damages. Investigations being finalized by the Corps of Engineers indicate that a number of measures could reduce flood damage, including channel modifications, levees, drainage structures and bridge modifications.

Flood damage relief is critically needed in this—the fastest growing area of Louisiana. The Corps of Engineers is directed to expedite measures to reduce this flooding problem and within available funds is directed to undertake such structural and nonstructural measures as deemed feasible to prevent flood damage to communities in the Pearl River Basin, St. Tammany Parish, Louisiana.

Within available funds, the Corps of Engineers is directed to initiate construction of the Tampa Harbor, East Bay Channel, Florida.

In reference to the Committee's concern about water quality in Long Island Sound, the Army Corps of Engineers is hereby instructed to require that all permits for the disposal of dredged material at the Western Long Island Sound Disposal Site III, regardless of the amount of material involved, shall comply with the criteria established pursuant to the second sentence of section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C., Section 1412(a)) relating to the effects of such dumping.

Within available funds, the Corps of Engineers is directed to proceed with construction of the small boat harbor at Zippel Bay, Minnesota.

Within available funds, the Corps of Engineers is directed to initiate construction of the Richmond, Virginia, local protection project.

Within available funds, the Corps of Engineers is directed to initiate construction of the Geneva-on-the-Lake, Ohio project.

Within available funds, the Corps of Engineers is directed to utilize \$90,000 to complete phase III of the Illinois Shore of Lake Michigan, Illinois study, from Waukegan to the state line.

The Committee is aware that public facilities, particularly roads and highways, in areas adjacent to the Platte River and Republican River in Nebraska have suffered severe damage as the result of floods and streambank erosion for the second consecutive year. The Committee directs the Secretary of the Army, acting through the Chief of Engineers, to utilize up to \$1,000,000 of available funds to restore public facilities in these areas under authorities of Public Law 84-99 for repair and restoration of public facilities. The Secretary is to report to the Committees on Appropriations on actions taken in response to this directive not later than February 1, 1985.

The Committee directs the Corps of Engineers to complete the final planning and engineering for the Santa Ana Mainstream, California Project, in order to bring the project up to the point where construction may begin as soon as possible after authorization and appropriation. This action shall in no way interfere with directions of this Committee to the Corps that the Corps shall seek alternatives to the Mentone Dam in the Upper Santa Ana River Basin.



## DEPARTMENT OF THE INTERIOR

In connection with the High Mountain Aquifer Development study, Colorado, the Committee has no objection to the Bureau of Reclamation initiating a joint cooperative study of potential terminal glacial moraine storage sites using available fiscal year 1985 appropriated funds or funds contributed under the Contributed Funds Act.

The Committee has included clarification in the joint resolution that rates charged pursuant to 38 Stat. 242, 1913, shall continue to be set consistent with the principles of the Act, including approval by the Secretary of the Interior.

## APPALACHIAN REGIONAL COMMISSION

The Committee recommendation provides a total of \$11,000,000 for the Appalachian Regional Development Programs of the Appalachian Regional Commission. Of this amount, \$10,000,000 is to be provided for continuation of Corridor V activities related to those described in House Report No. 98-977. It is important that this work proceed expeditiously in order to take advantage of the favorable construction climate in that region of the country.

Of the additional \$1,000,000 provided in this joint resolution, \$500,000 is for expansion of the currently underway nurses/medical technician training facility to include a child development component; and the other \$500,000 is for unforeseen contingencies and emergencies that may develop.

## TENNESSEE VALLEY AUTHORITY

The Committee has included a provision that would limit the application of bid protest procedures to only activities financed from funds appropriated to the Tennessee Valley Authority and would exclude the application of these procedures from the power program activities of the Authority. This maintains the long-standing independence of the Board of Directors in the operation and maintenance of the power program as was intended in establishing TVA as a corporate entity.

The Committee directs the Tennessee Valley Authority to undertake, in conjunction with the Corps of Engineers, a study of the need, scope and activities related to development of a harbor facility on the Tennessee River at Guntersville, Alabama. TVA is directed to allocate \$400,000 from available funds to improve TVA-owned facilities at Wallace State Community College. The Committee has also included funding for construction of a demonstration water transmission line for Bristol, Tennessee, to address an urgent health hazard related to two TVA facilities-Holstein Dam and Boone Lake.

## CRIME INSURANCE PROGRAM

Section 113 extends the Federal Emergency Management Agency's crime insurance program for one year, from October 1, 1984 to September 30, 1985. In extending this program, the Committee recognizes that the availability of affordable crime insurance remains vital to the continued viability of the many inner city neighbor-



hoods throughout the United States. Furthermore, it is clear that its termination could encourage abandonment of marginal neighborhoods by small businesses, homeowners and tenants which may require expensive federal subsidies in the future.

#### RENT SUPPLEMENT/RENTAL ASSISTANCE PAYMENTS

Section 114 provides for the continuation of section 236 interest reduction payments and rental subsidies for the remaining term of the original contracts when non-insured state agency rental housing projects are foreclosed. This language corrects a technical problem that occurs when a state housing agency is forced to foreclose on such non-insured rental housing mortgages. The effect of this recommendation will be to continue the mortgage interest, rent supplement, and rental assistance payment subsidies for the remaining terms of the current subsidy contract. Without this language, rents in the foreclosed projects would be unaffordable to the current low-income tenants and those tenants would be unfairly penalized through no fault of their own.

#### SECTION 8

Section 115 provides \$9,000,000 in budget authority from available recaptured assisted housing funds for a section 8 new construction project. The funds are for 40 dwelling units in the Carmel Plaza North Project in the District of Columbia and are to be available for obligation through fiscal year 1985. The Committee believes that this project has been unduly delayed due to events that were beyond the control of the project developer, the Government of the District of Columbia and, to a lesser extent, the Department of Housing and Urban Development.

This project is proposed to be located on an urban renewal site that had once been a viable and active neighborhood, but was demolished in order to clear the area for a proposed interstate highway. The proposed interstate highway was never constructed, and the area has been left vacant for the last 15 years.

As part of the original agreement to clear the site and build the interstate highway, local officials agreed in 1969 to provide rental housing units for low and moderate income people. Numerous efforts were made to use various programs to provide housing. None of the efforts were successful until 1978 when a group composed of the Mt. Carmel Baptist Church and the Bush Construction Company developed a proposal that was acceptable to the Department of Housing and Urban Development. The proposed project envisioned 133 units of rental housing—including 40 units that were to be assisted under the section 8 new construction rental subsidy program. The proposal was finally submitted to HUD in 1982 and sought to use tax-exempt bonds issued by the District Columbia Housing Finance Agency.

In early 1983 the Supreme Court decision, *Immigration and Naturalization Service vs. Chada* (103 S. Ct. 2764), declared portions of the D.C. Home Rule Act unconstitutional. This decision cast doubt on the authority of the District Government to issue tax-exempt bonds, and thus, the project lost its source of permanent financing. It was not until July 1984 that the Congress clarified and directly



provided the authority for the District of Columbia to issue tax-exempt bonds for the purpose of financing housing.

Since this project was not funded with the usual 100 percent section 8 assistance, the Department of Housing and Urban Development insisted that the developers provide parking spaces for all units in the project. The developers were forced to renegotiate with the District of Columbia's redevelopment land agency for permission to provide this additional parking. This action further delayed the processing of this project.

The Housing and Urban-Rural Recovery Act of 1983 terminated the section 8 new construction program. However, the legislation provided that projects in the final stages of processing and with commitments for section 8 reservations would be permitted to go to completion. On July 26, the Department of Housing and Urban Development terminated the Carmel Plaza North Project, recapturing the 40 units of section 8 authority.

Because of the delay due to the Supreme Court's 1983 decision causing the project to lose its tax-exempt financing, the various delays caused by the location of the project on the urban renewal site, the controversy over the cancellation of the interstate highway, and the delay over the requirement for parking spaces, the Committee has included language in the joint resolution to meet the long standing commitment to provide assisted housing in this particular area in the District of Columbia. The Secretary is directed to commit this section 8 budget authority, notwithstanding the repeal of the authority to make section 8 new construction available made by section 209(a) of the Housing and Urban-Rural Recovery Act of 1983.

The Committee has taken this action due to the unusual circumstances surrounding this project. The Committee wishes to make clear that it in no way intends to continue the section 8 new construction program.

#### ROCKY RIVER WASTEWATER TREATMENT PLANT

Section 116 makes the Rocky River, Ohio wastewater treatment plant eligible for up to \$2,337,000 from the State of Ohio's regular 1985 Environmental Protection Agency construction grant allocation. This would permit reimbursement of costs related to an experimental treatment plant design which proved unworkable. In similar situations EPA has reimbursed other project's costs, but a technicality made this plant ineligible for construction grant funding. The Committee's proposed language corrects this long-standing inequity using existing funds. We are informed that the Governor of the State of Ohio also supports the approach recommended.

#### VETERANS ADMINISTRATION

##### MAJOR CONSTRUCTION PROJECTS

The 1985 Department of Housing and Urban Development-Independent Agencies Appropriation Act includes \$568,194,000 for the Veterans Administration's construction, major projects account. In addition, the program level assumes \$145,000,000 to be de-



rived from savings on completed projects. Thus, the fiscal year 1985 major construction program level totals \$713,194,000.

Due to unusual circumstances, and in consonance with the House and Senate reports, the committee of conference on the regular bill did not include a table identifying individual construction projects in the statement of the managers. The VA was directed to review and reconsider all projects and submit a revised list of such projects to the Committees on Appropriations by September 1, 1984.

In response to the conference committee directive, on August 31, 1984, the Veterans Administration submitted a revised list of major construction projects for fiscal year 1985. The sum total of the revised list is \$735,594,000, an increase of \$22,400,000 above the conference agreement. However, the VA is not proposing to increase the appropriation for fiscal year 1985. Rather, it would increase the amount available from the working reserve by \$22,400,000.

The Committee agrees with the revised list of projects with two exceptions—Allen Park and Baltimore. The recommendations total \$727,594,000, including \$159,400,000 to be derived from savings on completed projects.

Regarding the Allen Park replacement hospital, the Veterans Administration requests \$8,000,000 in 1985 for site acquisition, preparation, and other related site expenses such as demolition and relocation. The application of these funds will depend on the alternative selected. There has been concern expressed over the location of the replacement hospital. Because of the controversy regarding location of the replacement facility, the House Veterans' Affairs Committee did not authorize this project in fiscal year 1985. In this context, it is the Committee's belief that the VA should choose the site of the replacement hospital and that the project should not be further delayed. However, the Committee has not included Allen Park in the list of approved major construction projects. The funds have been deleted without prejudice until such time as a site has been selected by the VA and the project is authorized. Funding can be considered at a later date in a 1985 supplemental appropriations bill.

Regarding Baltimore, the Veterans Administration proposes to increase the advance planning fund by \$2,000,000 to determine the most appropriate approach to modernizing the medical centers at Loch Raven and Fort Howard. Previously, the House Committee on Veterans' Affairs authorized \$111,000,000 for a replacement hospital. The Senate Committee on Veterans' Affairs has, within the past five months, authorized \$88,800,000 for a down-sized replacement medical center. In determining the best approach to providing quality medical care to veterans in the Baltimore area, it is noted that studies have been undertaken on the rehabilitation of the Loch Raven facility and, in view of this, the Committee requests that the VA use a part of these funds to also study a replacement hospital, possibly based on a down-sized facility, placed next to the University of Maryland Medical School in downtown Baltimore. If additional resources above the \$2,000,000 are required to examine this option, the Committee will entertain a reprogramming request submitted by the Veterans Administration.



The specific project amounts recommended by the Committee are as follows:

CONSTRUCTION, MAJOR PROJECTS, FISCAL YEAR 1985

Item and location	Appropriation	
	Available through 1984	Recommended for 1985
Replacement and modernization:		
Augusta (Lenwood), GA, replacement medical center.....		12,400,000
Houston, TX, replacement and modernization.....		25,200,000
Mountain Home, TN, bed towers and renovation.....		11,300,000
New York, NY, outpatient and clinical addition and alterations.....		17,700,000
Philadelphia, PA, clinical addition, renovation, parking and 240-bed nursing home care unit.....		17,700,000
Total, replacement and modernization.....		84,300,000
Nursing home care facilities:		
Alexandria, LA, 120 beds.....		5,350,000
Durham, NC, 120 bed, research administration and geriatric research education and clinical center.....		8,725,000
Murfreesboro, TN, 120 beds.....		5,555,000
Prescott, AZ, 60 beds.....		5,200,000
San Juan, PR, 120 beds and 10-bed blind rehabilitation center.....		8,900,000
West Los Angeles, CA, 117-bed conversion.....		5,470,000
Total, nursing home care facilities.....		39,200,000
Domiciliaries: West Los Angeles, CA, renovate buildings for domiciliary.....		11,675,000
Research and education: Buffalo, NY, research building and clinical expansion.....		16,250,000
Outpatient improvements:		
Brockton (West Roxbury), MA, outpatient addition, research and education, administration.....		42,600,000
Grand Junction, CO, outpatient and clinical addition.....		11,950,000
Iowa City, IA, ambulatory care and clinical addition.....		20,600,000
Los Angeles, CA, outpatient clinic building.....	\$7,000,000	41,100,000
Sheridan, WY, outpatient clinic addition.....		10,300,000
Shreveport, LA, ambulatory care and linear accelerator.....		6,150,000
Total, outpatient improvements.....	7,000,000	132,700,000
Advance planning fund: Various stations.....		19,000,000
Asbestos abatement: Various stations.....		25,000,000
Design fund: Various stations.....		15,000,000
Energy conservation: Various stations.....		5,220,000
Clinical improvements:		
Alexandria, LA, clinical improvements.....		26,300,000
Amarillo, TX, addition and renovation of clinical support.....		21,800,000
Cheyenne, WY, expand and renovate building 1 for clinical functions.....		14,475,000
Clarksburg, WV, clinical addition and alterations.....		21,400,000
Durham, NC, clinical addition.....		29,200,000
Fresno, CA, clinical addition.....		6,250,000
Hines, IL, 40-bed long-term spinal cord injury building.....		5,750,000
Lexington, KY, clinical addition.....		35,200,000
Long Beach, CA, 160-bed spinal cord injury unit and spinal cord injury outpatient clinic.....		22,825,000
Louisville, KY, clinical and education addition.....		12,380,000
Palo Alto (Palo Alto Division), CA, spinal cord injury addition.....		15,050,000
Tampa, FL, radiation therapy.....		4,170,000
Total, clinical improvements.....		214,800,000
Electrical improvements:		
Big Spring, TX, electrical distribution system.....		2,180,000
Dallas, TX, upgrade primary electrical distribution system.....		3,110,000
Omaha, NE, electrical, fire and safety corrections.....		5,460,000



## CONSTRUCTION, MAJOR PROJECTS, FISCAL YEAR 1985—Continued

Item and location	Appropriation	
	Available through 1984	Recommended for 1985
Shreveport, LA, upgrade primary distribution system and elevators.....		4,250,000
Topeka, KS, electrical corrections, primary and secondary.....		8,150,000
Total, electrical improvements .....		23,150,000
Fire and safety improvements:		
Boston, MA, fire and safety improvements—sprinklers.....		4,280,000
Coatesville, PA, fire and safety improvements .....		11,600,000
Grand Island, NE, fire and safety improvements, air-conditioning, patient privacy and support systems .....		5,850,000
Hampton, VA, fire and safety improvements.....		5,670,000
Lyons, NJ, fire and safety improvements.....		13,200,000
Pittsburgh (Highland Drive), PA, fire and smoke detectors, modernize heating, ventilation, and air-conditioning, and secondary electrical system.....		31,900,000
Subtotal, fire and safety improvements .....		72,500,000
General projects:		
Albany, NY, modify wards .....		24,600,000
American Lake, WA, laundry replacement.....		4,380,000
Boise, ID, geothermal conversion.....		4,390,000
Chillicothe, OH, renovate building 1 (modernization phase III) .....		4,270,000
Danville, IL, renovate building 14 for administration .....		2,780,000
Long Beach, CA, construct supply warehouse.....		3,770,000
Lyons, NJ, renovate building 4 for intermediate care .....		3,870,000
St. Louis (Jefferson Barracks), MO, laundry replacement.....		3,800,000
Tampa, FL, land purchase.....		2,000,000
Total, general projects .....		53,860,000
Seismic: Marion, IL, seismic corrections .....		5,665,000
Cemetery projects:		
Ft. Snelling, MN, administration and service buildings .....	326,000	3,324,000
Riverside, CA, develop 40,000 gravesites and additional facilities.....		5,950,000
Total, cemetery projects .....	326,000	9,274,000
Total, major construction program.....	7,326,000	727,594,000
Reprogrammings from prior appropriations .....		—159,400,000
Total, major construction appropriation.....	7,326,000	568,194,000

## DEPARTMENT OF COMMERCE

The Committee understands that there is a problem concerning the importation of counterfeit Native American artifacts into the United States. The Committee is concerned about this matter and urges the Department of Commerce to conduct a thorough review of the problem and report to the Committee on its findings by March 31, 1985.

## COAL IMPORTS STUDY

In recent years, several foreign countries, most notably Colombia, have expanded their coal marketing in the United States.

In view of the fact that such coal imports seriously threaten American coal sales, the Committee calls upon the Secretary of Commerce, working in consultation with the Secretary of Energy,



to conduct a comprehensive study of the current and long-range impact of expanded coal marketing by these foreign countries. This study should include an analysis of potential market penetration and the impact on coal employment and American coal exports.

In addition, this study should include a full report comparing the conditions in these foreign mines, including worker safety, wage rates and environmental protection, with American regulations and standards.

#### ECONOMIC DEVELOPMENT ADMINISTRATION

It has been represented to the Committee that there are latent trade opportunities and underutilized trade promotion efforts in the Northwest, and that local and regional economic development could be greatly enhanced if the EDA were to cooperate with a program at the International Commerce and Trade Institute of Portland State University which would cost no more than a one time grant of \$135,000. The Economic Development Administration is encouraged to make such a grant available out of the fiscal year 1985 appropriation for research and evaluation programs. The purpose of the grant would be to explore alternatives in a broad effort to promote trade with Pacific Rim nations and to increase access to research and training in international studies.

#### DEPARTMENT OF EDUCATION

The Committee is very concerned about the situation at the Silver Valley Unified School District in Barstow, California where the designation of the Fort Irwin Military Base as the Army's National Training Center has placed tremendous pressure on the school's operating ability. In fiscal years 1982 and 1983 the Impact Aid funding formula was tied into the 1981 payment level, and therefore Silver Valley, which experienced sudden and dramatic increases in the numbers of federally-connected children during those years, and otherwise would have qualified for "Super A" status, lost approximately \$800,000 in federal assistance. This has caused a serious overcrowding and under-housing of children and has placed the quality of education provided by the School in jeopardy. The Department of Education is directed to look into this matter to see what can be done to promptly resolve this problem, and to report back to the Committee immediately on potential administrative remedies.

#### OTHER TECHNICAL PROVISIONS OF THE RESOLUTION

The accompanying joint resolution carries the usual necessary technical provisions including those relating to obligations or expenditures made during the duration of the continuing resolution, the time requirement for the apportionment of funds, and modification of apportionment procedure to accommodate certain existing provisions of law.

#### INFLATIONARY IMPACT STATEMENT

Clause 2(l)(4) of rule XI of the House of Representatives requires that each Committee report on a bill or resolution shall contain a



statement as to whether enactment of such bill or resolution may have an inflationary impact on prices and costs in the operation of the national economy.

The rates prescribed by the accompanying joint resolution are either at existing levels or consistent with actions heretofore taken by the Congress which have been determined not to have an inflationary impact upon the operation of the economy. Therefore, the Committee believes that enactment of this joint resolution will have no significant inflationary impact on the national economy.

### COMPLIANCE WITH RULE XIII—CLAUSE 3

In compliance with Clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the joint resolution, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### CRIME INSURANCE PROGRAM

Section 1201 of the National Housing Act is amended as follows:

SEC. 1201. (a) The Director is authorized to establish and carry out the programs provided for in parts A, B, C, and D of this title.

(b)(1) The powers of the Director under part B shall terminate on November 30, 1983, and parts A, C, and D shall terminate on [September 30, 1984] *September 30, 1985*, except to the extent necessary—

(A) to continue reinsurance and direct insurance in accordance with the provisions of sections 1223(b) and 1231(c) until September, 1985, *and September 30, 1986, respectively*;

(B) to process, verify, and pay claims for reinsured losses and directly insured losses and perform other necessary functions in connection therewith; and

(C) to complete the liquidation and termination of the reinsurance and direct insurance programs.

(2) On September 30, 1981, the Director shall submit to the Congress, for its approval, a plan for the liquidation and termination of the reinsurance and direct insurance programs.

(3) The Administrator shall notify participating insurers under part B that the reinsurance authority of the Administrator under such part shall terminate on November 30, 1983.

#### RENT SUPPLEMENT/RENTAL ASSISTANCE PAYMENTS

The penultimate proviso under the Rent supplement heading in the Supplemental Appropriations Act, 1983 (Public Law 98-63) is amended as follows:

#### RENT SUPPLEMENT

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

Of the not more than \$105,160,000 in uncommitted balances of authorizations provided in appropriation Acts for the maximum payments that may be required in any fiscal year by all contracts



entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) which may be reduced pursuant to the further continuing appropriations for fiscal year 1983, Public Law 97-377 (96 Stat. 1830, 1908), such reduction shall not be made to the extent that such balances would otherwise be available as a result of conversions of contracts under such section 101 to assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), and are made available to amend contracts for payments authorized under such section 101 on behalf of qualified tenants, to provide for increased rent charges and changes of income of tenants: *Provided*, That any part of the foregoing balances may be transferred, added to and merged with balances of authority, including balances of authority available as a result of conversions of contracts, which otherwise may be made available for amendments to contracts for rental assistance payments pursuant to section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) on behalf of qualified tenants, to provide for increased rent charges and changes of income of tenants: *Provided further*, That up to \$50,828,000 in authority under such section 101 and up to \$63,365,000 in merged authority under such section 236(f)(2), respectively, shall be available until obligated for amendments to contracts under those provisions in State-aided, noninsured rental housing projects: *Provided further*, That such amendments shall be for the term of the respective contracts, and the amount of such amendments shall equal 90 per centum of the amount of respective authorities needed for increased rent charges and changes of income of tenants under such contract: *Provided further*, That of the amounts of authority not required for State-aided, noninsured rental housing projects under such sections 101 and 236(f)(2), up to \$23,000,000 and up to \$8,429,000 respectively, shall be available until obligated for amendments to contracts under such sections for rental housing projects other than State-aided, noninsured projects, to provide for increased rent charges and changes of income of tenants for less than the term of the contracts under the respective sections: **[***Provided further*, That upon the expiration of each contract under such sections 101 or 236(f)(2) on behalf of qualified tenants on a State-aided, noninsured rental housing project, the balance of the authorization provided in appropriation Acts for such contract shall be rescinded:**]** *Provided further*, That upon the completion of each contract under such sections 101 or 236(f)(2) on behalf of qualified tenants on a State-aided, noninsured rental housing project, the balance of the contract authority provided in appropriation Acts for such contract shall be rescinded: *Provided further*, That notwithstanding any other provision of law the 90 per centum limitation contained in the third proviso shall be implemented on October 1, 1983 and remain in effect thereafter.

#### SECTION 8

The annual contributions for assisted housing account in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45) is amended by adding to the end thereof a new paragraph:



## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## HOUSING PROGRAMS

## ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by \$636,336,000: *Provided*, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by \$9,912,928,000: *Provided further*, That of the budget authority provided herein, \$389,550,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, \$1,550,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437l), of which \$35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act, and, \$1,500,000,000 shall be deferred and shall not become available until January 1, 1984: *Provided further*, That the first \$1,926,400,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall only be made available for assistance to projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q): *Provided further*, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: *Provided further*, That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

*Notwithstanding any other provision of this Act or any other law regarding the availability of recaptured budget authority, \$9,000,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall be made available only to provide assistance under the new construction program of section 8 of the United States Housing Act of 1937 for 40 dwelling units in the Carmel Plaza North Project Numbered 000-32028-PM/L8, in the District of Columbia, which project was terminated by the Secretary of Housing and Urban Development on July 26, 1984. Such budget authority shall remain available for obligation for fiscal year 1985, and the provisions repealed by section 209(a) of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181; 97 Stat. 1153, 1183) shall remain in effect with respect to such project and budget authority.*







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