

OPB copy

PUBLIC LAW 97-377—DEC. 21, 1982

*CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1983

*Public Law 97-377
97th Congress

Joint Resolution

Dec. 21, 1982
[H.J. Res. 631]

Making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes.

Continuing
appropriations
for fiscal year
1983.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1983, and for other purposes, namely:

TITLE I

FURTHER CONTINUING APPROPRIATIONS ACT, 1983

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1982 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

Treasury, Postal Service, and General Government Appropriation Act, 1983.

(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 December 17, 1982, is different from that which would be available or granted under such Act as passed by the Senate as of December 17, 1982, 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 December 17, 1982, 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 of 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 appropriation Acts for the fiscal year 1982: *Provided further*, That for the purposes of this joint resolution, when an Act listed in this subsection has been reported to the House or the Senate but not passed by that House as of December 17, 1982, it shall be deemed as having been passed by that House.

(4) Whenever an Act listed in this subsection has been passed by only the House as of December 17, 1982, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, but at a rate for operations of the current rate or the rate permitted by the action of the House, whichever is

*Note: The printed text of Public Law 97-377 is a reprint of the hand enrollment, signed by the President on December 21, 1982.

lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1982.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1982, 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)(1) Such amounts as may be necessary for continuing the activities of the Foreign Assistance Appropriations Act of 1982, Public Law 97-121, under the terms and conditions, and at the rate, provided for in the Act, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the State Department Basic Authorities Act of 1956, or any other provision of law or section 102 of this joint resolution: *Provided*, That amounts allocated to each country under this paragraph shall not exceed those provided in fiscal year 1982 and new country programs shall not be initiated unless submitted through the regular reprogramming procedures of the Committees on Appropriations: *Provided further*, That notwithstanding the provisions of this paragraph making amounts available or otherwise providing for levels of program authority, the following amounts only shall be available and the following levels of authority only shall be provided for the following accounts or under the following headings: \$284,100,437 for payment to the "Inter-American Development Bank" and not to exceed \$828,137,742 in callable capital subscriptions; \$126,041,553 for payment to the "International Bank for Reconstruction and Development" and not to exceed \$1,530,275,913 in callable capital subscriptions; \$700,000,000 for payment to the "International Development Association"; \$131,882,575 for payment to the "Asian Development Bank" and not to exceed \$2,243,811 in callable capital subscriptions; \$50,000,000 for payment to the "African Development Fund"; \$249,002,000 for "International Organizations and Programs"; including the provisions of section 103(g) of the Foreign Assistance Act of 1961, except that such funds shall be made available only in accordance with the Joint Explanatory Statement of the Committee of Conference accompanying the conference report on this joint resolution (H.J. Res. 631); \$140,288,000 for "Energy and selected development activities, Development Assistance"; \$25,000,000 for "International disaster assistance"; \$93,757,000 for "Sahel development program", of which not less than \$2,000,000 shall be available only for the African Development Foundation; \$35,403,000 for "Payment to the Foreign Service Retirement and Disability Fund"; \$1,700,000 in foreign currencies for "Overseas training and special development activities (foreign currency program)"; \$2,576,000,000 for the "Economic Support Fund" (without applying prior year earmarking of funds for Sudan and Poland), of which not less than \$785,000,000 shall be available for Israel and not less than \$750,000,000 shall be available for Egypt; \$31,100,000 for "Peacekeeping operations"; \$335,000,000 for "Operating expenses of the Agency for International Development"; \$10,500,000 for "Trade and development"; \$109,000,000 for the "Peace Corps"; \$395,000,000 for "Migration and Refugee Assistance" (without applying prior year earmarking of funds); \$290,000,000 for necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961 and the provisions of title I of

95 Stat. 1647.

22 USC 2412.

22 USC 2680.

Post, p. 1909.

22 USC 2151a.

22 USC 2311.

22 USC 2563,
2564.

S. 2608, as reported, of which not less than \$110,000,000 shall be available for Turkey, not less than \$37,500,000 shall be available for Portugal, and not less than \$25,000,000 shall be available for Morocco; \$45,000,000 for "International Military Education and Training"; \$1,175,000,000 for necessary expenses to carry out sections 23 and 24 of the Arms Export Control Act and the provisions of title I of S. 2608, as reported, of which not less than \$750,000,000 shall be allocated to Israel (\$1,700,000,000 of the amount provided for the total aggregate credit sale ceiling during the current fiscal year shall be allocated only to Israel) and not less than \$425,000,000 shall be allocated to Egypt; \$3,638,000,000 of contingent liability (of which not less than \$290,000,000 shall be available for Turkey, not less than \$52,500,000 shall be available for Portugal, not less than \$75,000,000 shall be available for Morocco, and not less than \$400,000,000 shall be available for Spain) for total commitments to guarantee loans under "Foreign Military Credit Sales"; not to exceed \$125,000,000 are authorized to be made available for the "Special Defense Acquisition Fund"; and not to exceed \$4,400,000,000 of gross obligations for the principal amount of direct loans and \$9,000,000,000 of total commitments to guarantee loans under "Export-Import Bank of the United States": *Provided further*, That none of the funds available under this paragraph may be made available for payment to the "International Finance Corporation": *Provided further*, That in addition to the funds made available under this paragraph for the "Economic Support Fund" \$85,000,000 is available for the "Economic Support Fund" to be transferred to the Agency for International Development for economic development assistance projects, under the terms and conditions of sections 103 through 106 of the Foreign Assistance Act of 1961, such projects to be approved through the established reprogramming processes of the Appropriations Committee of the House of Representatives and of the Senate, except that none of the funds provided herein shall be available for nondevelopment activities including balance of payments support, commodity imports, sector loans, and program loans: *Provided further*, That notwithstanding any other provision of this joint resolution or any other Act, \$5,500,000 of the funds provided for Honduras under the authority of this joint resolution shall not be made available until that country meets the final terms of the binding arbitration award established by the Inter-American Commercial Arbitration Commission as regards Construction Aggregates Corporation.

22 USC
2151a-2151d.

Post, p. 1909.

(2) Notwithstanding section 102 of this joint resolution, chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

22 USC 2151z.

"SEC. 128. TARGETING ASSISTANCE FOR THOSE LIVING IN ABSOLUTE POVERTY.—In carrying out this chapter, the President in fiscal year 1983, shall attempt to use not less than 40 per centum of the funds made available to carry out this chapter to finance productive facilities, goods, and services which will expeditiously and directly benefit those living in absolute poverty (as determined under the standards for absolute poverty adopted by the International Bank for Reconstruction and Development and the International Development Association). Such facilities, goods, and services may include, for example, irrigation facilities, extension services, credit for small farmers, roads, safe drinking water supplies, and health services. Such facilities, goods, and services may not include studies, reports, technical advice, consulting services, or any other items unless (A)

they are used primarily by those living in absolute poverty themselves, or (B) they constitute research which produces or aims to produce techniques, seeds, or other items to be primarily used by those living in absolute poverty. Research shall not constitute the major part of such facilities, goods, and services.”: *Provided further*, That within six months after the date of approval of this joint resolution, the Administrator of the Agency for International Development shall report to Congress on the implementation of this provision, the types of projects determined to meet these requirements, and the effect on the overall United States foreign assistance program.

Report to
Congress.
22 USC 2151z
note.

(c) Notwithstanding any other provision of this joint resolution, such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriation Act, 1983, at a rate of operations and to the extent and in the manner provided, to be effective as if it had been enacted into law as the regular appropriation Act, as follows:

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1983, for military functions administered by the Department of Defense, and for other purposes, namely:

Department of
Defense
Appropriation
Act, 1983.

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; \$14,454,848,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; \$10,537,408,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of

temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); \$3,293,277,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; \$12,099,850,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; \$1,247,250,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or personnel while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; \$657,125,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; \$170,900,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10,

United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; \$358,925,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; \$1,698,800,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; \$548,425,000.

TITLE II

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and Air Force, including the reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve, and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code; \$16,154,800,000.

10 USC 1448
note, 1431 *et seq.*

TITLE III

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$7,310,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$15,847,425,000, of

which not less than \$1,240,000,000 shall be available only for the maintenance of real property facilities.

ARMY STOCK FUND

For the Army stock fund; \$221,138,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$2,620,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; \$21,079,712,000, of which not less than \$657,000,000 shall be available only for the maintenance of real property facilities: *Provided*, That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than \$2,887,000,000 shall be available for the performance of such work in Navy shipyards: *Provided further*, That funds herein provided shall be available for payments in support of the LEASAT program in accordance with the terms of the Aide Memoire, dated January 5, 1981.

NAVY STOCK FUND

For the Navy stock fund; \$354,372,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$1,481,671,000, of which not less than \$218,000,000 shall be available only for the maintenance of real property facilities.

MARINE CORPS STOCK FUND

For the Marine Corps stock fund; \$11,812,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, including the lease and associated maintenance of replacement aircraft for the CT-39 aircraft to the same extent and manner as authorized for service contracts by section 2306(g), title 10, United States Code; and not to exceed \$4,490,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; \$16,915,766,000, of which not less than \$1,100,000,000 shall be available only for the maintenance of real property facilities.

AIR FORCE STOCK FUND

For the Air Force stock fund; \$161,600,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; \$5,715,778,000: *Provided*, That not to exceed \$7,890,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That not less than \$80,000,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

DEFENSE STOCK FUND

For the Defense stock fund; \$160,500,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$705,584,000, of which not less than \$35,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$637,507,000, of which not less than \$25,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$51,094,000, of which not less than \$1,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$765,735,000, of which not less

than \$17,500,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$1,195,067,000, of which not less than \$35,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; \$1,822,603,000, of which not less than \$35,000,000 shall be available only for the maintenance of real property facilities.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; \$875,000, of which not to exceed \$7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed \$680,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311: *Provided*, That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; \$147,500,000.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; \$3,271,000, and not to exceed \$1,500 can be used for official representation purposes.

TITLE IV

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$2,506,572,000, of which \$10,000,000 shall be available only for procurement of C-12 cargo aircraft for the Army National Guard, to remain available for obligation until September 30, 1985: *Provided*, That notwithstanding any other provision of this Act, after the head of the agency concerned gives written notification of a proposed multiyear contract for the CH-47D Helicopter Modernization Program to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives, such contract may not then be awarded until the end of a period of 45 days beginning on the date of such notification.

40 USC 255.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and

installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$2,287,000,000, of which \$422,100,000 shall be available only for purchase of the Multiple Launch Rocket System under a multiyear contract, to remain available for obligation until September 30, 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$4,551,946,000, and in addition, \$198,200,000, of which \$67,000,000 shall be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1981/1983", and \$131,200,000 shall be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1982/1984", to remain available for obligation until September 30, 1985.

40 USC 255.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2673, title 10, United States Code, and the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$2,122,394,000, to remain available for obligation until September 30, 1985.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support (including not to exceed 7 vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed \$100,000 per vehicle), and nontracked combat vehicles; the purchase of not to exceed two thousand and twenty-five passenger motor vehicles for replacement only; communications and electronic

equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$4,123,404,000, to remain available for obligation until September 30, 1985.

40 USC 255.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$10,416,107,000, of which \$267,800,000 shall be available only for purchase of C-2 aircraft under a multiyear contract, to remain available for obligation until September 30, 1985: *Provided*, That none of the funds appropriated or made available pursuant to this paragraph for the F/A-18 aircraft program may be obligated or expended until the Secretary of the Navy submits to the Committees on Appropriations of the House of Representatives and the Senate a certified plan to incorporate a United States manufactured ejection seat system in F/A-18 aircraft purchased with fiscal year 1983 and future funds: *Provided further*, That none of the funds appropriated or made available pursuant to this paragraph for F/A-18 advance procurement may be obligated or expended for any of those aircraft scheduled to replace Navy attack mission aircraft squadrons until such time as the Secretary of Defense certifies, in writing, that the A-18 version of the aircraft meets the originally established attack mission requirements, goals, and specifications.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$3,561,700,000, of which \$124,700,000 shall be available only for the purchase of Mark-46 torpedoes under a multiyear contract, to remain available for obligation until September 30, 1985, distributed as follows: For missile programs, \$2,844,200,000; for the MK-48 torpedo program,

\$119,300,000; for the MK-46 torpedo program, \$124,700,000; for the MK-60 torpedo program, \$133,200,000; for the MK-30 mobile target program, \$19,400,000; for the MK-38 minimobile target program, \$2,300,000; for the antisubmarine rocket (ASROC) program, \$10,100,000; for modification of torpedoes, \$76,500,000; for the torpedo support equipment program, \$66,900,000; for the MK-15 close in weapons system program, \$118,740,000; for the MK-75 76-millimeter gun mount program, \$10,700,000; for the MK-19 gun mount program, \$400,000; for the 20-millimeter gun mount program, \$400,000; for the modification of guns and gun mounts, \$19,700,000; for the guns and gun mounts support equipment program, \$17,460,000; and reductions of \$1,100,000 for consultants, studies and analyses, and \$1,200,000 for personnel security clearances.

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended, as follows: for the Trident submarine program, \$1,462,600,000; for Trident submarine program advance procurement, \$81,300,000; for the CVN aircraft carrier program, \$6,559,500,000, to be available for construction only under a firm, fixed price type contract; for the SSN-688 nuclear attack submarine program, \$1,420,200,000; for the reactivation of the U.S.S. Iowa, \$300,800,000; for the aircraft carrier service life extension program, \$699,500,000; for the CG-47 AEGIS cruiser program, \$2,901,700,000; for the LSD-41 landing ship dock program, \$415,600,000; for the FFG guided missile frigate program, \$646,300,000, of which not less than \$40,000,000 shall be available only for an X-band phased array radar, and in addition, \$35,000,000 shall be derived by transfer from the "FFG guided missile frigate program" of "Shipbuilding and Conversion, Navy, 1982/1986"; for the T-AO fleet oiler ship program, \$173,000,000; for the MCM mine countermeasures ship program, \$100,000,000; for the ARS salvage ship program, \$50,000,000; for the T-AKRX fast logistics ship program, \$44,000,000; for the T-AHX hospital ship program, \$300,000,000, however, none of these funds may be obligated or expended until such time as the Department of the Navy provides a budget quality cost estimate, based upon a completed contract design which supports the original hospital ship requirements as presented to the Congress; for the LHD-1 amphibious assault ship program, \$55,000,000; for craft, outfitting, post delivery, cost growth, and escalation on prior year programs, \$907,900,000; and reductions in the amounts, as follows: \$5,900,000 for personnel security clearances; \$34,800,000 for consultant, studies and analyses; in all: \$16,076,700,000, and in addition, \$35,000,000 to be derived by transfer, to remain available for obligation until September 30, 1987: *Provided*, That of the appropriation for "Shipbuilding and Conversion, Navy," that expired for obligation on September 30, 1982, \$176,200,000 shall remain available for obligation until September 30, 1984: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be

constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed three hundred and twenty-four passenger motor vehicles of which two hundred and ninety-two shall be for replacement only (including not to exceed 2 vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed \$100,000 per vehicle); expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$3,727,075,000, to remain available for obligation until September 30, 1985, distributed as follows: For ship support equipment, \$543,689,000; for communications and electronics equipment, \$1,481,798,000; for aviation support equipment, \$552,636,000; for ordnance support equipment, \$667,456,000; for civil engineering support equipment, \$172,837,000; for supply support equipment, \$81,224,000; and for personnel/command support equipment, \$227,435,000.

40 USC 255.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and vehicles for the Marine Corps, including purchase of not to exceed one hundred and forty-three passenger motor vehicles for replacement only; \$2,008,083,000, of which \$6,779,000 may not be obligated or expended for procurement of the 81mm SMAW Assault Rocket Launcher and ammunition until the Secretary of Defense certifies to the Committees on Appropriations of the House of Representatives and the Senate that all technical and operational requirements have been demonstrated and that no other weapon is available to fulfill those requirements, to remain available for obligation until September 30, 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories

40 USC 255.

Ante, p. 818.

therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$17,658,500,000, of which \$186,100,000 shall be available for contribution of the United States share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States share of contingent liability in connection with the NATO E-3A Cooperative Programme; of which \$71,300,000 shall be available only for the procurement of B-707 aircraft to provide for engines and parts to reengine KC-135 aircraft; and of which \$94,800,000 and, in addition, \$50,000,000 to be derived by transfer from "Aircraft procurement, Air Force, 1982/1984", shall be available only for procurement of commercial wide body cargo aircraft; of which \$795,000,000 shall be available only for purchase of KC-10 aircraft under a multiyear contract, and in addition, \$120,000,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1982/1984", and shall be available only for the purchase of KC-10 aircraft under a multiyear contract, notwithstanding the provisions of the language contained in the Supplemental Appropriations Act, 1982; to remain available for obligation until September 30, 1985.

MISSILE PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$4,941,100,000, of which \$102,000,000 shall be available to initiate multi-year contracting for the global positioning system, and in addition, \$15,000,000 shall be derived by transfer from "Missile Procurement, Air Force, 1982/1984", to remain available for obligation until September 30, 1985.

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand three hundred and fifty-nine passenger motor vehicles of which eight hundred and eighty-five shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; \$5,563,777,000, and in addition, \$4,963,000, which shall be derived by transfer from "Other Procurement, Air Force, 1982/1984", to remain available for obligation until September 30, 1985.

40 USC 255.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, other weapons, and other procurement for the reserve components of the Armed Forces, not to exceed \$125,000,000, to remain available until September 30, 1985, distributed as follows: Army National Guard, not to exceed \$50,000,000; Air National Guard, not to exceed \$15,000,000; Army Reserve, not to exceed \$15,000,000; Naval Reserve, not to exceed \$15,000,000; Marine Corps Reserve, not to exceed \$15,000,000; Air Force Reserve, not to exceed \$15,000,000.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand one hundred and thirty-nine passenger motor vehicles of which three hundred and forty-five shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; \$828,145,000, to remain available for obligation until September 30, 1985.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$3,879,683,000, to remain available for obligation until September 30, 1984.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$5,965,751,000, of which not less than \$15,000,000 shall be available only for the phased array radar improvement program for the Mark 92 fire control system, to remain available for obligation until September 30, 1984: *Provided*, That none of the funds appropriated or made available pursuant to this paragraph for the development of the Undergraduate Flight Training System (VTX-TS) may be obligated or expended until the Secretary of the Navy submits to the Committees on Appropriations of the House of Representatives and the Senate a certified plan to incorporate a United States manufactured ejection seat system in the new Undergraduate Flight Trainer Aircraft.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$10,650,661,000, to remain available for obligation until September 30, 1984: *Provided*, That none of the funds appropriated in this Act may be obligated or expended to initiate full scale engineering development of a basing mode for the MX missile, until such basing mode is approved by both Houses of Congress in a concurrent resolution, as specified in subsection (1) hereof.

(1) For the purposes of this section, the term "concurrent resolution" means only a resolution introduced in either House of Congress, the matter after the resolving clause of which is as follows: "That the _____ approves the obligation and expenditure of funds appropriated in Public Law _____ for MX missile procurement and full-scale engineering development of a basing mode for the MX missile," the first blank space therein being filled with the name of the resolving House, and the second blank space being filled with the public law number of this statute. It shall not be in order to introduce any such resolution prior to the receipt by the Congress of the report of the President required under subsection (7).

(2) A resolution in the Senate shall be referred to the Committee on appropriations of the Senate. A resolution in the House of Representatives shall be referred to the Committee on Appropriations of the House of Representatives.

MX missile,
basing mode.

"Concurrent
resolution."

(3) If the committee to which is referred the first resolution introduced in the Senate or the House, as the case may be, expressing approval of the obligation and expenditure of funds referred to in this subsection has not reported the resolution at the end of 45 calendar days after the introduction of a resolution pursuant to subsection (1) hereof, such committee shall be automatically discharged from further consideration of the resolution and the resolution shall be placed on the calendar of the Senate, in the case of a resolution of the Senate, or the Union calendar, in the case of a resolution of the House of Representatives.

(4) When the committee has reported a resolution or been discharged under subsection (3) hereof it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged in the House and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(5)(A) Debate on the resolution shall be limited to not more than fifty hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

Debate
limitation.

(B) Motions to postpone and motions to proceed to the consideration of other business shall be decided without debate.

(C) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(6) Subsections (1) through (5) are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described in subsection (1), and they supercede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(7)(A) The President shall submit a report to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives, not earlier than March 1, 1983, containing:

Presidential
report to
congressional
committees.

(i) a detailed technical assessment of the closely spaced basing system transmitted by the President to Congress on November 22, 1982 or such modifications thereto as the President determines to be advisable;

(ii) a detailed technical assessment of other MX basing systems that might serve as alternatives to the closely spaced basing system transmitted by the President to Congress on November 22, 1982;

(iii) a detailed technical assessment of different types of intercontinental ballistic missiles that might serve as alternatives to the MX missile; and

(iv) a comparative detailed technical assessment of alternative programs including acceleration of the Trident II program to provide target coverage equivalent to that of the MX missile system, enhancements and improvements to the Minuteman missile force, and development and deployment of a land-based missile system in deep underground basing, multiple protective shelters and closely spaced basing incorporating mobility and deception, a road mobile missile smaller than the MX and a common missile for land and sea deployment.

(v) a reaffirmation by the President of his selection of the MX missile basing plan transmitted to Congress on November 22, 1982 or a proposal for an alternative basing plan.

(B) The President shall also include in the report submitted pursuant to paragraph (A) an assessment of the military capability of each alternative system or missile; an assessment of the survivability of each such system or missile against current and projected Soviet threats; an assessment of the projected cost of each such system or missile and possible upgrades thereof; an assessment of the impact each such system or missile might have on present and future arms control negotiations; an assessment of the geographic, geological, and other qualifications a site for each such system or missile would likely require; an assessment of the environmental impact each such system or missile would likely have; and the identification of possible sites for each such system or missile.

(C) The report required under this subsection shall not be subject to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, relating to environmental impact statements. *Provided further*, That notwithstanding any other provision of this Act, no initial flight test of the MX missile may be conducted until after both Houses of the Congress have agreed, in accordance with the provisions of subsections (1) through (5) of the preceding proviso, to a concurrent resolution approving the obligation and expenditure of funds for full-scale engineering development of a basing mode for such missile.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$2,153,189,000, to remain available for obligation until September 30, 1984: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions

42 USC 4332.

Funds, transfer
and merger.

under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; \$55,000,000, to remain available for obligation until September 30, 1984.

TITLE VI

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; \$3,800,000, to remain available for obligation until September 30, 1984: *Provided*, That this appropriation shall be available in addition to other appropriations to such Department, for payments in the foregoing currencies.

TITLE VII

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 701. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Consulting services.

SEC. 702. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Publicity or propaganda.

SEC. 703. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Experts and consultants.

SEC. 704. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Noncitizens, compensation and employment.
31 USC 700.

SEC. 705. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement to General Services Administration for security guard services for protection of confidential files; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act.

Prisoners of war.
31 USC 649a.

SEC. 706. Any appropriation available to the Army, Navy, or Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Land
acquisition.

SEC. 707. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land or interest therein as authorized by section 2672 or 2675 of title 10, United States Code.

SEC. 708. Appropriations for the Department of Defense for the current fiscal year shall be available (a) for transportation to primary and secondary schools of minor dependents of military and civilian personnel of the Department of Defense as authorized for the Navy by section 7204 of title 10, United States Code; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of title 43, United States Code, section 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property, including maintenance thereof when contracted for as a part of the lease agreement, for twelve months beginning at any time during the fiscal year; (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended; (l) the purchase of right-hand-drive vehicles not to exceed \$12,000 per vehicle; (m) for payment of unusual cost overruns incident to ship overhaul, mainte-

22 USC 2385.

...nance, and repair for ships inducted into industrial fund activities
 ...up contracted for in prior fiscal years: *Provided*, That the Secretary
 of Defense shall notify the Congress promptly prior to obligation of
 any such payments; (n) for payments from annual appropriations to
 industrial fund activities and/or under contract for changes in scope
 of ship overhaul, maintenance, and repair after expiration of such
 appropriations, for such work either inducted into the industrial
 fund activity or contracted for in that fiscal year; and (o) for
 payments for depot maintenance contracts for twelve months begin-
 ning at any time during the fiscal year.

Notification to
 Congress.

SEC. 709. Appropriations for the Department of Defense for the
 current fiscal year shall be available for: (a) donations of not to
 exceed \$25 to each prisoner upon each release from confinement in
 military or contract prison and to each person discharged for fraud-
 ulent enlistment; (b) authorized issues of articles to prisoners, appli-
 cants for enlistment and persons in military custody; (c) subsistence
 of selective service registrants called for induction, applicants for
 enlistment, prisoners, civilian employees as authorized by law, and
 supernumeraries when necessitated by emergent military circum-
 stances; (d) reimbursement for subsistence of enlisted personnel
 while sick in hospitals; (e) expenses of prisoners confined in nonmili-
 tary facilities; (f) military courts, boards, and commissions; (g) utility
 services for buildings erected at private cost, as authorized by law,
 and buildings on military reservations authorized by regulations to
 be used for welfare and recreational purposes; (h) exchange fees, and
 losses in the accounts of disbursing officers or agents in accordance
 with law; (i) expenses of Latin American cooperation as authorized
 for the Navy by law (10 U.S.C. 7208); (j) expenses of apprehension
 and delivery of deserters, prisoners, and members absent without
 leave, including payment of rewards of not to exceed \$75 in any one
 case; (k) for carrying out section 10 of the Act of September 23, 1950,
 as amended; and (l) providing, without reimbursement, not to exceed
 \$50,000,000 to procure secure communications systems, equipment
 and related items throughout the United States Government.

10 USC 858 note.

10 USC 807 note.

SEC. 710. The Secretary of Defense and each purchasing and
 contracting agency of the Department of Defense shall assist Ameri-
 can small and minority-owned business to participate equitably in
 the furnishing of commodities and services financed with funds
 appropriated under this Act by increasing, to an optimum level, the
 resources and number of personnel jointly assigned to promoting
 both small and minority business involvement in purchases fi-
 nanced with funds appropriated herein, and by making available or
 causing to be made available to such businesses, information, as far
 in advance as possible, with respect to purchases proposed to be
 financed with funds appropriated under this Act, and by assisting
 small and minority business concerns to participate equitably as
 subcontractors on contracts financed with funds appropriated
 herein, and by otherwise advocating and providing small and minor-
 ity business opportunities to participate in the furnishing of com-
 modities and services financed with funds appropriated by this Act.

Small and
 minority-owned
 business,
 contract
 opportunities.

SEC. 711. No part of any appropriation contained in this Act shall
 remain available for obligation beyond the current fiscal year unless
 expressly so provided herein.

Fiscal year
 limitation.

SEC. 712. During the current fiscal year no funds available to
 agencies of the Department of Defense shall be used for the oper-
 ation, acquisition, or construction of new facilities or equipment for
 new facilities in the continental limits of the United States for metal

Metal scrap
 processing
 facilities.
 50 USC 100a.

scrap bailing or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

Funds and
contract
authorizations,
exemptions.

31 USC 665.

Airborne alert
expenses.

Active duty
military
personnel
increases.

Report to
Congress.

Commissary
stores.

SEC. 713. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

SEC. 714. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenues from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available to pay any costs incurred by any commissary store or other entity acting on behalf of any commissary store in connection with obtaining the face value amount of manufacturer or vendor cents-off discount coupons unless all fees or moneys received for handling or processing such coupons are reimbursed to the appropriation charged with the incurred costs: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and

a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

SEC. 715. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

Proficiency flying.

SEC. 716. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

Household goods.

SEC. 717. Vessels under the jurisdiction of the Department of Commerce, the Department of Transportation, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Vessels transfer.
40 USC 483a.

SEC. 718. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

Obligated funds, limitation.

SEC. 719. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

Foreign real property commodities, and services.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

31 USC 700a.

Report to Congress and OMB.

SEC. 720. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the Service concerned.

Research and development funds.

Educational
expenses,
limitation.

SEC. 721. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses of off-duty training of military personnel (except with regard to such charges of educational institutions (a) for enlisted personnel in the pay grade E-5 or higher with less than 14 years' service, for which payment of 90 per centum may be made or (b) for military personnel in off-duty high school completion programs, for which payment of 100 per centum may be made), nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training: *Provided*, That the foregoing limitation shall not apply to the Program for Afloat College Education.

Loyalty
certificate or
oath.
10 USC 2103
note.

SEC. 722. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

Procurement
limitations.

SEC. 723. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding \$10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing in this section shall preclude the procurement of foreign produced specialty metals used in the production or manufacture of weapons or weapons systems made outside the United States, except those specialty metals which contain nickel from Cuba, or the procurement of chemical warfare protective clothing produced outside the United States, if such procurement is necessary to comply with agreements with foreign governments: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed \$4,000,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations: *Provided further*, That the Secretary specifically determines that there is a

reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 2.2 per centum: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 724. None of the funds appropriated by this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

SEC. 725. None of the funds appropriated by this Act may be obligated under section 206 of title 37, United States Code, for inactive duty training pay of a member of the National Guard or a member of a reserve component of a uniformed service for more than four periods of equivalent training, instruction, duty or appropriate duties that are performed instead of that member's regular period of instruction or regular period appropriate duty.

Inactive duty training pay.

SEC. 726. Appropriations contained in this Act shall be available for the purchase of household furnishings, and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Furnishings and automobiles, purchase.

SEC. 727. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

Uniforms.

SEC. 728. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed \$9,100,000 for the current fiscal year: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

Legislative liaison activities.

SEC. 729. Of the funds made available by this Act for the services of the Military Airlift Command, \$100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil reserve air fleet.

Civil reserve air fleet.

SEC. 730. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed \$40 in cost for enlisted personnel: (1) discharged for misconduct, unsuitability, or otherwise than honorably;

(2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; or (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Defense
contractors
advertising
costs, limitation.

SEC. 731. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by the contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

Transfer of
funds.

SEC. 732. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$1,200,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

Working capital
funds.

SEC. 733. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

Federal
Employees
Compensation
Fund.
Loan
restrictions.

SEC. 734. Not more than \$217,600,000 of the funds appropriated by this Act shall be made available for payment to the Federal Employees Compensation Fund, as established by 5 U.S.C. 8147.

SEC. 735. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property under

control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

SEC. 736. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

Heat plant
conversion.

SEC. 737. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects: *Provided*, That this limitation shall not apply to measures intended to be beneficial to the recipient and consent is obtained from the recipient or a legal representative acting on the recipient's behalf.

Uninformed or
nonvoluntary
experimental
subjects.

SEC. 738. Appropriations for the current fiscal year for operation and maintenance of the active forces shall be available for medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment); welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public and private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions.

SEC. 739. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

Funds
reprogramming.

SEC. 740. No funds appropriated by this Act shall be available to pay claims for nonemergency inpatient hospital care provided under the Civilian Health and Medical Program of the Uniformed Services for services available at a facility of the uniformed services within a 40-mile radius of the patient's residence: *Provided*, That the foregoing limitation shall not apply to payments that supplement primary coverage provided by other insurance plans or programs that pay for at least 75 per centum of the covered services.

SEC. 741. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions of section 1079(a) of title 10, United States Code, shall be available for (a) services of pastoral counselors, or family and child counselors, or marital counselors unless the patient has been referred to such counselor by a medical doctor for treatment of a specific problem with results of that treatment to be communicated back to the physician who made such referral; (b) special education, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis; (c) therapy or counseling for sexual dysfunctions or sexual inadequacies; (d) treatment of obesity when obesity is the sole or major condition treated; (e) surgery which improves physical appearance but which is not expected to significantly restore functions including, but not limited to, mammary augmentation, face lifts and sex gender changes except that breast reconstructive surgery following mastectomy and reconstructive surgery to correct serious deformities caused by congenital anomalies, accidental injuries and neoplastic surgery are not excluded; (f) reimbursement of any physician or other authorized individual provider of medical care in excess of the

Health program,
limitations.

eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished as determined for physicians in accordance with section 1079(h) of title 10, United States Code; or (g) any service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, optometrist, podiatrist, certified nurse-midwife, certified nurse practitioner, or certified clinical social worker, as appropriate, except as authorized by section 1079(a)(4) of title 10, United States Code: *Provided*, That any changes in availability of funds for the Program made in this Act from those in effect prior to its enactment shall be effective for care received following enactment of this Act.

10 USC 1071 *et seq.*

SEC. 742. Appropriations available to the Department of Defense for the current fiscal year shall be available to provide an individual entitled to health care under chapter 55 of title 10, United States Code, with one wig if the individual has alopecia that resulted from treatment of malignant disease: *Provided*, That the individual has not previously received a wig from the Government.

SEC. 743. Funds appropriated in this Act shall be available for the appointment, pay, and support of persons appointed as cadets and midshipmen in the two-year Senior Reserve Officers' Training Corps course in excess of the 20 percent limitation on such persons imposed by section 2107(a) of title 10, United States Code, but not to exceed 60 percent of total authorized scholarships.

Unused accrued leave.

SEC. 744. None of the funds appropriated by this Act shall be available to pay any member of the uniformed service for unused accrued leave pursuant to section 501 of title 37, United States Code, for more than sixty days of such leave, less the number of days for which payment was previously made under section 501 after February 9, 1976.

Enlisted aides, limitation.

SEC. 745. None of the funds appropriated by this Act may be used to support more than 300 enlisted aides for officers in the United States Armed Forces.

Public affairs activities.

SEC. 746. No appropriation contained in this Act may be used to pay for the cost of public affairs activities of the Department of Defense in excess of \$32,900,000.

22 USC 2777.

22 USC 2761.

SEC. 747. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1) of that Act: *Provided*, That such amounts so credited shall be deposited in the Treasury as miscellaneous receipts as provided in 31 U.S.C. 484.

Senior ROTC unit, limitation.

SEC. 748. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1982, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided*, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further*, That units under the consortium

system shall be considered as a single unit for purposes of evaluation of productivity under this provision: *Provided further*, That enrollment standards contained in Department of Defense Directive 1215.8 for Senior Reserve Officers' Training Corps units, as revised during fiscal year 1981, may be used to determine compliance with this provision, in lieu of the standards cited above.

SEC. 749. (a) None of the funds appropriated by this Act or available in any working capital fund of the Department of Defense shall be available to pay the expenses attributable to lodging of any person on official business away from his designated post of duty, or in the case of an individual described under section 5703 of title 5, United States Code, his home or regular place of duty, when adequate government quarters are available, but are not occupied by such person.

(b) The limitation set forth in subsection (a) is not applicable to employees whose duties require official travel in excess of fifty percent of the total number of the basic administrative work weeks during the current fiscal year.

SEC. 750. (a) None of the funds appropriated by this Act shall be available to pay the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, if the provisions of section 6330(d) of title 10, are utilized in determining such member's eligibility for retirement under section 6330(b) of title 10: *Provided*, That notwithstanding the foregoing, time creditable as active service for a completed minority enlistment, and an enlistment terminated within three months before the end of the term of enlistment under section 6330(d) of title 10, prior to December 31, 1977, may be utilized in determining eligibility for retirement: *Provided further*, That notwithstanding the foregoing, time may be credited as active service in determining a member's eligibility for retirement under section 6330(b) of title 10 pursuant to the provisions of the first sentence of section 6330(d) of title 10 for those members who had formally requested transfer to the Fleet Reserve or the Fleet Marine Corps Reserve on or before October 1, 1977.

Enlisted
members,
transfer;
retainer pay.

(b) None of the funds appropriated by this Act shall be available to pay that portion of the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, which is attributable under the second sentence of section 6330(d) of title 10 to time which, after December 31, 1977, is not actually served by such member.

SEC. 751. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve, which shall remain available until September 30, 1984.

CIA programs,
fiscal year
limitation.

SEC. 752. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

CIA salaries,
limitation.

SEC. 753. None of the funds appropriated by this Act may be used to support more than 9,901 full-time and 2,603 part-time military

Morale, welfare
and recreation
activities.

personnel assigned to or used in the support of Morale, Welfare, and Recreation activities as described in Department of Defense Instruction 7000.12 and its enclosures, dated September 4, 1980.

SEC. 754. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

Abortion
funding,
limitation.

SEC. 755. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 756. None of the funds appropriated by this Act shall be used for the provision, care or treatment to dependents of members or former members of the Armed Services or the Department of Defense for the elective correction of minor dermatological blemishes and marks or minor anatomical anomalies.

SEC. 757. None of the funds appropriated by this Act shall be available for the purchase of insignia for resale unless the sales price of such insignia is adjusted to the extent necessary to recover the cost of purchase of such insignia and the estimated cost of all related expenses, including but not limited to management, storage, handling, transportation, loss, disposal of obsolete material, and management fees paid to the military exchange systems: *Provided*, That amounts derived by the adjustment covered by the foregoing limitations may be credited to the appropriations against which the charges have been made to recover the cost of purchase and related expense.

Claim payments
to Federal
Republic of
Germany.

SEC. 758. None of the funds appropriated by this Act or heretofore appropriated by any other Act shall be obligated or expended for the payment of anticipatory possession compensation claims to the Federal Republic of Germany other than claims listed in the 1973 agreement (commonly referred to as the Global Agreement) between the United States and the Federal Republic of Germany.

Ante, p. 877.

SEC. 759. During the current fiscal year the Department of Defense may enter into contracts to recover indebtedness to the United States pursuant to section 3 of the Federal Claims Collection Act of 1966, as codified at section 3711 of title 31, United States Code, and amended by Public Law 97-258, September 13, 1982, and any such contract entered into by the Department of Defense may provide that appropriate fees charged by the contractor under the contract to recover indebtedness may be payable from amounts collected by the contractor to the extent and under the conditions provided under the contract.

Procurement
limitation.

SEC. 760. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 761. None of the funds appropriated by this Act shall be available to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: *Provided*, That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care.

Foreign military and diplomatic personnel, medical care.

SEC. 762. None of the funds appropriated by this Act shall be obligated for the second career training program authorized by Public Law 96-347.

Second career training program.

94 Stat. 1150.
Small arms demilitarization.

SEC. 763. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of surplus nonautomatic firearms less than .50 caliber.

SEC. 764. During the current fiscal year, not to exceed \$125,000,000 of the funds provided in this Act for the Civilian Health and Medical Program of the Uniformed Services may be used to conduct a test program in accordance with the following guidelines: In carrying out the provisions of sections 1079 and 1086 of title 10, United States Code, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, may contract with organizations that assume responsibility for the maintenance of the health of a defined population, for the purpose of experiments and demonstration projects designed to determine the relative advantages and disadvantages of providing pre-paid health benefits: *Provided*, That such projects must be designed in such a way as to determine methods of reducing the cost of health benefits provided under such sections without adversely affecting the quality of care. Except as provided otherwise, the provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086, when the Secretary of Defense determines that such a deviation would serve the purpose of this section.

Pre-paid health benefits, demonstration projects.

SEC. 765. None of the funds in this Act shall be available to execute a multiyear contract which employs any economic order quantity procurement or which includes an unfunded contingent liability in excess of \$20,000,000 unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified in advance: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for major weapons systems except as specifically provided herein.

Major weapons systems, contract limitations.

SEC. 766. None of the funds appropriated in this or any other Act for the Department of Defense shall be available for obligation to reimburse a contractor for the cost of commercial insurance that would protect against the costs of the contractor for correction of the contractor's own defects in materials or workmanship.

Contractor insurance.
10 USC 2399 note.

SEC. 767. None of the funds appropriated by this Act which are available for payment of travel allowances for per diem in lieu of subsistence to enlisted personnel shall be used to pay such an

Travel allowances.

allowance to any enlisted member in an amount that is more than the amount of per diem in lieu of subsistence that the enlisted member is otherwise entitled to receive minus the basic allowance for subsistence, or pro rata portion of such allowance, that the enlisted member is entitled to receive during any day, or portion of a day, that the enlisted member is also entitled to be paid a per diem in lieu of subsistence: *Provided*, That if an enlisted member is in a travel status and is not entitled to receive a per diem in lieu of subsistence because the member is furnished meals in a Government mess, funds available to pay the basic allowance for subsistence to such a member shall not be used to pay that allowance, or pro rata portion of that allowance, for each day, or portion of a day, that such enlisted member is furnished meals in a Government mess.

Retired or
retainer pay,
limitations.

10 USC 1201 *et*
seq.

10 USC 1331 *et*
seq.

Alaska and
Hawaii,
transportation of
household goods.

Indian labor and
products.

Child advocacy
and family
counseling
services.

POMCUS
transportation.

Transfer of
military
equipment or
data to a foreign
country.

SEC. 768. Effective January 1, 1982, none of the funds appropriated by this Act shall be available to pay the retired pay or retainer pay of a member of the Armed Forces for any month who, on or after January 1, 1982, becomes entitled to retired or retainer pay, in an amount that is greater than the amount otherwise determined to be payable after such reductions as may be necessary to reflect adjusting the computation of retired pay or retainer pay that includes credit for a part of a year of service to permit credit for a part of a year of service only for such month or months actually served: *Provided*, That the foregoing limitation shall not apply to any member who before January 1, 1982: (a) applied for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve; (b) is being processed for retirement under the provisions of chapter 61 of title 10 or who is on the temporary disability retired list and thereafter retired under the provisions of sections 1210 (c) or (d) of title 10; or (c) is retired or in an inactive status and would be eligible for retired pay under the provisions of chapter 67 of title 10, but for the fact that the person is under 60 years of age.

SEC. 769. None of the funds appropriated by this Act shall be obligated under the competitive rate program of the Department of Defense for the transportation of household goods to or from Alaska and Hawaii.

SEC. 770. None of the funds appropriated by this Act shall be available to approve a request for waiver of the costs otherwise required to be recovered under the provisions of section 21(e)(1)(C) of the Arms Export Control Act unless the Committees on Appropriations have been notified in advance of the proposed waiver.

SEC. 771. So far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of Defense.

SEC. 772. Funds available to the Department of Defense during the current fiscal year shall be available to establish a program to provide child advocacy and family counseling services to deal with problems of child and spouse abuse.

SEC. 773. None of the funds appropriated by this Act shall be available for the transportation of equipment or materiel designated as Prepositioned Materiel Configured in Unit Sets (POMCUS) in Europe in excess of four division sets.

SEC. 774. (a) None of the funds in this Act may be used to transfer any article of military equipment or data related to the manufacture of such equipment to a foreign country prior to the approval in writing of such transfer by the Secretary of the military service involved.

(b) No funds appropriated by this Act may be used for the transfer of a technical data package from any Government-owned and operated defense plant manufacturing large caliber cannons to any foreign government, nor for assisting any such government in producing any defense item currently being manufactured or developed in a United States Government-owned, Government-operated defense plant manufacturing large caliber cannons.

SEC. 775. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

Intelligence or
special activities.

SEC. 776. Of the funds appropriated by this Act for strategic programs, the Secretary of Defense shall provide funds for the Advanced Technology Bomber program at a level at least equal to the amount provided by the committee of conference on this Act in order to maintain priority emphasis on this program.

Advanced
Technology
Bomber
program.

SEC. 777. Section 766(c) of the Department of Defense Appropriation Act, 1980, is amended by adding the following to the end thereof: “: *Provided*, That this limitation shall not apply to individuals who are at the top step of the compensation schedule, and who were employed as teachers in the Panama Canal Zone on September 30, 1979. This modification shall become effective on August 1, 1982”.

93 Stat. 1163.

Effective date.

SEC. 778. None of the funds available to the Department of Defense during the current fiscal year shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

Coal or coke
purchases.

SEC. 779. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for the payment for any service or supply for persons enrolled in any other insurance, medical service, or health plan to the extent that the service or supply is a benefit under the other plan, except in the case of those plans administered under title XIX of the Social Security Amendments of 1965 (79 Stat. 286).

42 USC 1396.

SEC. 780. None of the funds available to the Department of Defense shall be available for the procurement of manual typewriters which were manufactured by facilities located within States which are Signatories to the Warsaw Pact.

SEC. 781. Notwithstanding any other provision of law, \$500,000 of the funds made available by this Act for Operation and Maintenance, Army, shall be available for payment for the cost of extending utility lines to connect with the proposed West Point Jewish Chapel.

West Point
Jewish Chapel.

SEC. 782. None of the funds appropriated by this Act may be used to appoint or compensate more than 35 individuals in the Department of Defense in positions in the Executive Schedule (as provided in sections 5312-5316 of title 5, United States Code).

Executive
Schedule
employees.

SEC. 783. None of the funds made available by this Act shall be available to pay any member of the uniformed services a variable housing allowance pursuant to section 403(a)(2) of title 37, United States Code, in an amount that is greater than the amount which would have been payable to such member if the rates of basic allowance for quarters for members of the uniformed services in

effect on September 30, 1982, had been increased by 8 per centum on October 1, 1982.

Military
technicians.

SEC. 784. None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programed to be occupied by, a military technician to a position to be held by a person in an active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programed to be occupied by, military technicians of the component concerned, below the number of positions occupied by military technicians in that component on September 30, 1982.

SEC. 785. None of the funds appropriated by this Act shall be available to pay claims for inpatient mental health services provided under the Civilian Health and Medical Program of the Uniformed Services in excess of sixty days per patient per year: *Provided*, That the foregoing limitation shall not apply to inpatient mental health services (a) provided under the Program for the Handicapped; (b) provided as residential treatment care; (c) provided as partial hospital care; (d) provided to individual patients admitted prior to January 1, 1983 for so long as they remain continuously in inpatient status for medically or psychologically necessary reasons; or (e) provided pursuant to a waiver for medical or psychological necessities, granted in accordance with the findings of current peer review, as prescribed in guidelines established and promulgated by the Director, Office of Civilian Health and Medical Program of the Uniformed Services.

SEC. 786. During the current fiscal year the Department of the Air Force will transfer from aircraft assigned to the active Air Force one C-130H aircraft in good condition to the Coast Guard without reimbursement.

Automobile
procurement,
requirement.

SEC. 787. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon. This section does not apply to security or special mission automobiles.

Civilian
personnel
ceilings.

SEC. 788. None of the funds provided in this Act may be used to impose civilian personnel ceilings on Department of Defense industrially funded activities: *Provided*, That any increase in civilian personnel of such industrial funds in excess of the number employed on September 30, 1982, shall not be counted for the purposes of any statutory or administratively imposed civilian personnel ceiling otherwise applicable during fiscal year 1983.

Transfer of
funds.

SEC. 789. Appropriations or funds available to the Department of Defense during the current fiscal year may be transferred to appropriations provided in this Act for research, development, test, and evaluation to the extent necessary to meet increased pay costs authorized by or pursuant to law, to be merged with and to be available for the same purposes, and the same time period, as the appropriation to which transferred.

SEC. 790. Notwithstanding the budget authority levels provided in title IV of this Act for the procurement appropriation accounts, the sum total of such budget authority levels is hereby reduced by \$386,000,000: *Provided*, That not more than \$2,100,000,000 of the remaining budget authority provided in title IV of this Act and as further reduced herein for the procurement appropriation accounts may be obligated or expended to pay independent research and

development and bid and proposal costs allocated to procurement contracts as items of indirect expense.

SEC. 791. No later than the end of the second fiscal year following the fiscal year for which appropriations for Operation and Maintenance have been made available to the Department of Defense, unobligated balances of such appropriations provided for fiscal year 1982 and thereafter may be transferred into the appropriation "Foreign Currency Fluctuations, Defense" to be merged with and available for the same time period and the same purposes as the appropriation to which transferred: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amount in the appropriation "Foreign Currency Fluctuations, Defense" does not exceed \$970,000,000 at the time such a transfer is made.

Transfer of funds.

SEC. 792. During the current fiscal year, for the purposes of the appropriation "Foreign Currency Fluctuations, Defense" the foreign currency exchange rates used in preparing budget submissions shall be the foreign currency exchange rates as adjusted or modified, as reflected in applicable Committee reports on this Act.

SEC. 793. None of the funds provided in this Act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

Nicaragua and Honduras.

SEC. 794. None of the funds made available by this Act shall be used in any way for the leasing to non-Federal agencies in the United States aircraft or vehicles owned or operated by the Department of Defense when suitable aircraft or vehicles are commercially available in the private sector: *Provided*, That nothing in this section shall affect authorized and established procedures for the sale of surplus aircraft or vehicles: *Provided further*, That nothing in this section shall prohibit such leasing when specifically authorized in a subsequent Act of Congress.

SEC. 795. None of the funds made available by this Act shall be available for any competition between the currently approved LAN-TIRN system and any other system under provisions of section 203 of Public Law 97-252.

Ante, p. 723.

SEC. 796. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 797. None of the funds made available in the Act or any subsequent Act shall be available for the purchase of the alternate or new model fighter aircraft engine that does not have a written warranty or guarantee attesting that it will perform not less than 3,000 tactical cycles. The warranty will provide that the manufacturer must perform the necessary improvements or replace any parts to achieve the required performance at no cost to the Government.

SEC. 798. Section 308(g) and 308a(c) of title 37, United States Code, are amended by striking "December 17, 1982" and inserting in lieu thereof "March 31, 1983".

Ante, p. 1197.

SEC. 799. Funds available under this Act may be used by the Department of Defense to enter into purchases of or commitments to purchase metals, minerals or other materials under section 303 of

the Defense Production Act of 1950, as amended, (50 U.S.C. 2093): *Provided*, That the total funds under this Act for such purchases or commitments to purchase shall not exceed \$50,000,000.

SEC. 799A. None of the funds made available by this Act may be used to support active United States military personnel stationed on shore in Europe at the end of fiscal year 1983 in excess of the planned number of such personnel stationed on shore in Europe at the end of fiscal year 1982 (315,600): *Provided*, That this limitation may be waived by the President upon a declaration to Congress of overriding national security requirements.

SEC. 799B. After the date of enactment of this Act, annual sales of silver from the National Defense Stockpile under the authority of Public Law 97-35, or any other Act, shall not exceed 10 per centum of the silver produced from existing domestic producing mines in the preceding 12 month period.

50 USC 98d note.

95 Stat. 357.

TITLE VIII

RELATED AGENCIES

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; \$15,856,000.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; \$91,300,000.

Short title.

This Act may be cited as the "Department of Defense Appropriation Act, 1983".

(d) Such amounts as may be necessary for programs, projects, and activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1983 (S. 2956), at a rate for operations and to the extent and in the manner provided for in such Act as reported in the Senate on September 24, 1982, as if such Act had been enacted into law, except that the following appropriation items shall be at a rate for operations and to the extent and in the manner provided herein:

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed \$2,000 for official entertainment, \$31,613,000.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs, provided for by law, \$97,294,000, of which \$150,000 shall be available together with \$50,000 from non-Federal sources for a new combined monthly survey of men's and women's apparel, to remain available until expended. None of the funds made available to the Bureau of the Census under this Act may be expended for prosecution of any person for the failure to return 1978 Agricultural Census forms 78-A40A or 78-A40B, or 78-A40C or 78-A40D, or form 79-A9A, or form 79-A9B, or for the preparation of similar forms for any future agricultural census.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, \$36,832,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, \$168,500,000, and in addition, \$30,000,000 shall be available by transfer from the unobligated balances in the Economic Development Revolving Fund, notwithstanding section 203 of the Act of 1965: *Provided*, That during 1983 total commitments to guarantee loans shall not exceed \$150,000,000 of contingent liability for loan principal.

42 USC 3121
note.

42 USC 3143.

ECONOMIC DEVELOPMENT REVOLVING FUND

(LIMITATION ON LOAN GUARANTEES)

During fiscal year 1983, total commitments to guarantee loans to steel companies shall not exceed \$20,000,000 of contingent liability for loan principal.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of tempo-

rary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$135,200 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use abroad; \$166,426,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. During fiscal year 1983 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$12,484,000. During fiscal year 1983, total commitments to guarantee loans shall not exceed \$28,250,000 of contingent liability for loan principal.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, or other agreements with public or private organizations, \$48,000,000, of which \$33,463,000 shall remain available until expended: *Provided*, That not to exceed \$14,537,000 shall be available for program management: *Provided further*, That none of the funds appropriated in this paragraph or in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the House and Senate Appropriations Committees have approved the performance of the program, project, or activity as a central service in accordance with the policies of said Committees applicable to reprogramming of funds.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration, as provided for by law, including employment of aliens by contract for service abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed \$5,000 for representation expenses abroad; \$8,100,000 of which \$500,000 shall be used only to provide direct financial assistance to the State of Hawaii (which has been declared as a major disaster area by the President) and that such funds: (1) shall be used to supplement and increase rather than replace funds that normally would be used to promote travel by foreign visitors to Hawaii; (2) shall be obligated or expended within 60 days of the date of enactment of this Act; and (3) shall not be used to pay the administrative

costs of the United States Travel and Tourism Administration or any other unit of the Federal Government.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; \$850,127,000, to remain available until expended, of which so much as may become available during the current fiscal year shall be derived from the Pribilof Islands Fund, and, in addition, \$22,600,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries", and \$4,140,000 from repayments of principal and interest on outstanding loans in the fund entitled "Coastal Energy Impact Fund".

33 USC 851.

FISHERIES LOAN FUND

For expenses necessary to carry out the provisions of section 221 of the American Fisheries Promotion Act of December 22, 1980 (Public Law 96-561), there are appropriated to the Fisheries Loan Fund, \$10,000,000 from receipts collected pursuant to that Act: *Provided*, That during fiscal year 1983 not to exceed \$300,000 of the Fisheries Loan Fund shall be available for administrative expenses.

16 USC 3301
note.

SCIENCE AND TECHNICAL RESEARCH

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, \$117,861,000, to remain available until expended. Of the foregoing amount, not to exceed \$47,816,000 is for Measurement, Research and Standards (including not to exceed \$1,000,000 for "Measurement Standards for the Handicapped"); not to exceed \$21,635,000 is for Engineering Measurements and Standards; not to exceed \$10,000,000 is for Computer Science and Technology; not to exceed \$13,557,000 is for Core Research Program for Innovation and Productivity; not to exceed \$5,491,000 is for the Fire Research Center; not to exceed \$6,986,000 is for Technical Competence; not to exceed \$12,376,000 is for Central Technical Support; and not to exceed \$6,286,000 may be transferred to the "Working Capital Fund". \$700,000 is provided for a metal processing program.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, \$12,667,000,

to remain available until expended, of which \$503,000 of prior year unobligated balances in the appropriation "Public telecommunications facilities planning and construction" shall be transferred to this appropriation.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

No funds in this title shall be used to sell to private interests, except with the consent of the borrower, or contract with private interests to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

42 USC 3121
note.
19 USC 2344.

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, including not to exceed \$2,500 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed \$2,500 for representation allowances; not to exceed \$2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; \$78,113,000, to remain available until expended. *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses; \$63,638,000: *Provided*, That notwithstanding any other provision of law, the provisions of sections 10, 11(b), 18, 20, and 21 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374) are hereby extended until the termination date set forth in section 102(c) of H.J. Res. 631, as enacted into law, notwithstanding subsections 10(e) and 21(i) of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

15 USC 57a note.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed \$1,500 for official reception and representation expenses, \$202,029,000; and for grants for Small Business Development Centers as authorized by section 21(a) of the Small Business Act, as amended \$16,000,000. In addition, \$25,600,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster loan fund".

15 USC 631 note.

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, \$128,700,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be incurred by the "Business loan and investment fund", authorized by the Small Business Act, as amended, \$185,000,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be made only to disabled veterans and veterans of the Vietnam era as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72, \$25,000,000.

38 USC 1841.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$54,873,000, of which \$350,000 is to remain available until expended for the Federal justice research program.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, \$43,389,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys, and marshals, and bankruptcy trustees; including acquisition, lease, maintenance, and operation of aircraft, \$330,981,000.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, \$34,254,000: *Provided*, That not to exceed \$4,050,000 shall be available for the purpose of renovating, constructing, and equipping State and local jail facilities that confine Federal prisoners under the

Cooperative Agreement Program: *Provided further*, That amounts made available for constructing any local jail facility shall not exceed the cost of constructing space for the average Federal prisoner population for that facility as projected by the Attorney General: *Provided further*, That following agreement on or completion of any Federally assisted jail construction, the availability of such space shall be assured and the per diem rate charged for housing Federal prisoners at that facility shall not exceed direct operating costs for the period of time specified in the cooperative agreement.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; \$35,700,000.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

42 USC 2000g.

For necessary expenses of the Community Relations Service, established by Title X of the Civil Rights Act of 1964, \$5,764,000.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For expenses necessary for the detection, investigation, prosecution, and incarceration of individuals involved in organized criminal drug trafficking not otherwise provided for, \$127,500,000, of which \$18,000,000 is to remain available until expended for construction of new facilities and constructing, remodeling, and equipping buildings and facilities at existing detention and correctional institutions.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use (not to exceed one thousand three hundred for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$825,154,000, of which not to exceed \$3,000,000 for automated data processing and telecommunications and \$600,000 for undercover operations shall remain available until September 30, 1984: *Provided*, That notwithstanding the provisions of title 31 U.S.C. 483(a) and 484, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit not more than \$13,500,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further*, That passenger motor vehicles for police-type use may be purchased without regard to the general purchase price limitation for the current fiscal year.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed four hundred one of which four hundred shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; and for expenses necessary under Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-442) for the processing, care, maintenance, security, transportation, and the initial reception and placement in the United States of Cuban and Haitian entrants; \$484,431,000, of which not to exceed \$400,000 shall remain available for research until expended: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$20,000 except in such instances when the Commissioner makes a determination that this restriction is impossible to implement.

94 Stat. 1799,
1809.
8 USC 1522 note.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed two hundred seventy-seven passenger motor vehicles (for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; \$248,162,000, of which not to exceed \$1,200,000 for research shall remain available until expended and \$1,700,000 for purchase of evidence and payments for information shall remain available until September 30, 1984.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. A total of not to exceed \$35,000 from funds appropriated to the Department of Justice in this title shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 202. Notwithstanding section 501(e)(2)(B) of Public Law 96-422, funds appropriated to the Department of Justice in this title may be expended for assistance to Cuban-Haitian entrants as authorized under section 501(c) of said Act.

8 USC 1522 note.

SEC. 203. Authorities contained in Public Law 96-132, "Department of Justice Appropriation Authorization Act, Fiscal Year 1980", are in effect until the termination date in section 102(c) of this joint resolution as enacted into law.

93 Stat. 1040.

Post, p. 1909.

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, \$11,626,000.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended, 29 U.S.C. 206(d) and 621-634, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$18,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended and sections 6 and 14 of the Age Discrimination in Employment Act; \$142,771,000.

42 USC 2000e.

29 USC 624, 633.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$241,000,000: *Provided*, That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United States and is—

(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15), (20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007(b)(11) of the Legal Services Corporation Act,

42 USC 2996
note.

8 USC 1101 note.

42 USC 2996f.

to be an alien described in subparagraph (C) of such section: *Provided further*, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (a) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (b) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: *Provided further*, That none of the funds appropriated in this Act shall be expended by the Legal Services Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself: *Provided further*, That none of the funds appropriated in this Act shall be available to any recipient to be used—

(A) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or

(B) to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official, upon the formal request of such official: *Provided further*, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal government or any State or local government unless (1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient; (2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and (3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interests of the clients: *Provided further*, That none of the funds

appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to section 11 of H.R. 3480, as passed the House of Representatives on June 18, 1981: *Provided further*, That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a) (1) and (3) so as to insure that funding for each such current grantee and contractor is maintained in 1983 at the annualized level at which each such grantee and contractor was funded in 1982, or in the same proportion which total appropriations to the Corporation in fiscal year 1983 bear to the total appropriations to the Corporation in fiscal year 1982, until action is taken by directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further*, That no member of the Board of Directors of the Legal Services Corporation shall be compensated for his services to the Corporation except for the payment of an attendance fee at meetings of the Board at a rate not to exceed the highest daily rate for grade fifteen (15) of the General Schedule and necessary travel expenses to attend Board meetings in accordance with the Standard Government Travel Regulations: *Provided further*, That no officer or employee of the Legal Services Corporation or a recipient program shall be reimbursed for membership in a private club, or be paid severance pay in excess of what would be paid a Federal employee for comparable service.

42 USC 2996c.

42 USC 2996c
note.42 USC 2996d
note.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 240 et seq.), and section 2 of the Act of August 1, 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; \$995,000,000, of which \$25,000,000 shall remain available until September 30, 1984.

REOPENING CONSULATES

For necessary expenses of the Department of State and the Foreign Service for reopening and operating certain United States

consulates as specified in Section 103 of the Department of State Authorization Act, Fiscal Years 1982 and 1983, \$1,000,000.

Ante, p. 273.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$444,315,000, of which \$12,506,000 shall be for payment of the full 1983 assessed contributions to the Inter-American Institute for Cooperation on Agriculture: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1982, through external borrowings.

22 USC 269a, 269b, 269f, 269g-1, 269h, 272a, 273-276, 279a, 280b, 280i, 280k, 280e, 287r, 290b, 1896b, 1928, 1928b, 2673 note.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of United Nations peacekeeping forces, \$73,400,000: *Provided*, That section 149 of Public Law 97-276 shall be effective until the termination date of H.J. Res. 631 as enacted into law.

Ante, p. 1199.

THE ASIA FOUNDATION

For a grant to the Asia Foundation, \$4,100,000 to remain available until expended.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Wartime Relocation and Internment of Civilians, as authorized by Public Law 96-317, \$300,000 to be available only until June 30, 1983.

50 USC app. 1981 note.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$20,000); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed \$10,000; \$407,830,000, of which not to exceed \$2,671,000 of the amounts allocated by the United States Informa-

5 USC app.

Ante, p. 293.

tion Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided*, That not to exceed \$500,000 may be used for representation abroad: *Provided further*, That receipts not to exceed \$500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended; and, for expenses of certain exchange programs of the United States Information Agency, \$84,292,000, of which \$73,965,000 shall be for the Fulbright and International Visitors Programs, \$3,206,000 shall be for the Humphrey Fellowship Program, and \$7,121,000 shall be for the Private Sector Programs.

THE JUDICIARY

BANKRUPTCY COURTS, SALARIES AND EXPENSES

For salaries and expenses of the judges and other officers and employees of the Bankruptcy Courts of the United States, not otherwise provided for, \$89,000,000.

(e)(1) Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1983, at a rate for operations and to the extent in the following Act, notwithstanding any other provision of the joint resolution; this subsection shall be effective as if it had been enacted into law as the regular appropriation Act:

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1983, and for other purposes.

Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1983.
Department of Labor Appropriation Act, 1983.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

42 USC 3041e.

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, \$219,921,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, \$62,029,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

5 USC 8501 et seq.

92 Stat. 172.

19 USC 2271.

For payments during the current fiscal year of benefits and allowances to ex-servicemen, as authorized by title 5, chapter 85 of the United States Code, as amended, of benefits and payments as authorized by title II of Public Law 95-250, as amended, of trade adjustment benefit payments and allowances, as provided by law (part I, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended) \$230,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for pay-

ments for any period subsequent to September 15 of the current year: *Provided*, That amounts recovered from the States during the current fiscal year pursuant to 5 U.S.C. 8505(d) shall be available for such payments during the year. Amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments.

92 Stat. 179.

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For grants for activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49n; 39 U.S.C. 3202(a)(1)(E)); Veterans' Employment and Readjustment Act of 1972, as amended (38 U.S.C. 2001-2013); title III of the Social Security Act, as amended (42 U.S.C. 501-503); and necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, chapter 2, title II, of the Trade Act of 1974, as amended, and sections 101(a)(15)(H)(ii) and 212(a)(14) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), including, upon request of any State, the payment of rental for space made available to such State in lieu of grants for such purpose, \$22,200,000, together with not to exceed \$2,454,300,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund and of which \$627,176,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived.

19 USC 2271.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended, and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code and by title VI of the Tax Equity and Fiscal Responsibility Act of 1982, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1984, \$5,411,000,000.

42 USC 299e, 300d-2.

26 USC 9501.

Ante, p. 702.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Services Administration, \$58,077,000.

PENSION BENEFIT GUARANTY CORPORATION

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program through September 30, 1983, for such Corporation.

29 USC 1381.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal and local agencies and their employees for inspection services rendered, \$169,296,000, together with \$347,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act.

33 USC 939, 944.

SPECIAL BENEFITS

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, \$339,600,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1983.

5 USC 8101 et seq.

33 USC 910.

BLACK LUNG DISABILITY TRUST FUND

For payments from the Black Lung Disability Trust Fund, \$673,544,000, of which \$639,255,000 shall be available until September 30, 1984, for payment of all benefits and interest on advances under subsection (c)(2) of section 9501 of the Internal Revenue Code of 1954, as amended, as authorized by section 9501(d) (1), (2), (4), and (7) of that Act and of which \$21,192,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses and \$13,097,000 for transfer to Departmental Management, Salaries and Expenses for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appro-

26 USC 9501.

priation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition, such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

26 USC 9501.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$205,256,000, including not to exceed \$47,625,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to enforce or prescribe as a condition for initial, continuing, or final approval of State plans under section 18 of the Occupational Safety and Health Act of 1970, State administrative or enforcement staffing levels which are greater than levels which are determined by the Secretary to be equivalent to Federal staffing levels: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard, rule, or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful, or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act, unless such establishment or workplace is cited, on the basis of such inspection, for ten or more violations: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

29 USC 672.

29 USC 667.

29 USC 651 note.

29 USC 666.

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, and take any action pursuant to such investigation authorized by such Act;

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for the proposal or assessment of any civil penalties for the violation or alleged violation by an employer of ten or fewer employees of any standard, rule, regulation, or order promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful or repeated violations and violations which pose imminent danger under section 13 of the Act) if, prior to the inspection which gives rise to the alleged violation, the employer cited has (1) voluntarily requested consultation under a program operated pursuant to section 7(c)(1) or section 18 of the Occupational Safety and Health Act of 1970 or from a private consultative source approved by the Administration and (2) had the consultant examine the condition cited and (3) made or is in the process of making a reasonable good faith effort to eliminate the hazard created by the condition cited as such, which was identified by the aforementioned consultant, unless changing circumstances or workplace conditions render inapplicable the advice obtained from such consultants: *Provided further*, That none of the funds appropriated under this paragraph may be obligated or expended for any State plan monitoring visit by the Secretary of Labor under section 18 of the Occupational Safety and Health Act of 1970, of any factory, plant, establishment, construction site, or other area, workplace or environment where such a workplace or environment has been inspected by an employee of a State acting pursuant to section 18 of such Act within the six months preceding such inspection: *Provided further*, That this limitation does not prohibit the Secretary of Labor from conducting such monitoring visit at the time and place of an inspection by an employee of a State acting pursuant to section 18 of such Act, or in order to investigate a complaint about State program administration including a failure to respond to a worker complaint regarding a violation of such Act, or in order to investigate a discrimination complaint under section

29 USC 651 note.

29 USC 662.

29 USC 656, 667.

11(c) of such Act, or as part of a special study monitoring program, or to investigate a fatality or catastrophe: *Provided further*, That none of the funds appropriated under this paragraph may be obligated or expended for the inspection, investigation, or enforcement of any activity occurring on the Outer Continental Shelf which exceeds the authority granted to the Occupational Safety and Health Administration by any provision of the Outer Continental Shelf Lands Act, or the Outer Continental Shelf Lands Act Amendments of 1978.

29 USC 660.

43 USC 1331
note.
43 USC 1801
note.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$153,828,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the purchase of not to exceed eighty-eight passenger motor vehicles for replacement only; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirement, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

30 USC 962.

30 USC 825.

30 USC 814.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$120,143,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including \$1,973,000 for the President's Committee on Employment of the Handicapped, \$91,864,000, together with not to exceed \$8,752,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund and of which \$8,535,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001-03.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, \$67,000, to remain available until expended. This appropriation shall be available in addition to other appropriations to such agency for payments in foreign currencies.

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$38,133,000, together with not to exceed \$6,835,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISION

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

Short title.

This title may be cited as the "Department of Labor Appropriation Act, 1983".

Department of
Health and
Human Services
Appropriation
Act, 1983.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For carrying out titles III, V, VII, VIII, X, and XIX of the Public Health Service Act, the Act of August 8, 1946 (5 U.S.C. 7901), section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), section 108 of Public Law 93-353, section 427(a) of the Federal Coal Mine Health and Safety Act, as amended, and title V of the Social Security Act, \$1,018,563,000 of which \$1,732,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with Hansen's disease; and of which \$3,292,000, to be available until expended, shall be used to renovate the National Hansen's Disease Center: *Provided*, That this appropriation shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who has participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further*, That when the Health Services Administration operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in

42 USC 241, 219,
292, 296, 300; 95
Stat. 535.
42 USC 300w.
42 USC 253b.
30 USC 937; 42
USC 701.

advances to this appropriation: *Provided further*, That during 1983, and within the resources and authority available under sections 338 and 338E of the Public Health Service Act, gross obligations for the principal amount of direct loans under section 338E of that Act shall not exceed \$1,000,000: *Provided further*, That none of the funds made available by this Act shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer of the Public Health Service for any period during which the officer is providing obligated service under section 338B (or under former sections 225(e) or 752) of the Public Health Service Act except that this proviso shall not apply to any period of service covered by an agreement entered into by an officer under 37 U.S.C. 302(c)(1) before the date of enactment of this Act.

42 USC 254k,
254p.

42 USC 234 note,
294u.

CENTERS FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

To carry out titles III, XI, and XIX of the Public Health Service Act, the Federal Mine Safety and Health Act of 1977, and the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$290,701,000, of which \$2,050,000 shall remain available until expended and shall be for construction and equipment of facilities of or used by the Centers for Disease Control: *Provided*, That training of employees of private agencies shall be made subject to reimbursement or advances to this appropriation for the full cost of such training.

42 USC 241,
300b; 95 Stat.
535; 42 USC
300w.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out, to the extent not otherwise provided, the Public Health Service Act with respect to cancer, \$983,576,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For expenses, not otherwise provided for, necessary to carry out the Public Health Service Act with respect to heart, lung, blood vessel, and blood diseases, \$622,745,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For expenses, not otherwise provided for, to carry out title IV of the Public Health Service Act with respect to dental diseases, \$78,860,000.

42 USC 281.

NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

For expenses necessary to carry out title IV of the Public Health Service Act with respect to arthritis, diabetes, digestive and kidney diseases, \$412,182,000.

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE
DISORDERS AND STROKE

42 USC 281.

For expenses necessary to carry out, to the extent not otherwise provided, title IV of the Public Health Service Act with respect to neurological and communicative disorders and stroke, \$295,719,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses, not otherwise provided for, to carry out title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$273,581,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For expenses, not otherwise provided for, necessary to carry out title IV of the Public Health Service Act with respect to general medical sciences, \$369,561,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

To carry out, except as otherwise provided, title IV of the Public Health Service Act with respect to child health and human development, \$253,655,000.

NATIONAL EYE INSTITUTE

For expenses necessary to carry out title IV of the Public Health Service Act, with respect to eye diseases and visual disorders, \$141,561,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

42 USC 241, 243,
2891-1.

To carry out, except as otherwise provided, sections 301, 311, and 472 of the Public Health Service Act with respect to environmental health sciences, \$164,367,000.

NATIONAL INSTITUTE ON AGING

To carry out, except as otherwise provided, title IV of the Public Health Service Act with respect to aging, \$93,996,000.

RESEARCH RESOURCES

To carry out, except as otherwise provided, sections 301 and 472 of the Public Health Service Act with respect to research resources and general research support grants, \$213,804,000: *Provided*, That none of these funds, with the exception of funds for the Minority Biomedical Support program, shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN
THE HEALTH SCIENCES

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, \$10,147,000, of which \$1,800,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

NATIONAL LIBRARY OF MEDICINE

To carry out, to the extent not otherwise provided for, section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, \$46,043,000.

42 USC 241.

OFFICE OF THE DIRECTOR

For expenses necessary for the Office of the Director, National Institutes of Health, \$24,683,000, including purchase of not to exceed thirteen passenger motor vehicles for replacement only.

BUILDINGS AND FACILITIES

For construction of, and acquisition of sites and equipment for, facilities of or used by the National Institutes of Health, where not otherwise provided, \$17,500,000, to remain available until expended.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, and alcoholism, \$777,556,000, of which \$100,000 for design, modernization and improvement of government owned or leased intramural research facilities shall remain available until expended.

42 USC 201 note.

SAINT ELIZABETHS HOSPITAL

For expenses necessary for the maintenance and operation of Saint Elizabeths Hospital in the District of Columbia, \$76,505,000: *Provided*, That the Secretary of Health and Human Services may set rates for inpatient and outpatient services provided through Saint Elizabeths Hospital that in the aggregate do not exceed the estimated total cost of providing such services, and may bill and collect from (prospectively or otherwise) individuals, the District of Columbia, Executive agencies and other entities for any services so provided. Amounts so collected shall be credited to the appropriation for Saint Elizabeths Hospital for the year in which the services are provided.

24 USC 168b.

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

For carrying out titles III, IV, VII, VIII, and XVI of the Public Health Service Act and section 1122 of the Social Security Act, \$188,531,000 of which \$1,500,000 shall remain available until expended for loan guarantees made prior to fiscal year 1981 and interest subsidies under part B of title VII, \$5,000,000 shall remain available until expended for grants for construction of teaching facilities under section 720(a)(3) of the Public Health Service Act, and \$29,000,000 shall be available until expended to enable the Secretary of Health and Human Services to enter into appropriate financial arrangements to repay in full any loan to Meharry Medical College guaranteed under section 726 (formerly section 729) of the Public Health Service Act.

42 USC 241, 281, 292, 296, 300o.

42 USC 293.

42 USC 293f.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

42 USC 300o.

For carrying out title XVI of the Public Health Service Act, \$32,000,000 shall be available without fiscal year limitation for the payment of interest subsidies. The total principal amount of loans to be guaranteed or directly made, which may be allotted among the States, pursuant to titles VI and XVI of the Public Health Service Act shall not exceed a cumulative amount of \$1,500,000,000. During fiscal year 1983, no commitments for direct loans or loan guarantees shall be made.

42 USC 291.

ASSISTANT SECRETARY FOR HEALTH

HEALTH SERVICES MANAGEMENT

42 USC 241,
300e; 95 Stat.
578; 42 USC 300z.

For the expenses necessary for the Office of the Assistant Secretary for Health and for carrying out titles III, XIII, and XX of the Public Health Service Act, \$96,694,000 and section 2008(g) does not apply to these programs.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

42 USC 300e.

Any amounts received by the Secretary as repayment of loans under title XIII of the Public Health Service Act for direct loans as authorized by said title XIII, and not to exceed \$16,500,000 may be disbursed with respect to any liability or contingent liability incurred prior to 1983. During 1983 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$24,500,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

10 USC 1071 *et*
seq.

For retirement pay and medical benefits of Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amounts as may be required during the current fiscal year: *Provided*, That none of these funds shall be available for payment to retired personnel of the Coast Guard or the National Oceanic and Atmospheric Administration or to the survivors of such personnel or for payment of medical care for dependents of such personnel and shall be used solely for Commissioned Officers of the Public Health Service, their dependents and survivors.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

42 USC 1396.

For carrying out, except as otherwise provided, title XIX of the Social Security Act, \$19,361,845,000 to remain available until expended.

For making, after June 30 of the current fiscal year, payments to States under title XIX of the Social Security Act, for the last three months of the current fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for

payments under such title to be charged to the subsequent appropriation therefor for the current or succeeding fiscal year.

In the administration of title XIX of the Social Security Act, payments to a State under such title for any quarter in the period beginning July 1 of the prior year and ending September 30 of the current year may be made with respect to a State plan approved under such title prior to or during such period. After a plan or plan amendment is approved, payment may be made with respect to it for the quarter in which it was submitted or any subsequent quarter in which it remains in effect.

42 USC 1396.

Such amounts as may be necessary from this appropriation shall be available for grants to States for any period in the prior fiscal year subsequent to June 30 of that year.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1984, \$5,105,600,000 to remain available until expended.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 229(b) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 278(d) of P.L. 97-248, \$15,347,000,000.

42 USC 417, 429,
1395w.
42 USC 426a,
1395i-1.
Ante, p. 559.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII and XIX of the Social Security Act, and sections 1526 and 1533(d) of the Public Health Service Act, \$92,905,000 together with not to exceed \$959,671,000, to be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein: *Provided*, That these amounts shall be in addition to funding for this purpose available under section 118 of Public Law 97-248: *Provided further*, That \$20,000,000 of the foregoing amount shall be expended only to the extent necessary to process workloads not anticipated in the budget estimates and to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That none of the funds appropriated under this paragraph shall be allotted or otherwise awarded to any Professional Standards Review Organization which the Secretary of the Department of Health and Human Services has determined should be terminated from the Professional Standards Review Program because of its inability to effectively or efficiently discharge its responsibilities under the Social Security Act.

42 USC 1301,
1395, 1396.
42 USC 300m-5,
300n-2.
42 USC 401.

Ante, p. 355.

42 USC 1305
note.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under

sections 217(g), 228(g), 229(b), and 1131(b)(2) of the Social Security Act, \$855,213,000.

42 USC 417, 429,
1320b-1.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and to parties, their representatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, \$1,093,000,000: *Provided*, That after July 31, such amounts for benefit payments as may be necessary may be charged to the subsequent year appropriation.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program under title XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the social security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$8,543,616,000 to remain available until expended: *Provided*, That after July 31, such amounts for benefit payments as may be necessary may be charged to the subsequent year appropriation: *Provided further*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

42 USC 1381,
1382e note; 87
Stat. 155; 42 USC
1383 note.

42 USC 401.

ASSISTANCE PAYMENTS PROGRAM

For carrying out, except as otherwise provided, titles I, IV, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C., ch. 9), \$6,684,207,000, to remain available until expended.

42 USC 301, 601,
1201, 1301, 1351,
1381.

For making, after May 31 of the current fiscal year, payments to States under titles I, IV, X, XIV, and XVI of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and expenditures to be charged to the subsequent appropriations therefor for the current fiscal year.

For making payments to States under titles I, IV, X, XIV, and XVI of the Social Security Act for the first quarter of fiscal year 1984, \$1,718,000,000, to remain available until expended.

CHILD SUPPORT ENFORCEMENT

For carrying out, except as otherwise provided, titles IV-D and XI of the Social Security Act, \$347,500,000 to remain available until expended.

42 USC 651,
1301.

For making, after May 31 of the current fiscal year, payments to States under title IV-D of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and the expenditures to be charged to the subsequent appropriations therefor.

For making payments to States under title IV-D of the Social Security Act for the first quarter of fiscal year 1984, \$118,000,000 to remain available until expended.

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

For carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$1,850,000,000.

95 Stat. 893.
42 USC 8621.

REFUGEE AND ENTRANT ASSISTANCE

For expenses necessary to carry out the provisions of the Refugee Act of 1980, as amended, and sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980, \$585,000,000: *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, 94 Stat. 1810, but for the application of paragraph (2)(B) thereof.

8 USC 1522 note.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than \$3,408,451,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That travel expense payments under section 1631(h) of such Act may be made only when travel of more than seventy-five miles is required: *Provided further*, That \$50,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates, for automation projects, and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That \$47,026,000 authorized herein shall be available only for acquisition of sites, construction, renovation, and equipment of facilities and for payments for principal, interest, taxes and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 and the Public Buildings Amendments of 1972, and shall remain available until expended: *Provided further*, That \$151,625,000 for automatic data processing and telecommunications activities shall remain available until expended.

42 USC 401.
42 USC 1383
note.
42 USC 1383.

42 USC 1381,
1395, 421.

40 USC 356 note.
40 USC 601 note.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANTS

For carrying out the Social Services Block Grant Act, \$2,450,000,000.

HUMAN DEVELOPMENT SERVICES

For carrying out, except as otherwise provided, the Older Americans Act of 1965, the Child Abuse Prevention and Treatment Act, title VIII of the Community Services Act, the Developmental Disabilities Assistance and Bill of Rights Act of 1981, and the Head

42 USC 3001
note, 5101 note,
2991, 6001 note.
95 Stat. 563.

95 Stat. 499.
42 USC 9801
note.
42 USC 6061.
95 Stat. 563.
42 USC 6012.

Start Act of 1981, \$1,753,514,000, of which \$43,180,000 shall be for grants under part C of the Developmental Disabilities Assistance and Bill of Rights Act, and \$7,320,000 shall be for section 113 of such Act.

CHILD WELFARE SERVICES

For carrying out, except as otherwise provided, parts A, B, and E of title IV and sections 1110 and 1115 of the Social Security Act and title II of Public Law 95-266 (adoption opportunities), \$572,669,000.

WORK INCENTIVES

42 USC 630.

42 USC 602.

42 USC 631.

42 USC 603.

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such programs, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, \$270,760,000 which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes.

OFFICE OF COMMUNITY SERVICES

COMMUNITY SERVICES BLOCK GRANT

95 Stat. 511.
42 USC 9901
note.
95 Stat. 518.
42 USC 9910.

For carrying out the Community Services Block Grant Act, \$360,500,000, of which \$18,840,000 shall be for carrying out section 681(a)(2)(A), \$3,840,000 shall be for carrying out section 681(a)(2)(D), \$2,880,000 shall be for carrying out section 681(a)(2)(E), and \$5,760,000 shall be for carrying out section 681(a)(2)(F): *Provided*, That the Secretary of Health and Human Services may waive the requirements of section 138 of Public Law 97-276, relating to continuing appropriations for fiscal year 1983, for any State applying for such a waiver if—

(1) the State had, prior to October 1, 1982, submitted an application for fiscal year 1983 under the Community Services Block Grant Act, containing provisions for the use of assistance under that Act by political subdivisions; and

(2) the chief executive officer of the State certifies that, in at least 45 percent of the counties of the State, services assisted under the Community Services Block Grant Act were not available in fiscal year 1982 (other than a State for which the distribution of funds within the State for such fiscal year was contested by more than one eligible entity).

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

42 USC 401.

For expenses not otherwise provided, which are necessary for general departmental management, including hire of six medium sedans, \$158,143,000, together with not to exceed \$8,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, \$4,921,000, together with not to exceed \$6,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

42 USC 401.

For making payments to States for medicaid State fraud control units under section 1903(a)(6) of the Social Security Act for fiscal year 1983, \$36,346,000.

42 USC 1396b.

For making, after May 31 of the current fiscal year, payments to States under section 1903(a)(6) of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, not to exceed \$5,000,000, the obligations and expenditures to be charged to the subsequent appropriations therefor.

For making payments to States for medicaid State fraud control units under section 1903(a)(6) of the Social Security Act for the first quarter of fiscal year 1984, \$10,000,000 to remain available until expended.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$19,163,000, together with not to exceed \$2,350,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, \$14,718,000: *Provided*, That not less than \$1,500,000 shall be obligated to continue research on poverty conducted by the Institute for Research on Poverty.

42 USC 1310.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 202. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

SEC. 203. Appropriations in this Act for the Health Services Administration, the National Institutes of Health, the Centers for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, the Health Resources Administration, the Office of the Assistant Secretary for Health, the Health Care Financing Administration, and Departmental Management shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses inci-

dent to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents, assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18; not to exceed \$9,500 for official reception and representation expenses related to any health agency of the Department when specifically approved by the Assistant Secretary for Health.

42 USC 218.

5 USC 5332 note.

SEC. 204. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term: *Provided, however*, That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

SEC. 205. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327(a) of the Public Health Service Act.

42 USC 254.

SEC. 206. Funds appropriated in this title for the Social Security Administration and the Office of Child Support Enforcement shall be available for not to exceed \$5,000 for official reception and representation expenses related to income maintenance or child support enforcement activities of the Department when specifically approved by the Commissioner of Social Security.

SEC. 207. Funds appropriated in this title for the Health Care Financing Administration shall be available for not to exceed \$2,000 for official reception and representation expenses when specifically approved by the Administrator of the Health Care Financing Administration.

Short title.

This title may be cited as the "Department of Health and Human Services Appropriation Act, 1983".

TITLE III—DEPARTMENT OF EDUCATION

Department of
Education
Appropriation
Act, 1983.

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, \$3,160,394,000 to become available on July 1, 1983, and remain available until September 30, 1984: *Provided*, That no funds shall be used for the purposes of section 554(a)(1)(B), \$4,746,000 shall be available for purposes of section 555(d), \$255,744,000 shall be available for the purposes of section 554(a)(2)(A), \$146,520,000 shall be available for purposes of section 554(a)(2)(B), and \$32,616,000 shall be available for purposes of section 554(a)(2)(C).

95 Stat. 464.
42 USC 3801.

For carrying out section 418 of the Higher Education Act, \$7,500,000.

SPECIAL PROGRAMS

For carrying out the consolidated programs and projects authorized under chapter 2 of the Education Consolidation and Improvement Act of 1981; title IX, part C of the Elementary and Secondary Education Act; title IV of the Civil Rights Act of 1964; the Follow Through Act; sections 1524 and 1525 of the Education Amendments of 1978; and Public Law 92-506, \$534,500,000: *Provided*, That \$450,655,000 to carry out the State block grant program authorized under chapter 2 of the Education Consolidation and Improvement Act shall become available for obligation on July 1, 1983, and shall remain available until September 30, 1984: *Provided further*, That \$28,765,000 for the purpose of subchapter D of the Education Consolidation and Improvement Act shall become available for obligation on October 1, 1982: *Provided further*, That \$3,000,000 of the amount appropriated above shall be for the purpose of Public Law 92-506 of which \$1,500,000 shall become available on July 1, 1983, and shall remain available until September 30, 1984.

95 Stat. 469.
20 USC 3811.
20 USC 3341.
42 USC 2000c.
95 Stat. 508.
42 USC 9861.
92 Stat. 2379.
86 Stat. 907.95 Stat. 476.
20 USC 3851.

BILINGUAL EDUCATION

For carrying out, to the extent not otherwise provided, title VII of the Elementary and Secondary Education Act and part B, subpart 3 of the Vocational Education Act, as amended, \$138,057,000, of which \$3,686,000 for part B, subpart 3 of the Vocational Education Act shall become available on July 1, 1983, and shall remain available until September 30, 1984: *Provided*, That \$2,400,000 of the funds appropriated by title III of this bill shall be used for section 751 of title VII of the Elementary and Secondary Education Act.

20 USC 880b.
20 USC 2411.

20 USC 3261.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), \$455,000,000, of which \$445,000,000 shall be for entitlements under sections 2 and 3 and \$10,000,000 shall be for payments under section 7 of said Act: *Provided*, That payment to any local educational agency with respect to entitlements under section 3(a) shall be 90 per centum of the amount of such payment for the fiscal year 1981 unless such agency is determined eligible for payment under section 3(d)(2)(B), except that payment to any local educational agency with respect to entitlements under section 3(a) shall be 95 per centum of the amount of such payment for fiscal year

20 USC 237 *et*
seq.
20 USC 237, 238.
20 USC 241-1.

20 USC 238.

20 USC 241-1.

20 USC 240.

20 USC 631 *et*
seq.

20 USC 640, 644.

1981 for any such agency in which the number of children determined under such section 3(a) is at least 20 per centum of the total number of children who are in average daily attendance at the schools of such agency; and payment to any local educational agency with respect to entitlements under section 3(b) shall not exceed the amount of such payment for the fiscal year 1982 unless such agency is determined eligible for payment under section 3(d)(2)(B): *Provided further*, That notwithstanding the payment provisions stated herein, the Secretary is authorized to determine and make payment of a fair and equitable amount with regard to an otherwise eligible local educational agency which was not eligible in the fiscal years 1981 or 1982: *Provided further*, That the aggregate amount for payments of entitlements calculated under section 3(d)(2)(B) shall not exceed \$15,000,000: *Provided further*, That no payments shall be made under section 3 of said Act to any local educational agency whose payment under that section fails to exceed \$5,000: *Provided further*, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of \$10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further*, That in addition to the \$10,000,000 appropriated in the foregoing, there is hereby appropriated \$5,000,000 for section 2 for the purpose of paying entitlements, including the payment of entitlements under this section for the Douglas School District in the State of South Dakota impacted as a result of Ellsworth Air Force Base which shall be made at 100 per centum of the amount to which such school district is entitled under section 2.

For carrying out the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), \$20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: *Provided*, That with the exception of up to \$8,500,000 for section 10 and up to \$8,500,000 for section 14 (a) and (b), none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950 until payment has been made of 100 per centum of the amount payable under sections 5 and 14(c).

EDUCATION FOR THE HANDICAPPED

For carrying out the Education of the Handicapped Act, \$1,110,252,000, of which \$970,000,000 for section 611 and \$25,000,000 for section 619 shall become available for obligation on July 1, 1983, and shall remain available until September 30, 1984.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, \$1,036,727,000, of which \$939,753,158 shall be for allotments under section 100(b)(1), \$4,146,842 shall be for activities under section 110(b)(3), and \$650,000 shall be made available to the Navajo Tribal Council for activities under section 130: *Provided*, That of the amount appropriated for centers for independent living under part B of title VII of the Rehabilitation Act of 1973, such amounts as are necessary shall be available for fiscal year 1983 to fund all such centers which received assistance under such part in

20 USC 1401
note.20 USC 1411,
1419.29 USC 701 note.
22 USC 2101
note.29 USC 720, 730,
750.

29 USC 796e.

fiscal year 1981 at the level of assistance made to each such center in fiscal year 1981: *Provided further*, That of the amount appropriated and available for projects with industry under section 621 of the Rehabilitation Act of 1973, such amounts as are necessary shall be available for fiscal year 1983 to fund all such projects which received assistance under such part in fiscal year 1981 at the level of assistance made to each such project in fiscal year 1981.

29 USC 795g.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Vocational Education Act, and the Adult Education Act, \$816,500,000 which shall become available for obligation on July 1, 1983, and shall remain available until September 30, 1984, except that \$7,678,000 for part B, subpart 2 of the Vocational Education Act shall become available for obligation on July 1, 1983, and shall remain available until expended: *Provided*, That \$6,500,000 for State advisory councils under section 105 of the Vocational Education Act shall be used to provide to each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands an amount equal to the amount it received in the previous fiscal year: *Provided further*, That not to exceed \$99,590,000 shall be for carrying out part A, subpart 3, of the Vocational Education Act: *Provided further*, That \$2,243,100 shall be made available for the National Occupational Information Coordinating Committee.

20 USC 1241
note, 1201 note.

20 USC 2401.

20 USC 2305.

20 USC 2350.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 2, and 3 of part A, and parts C and E of title IV of the Higher Education Act, \$3,567,800,000 which shall remain available until September 30, 1984: *Provided*, That amounts appropriated for Pell Grants shall be available first to meet any insufficiencies in entitlements resulting from the payment schedule for Pell Grants published by the Secretary of Education for the 1982-1983 academic year: *Provided further*, That pursuant to section 411(b)(4)(A) of the Higher Education Act, amounts appropriated herein for Pell Grants which exceed the amounts required to meet the payments schedule published for any fiscal year by 15 per centum or less shall be carried forward and merged with amounts appropriated for the next fiscal year: *Provided further*, That the maximum grant a student may receive in the 1983-1984 academic year shall be \$1,800 notwithstanding section 411(a)(2)(A)(i)(III) of the Higher Education Act: *Provided further*, That notwithstanding any other provision of law, such sums as may be necessary not to exceed \$30,000,000 of the amount appropriated by Public Law 97-257 for Pell Grants shall be available for the purpose of restoring eligibility for Pell Grants to individuals adversely affected by the modification, pursuant to paragraphs (4) and (5) of section 124 of Public Law 97-92, of the family contribution schedule with respect to the treatment of payments under title 38, United States Code, to such individuals. For the purposes of determining eligibility and amount of Pell Grant awards under this section, only one-third of the benefits received under such title 38 shall be considered as student financial assistance. The Secretary of Education shall take such steps as may be necessary to notify such individuals of restored eligibility and to make appropriate allocations of the reserved sum:

20 USC 1070a,
1070b, 1070c; 42
USC 2751; 20
USC 1088.

20 USC 1070a.

20 USC 1070a
note.20 USC 1070a
note.*Ante*, p. 818.

95 Stat. 1197.

20 USC 1070c.

Provided further, That notwithstanding any other provision of this Act, any other Act, or section 415B of the Higher Education Act of 1965, the Secretary shall apportion the sums appropriated pursuant to section 415A of the Higher Education Act of 1965 for the fiscal year 1983 among the States so that each State's apportionment bears the same ratio to the total amount appropriated as that State's apportionment in the fiscal year 1982 bears to the total amount appropriated pursuant to section 415A for that fiscal year.

GUARANTEED STUDENT LOANS

20 USC 1071.

For necessary expenses under title IV, part B of the Higher Education Act, \$3,100,500,000, to remain available until expended.

HIGHER AND CONTINUING EDUCATION

20 USC 1051,
1121, 1131, 1133,
1134d, 1134n,
1134r-2, 1135,
1070e-1,
1132d-3.
22 USC 2452.
94 Stat. 1496,
1502.
95 Stat. 450.
20 USC 3489.
95 Stat. 444.
94 Stat. 3170.

20 USC 1132d-3.

20 USC 1134e.

For carrying out titles III; VI, parts A and B; VIII; IX, parts B, D and E; title X; and sections 417, 420, and 734 of the Higher Education Act; section 406A(2) of the General Education Provisions Act (20 U.S.C. 1221e-1b(2)); section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961; title XIII, part H, subparts 1 and 2 of the Education Amendments of 1980; H.R. 3598 as passed the House on November 4, 1981; and title V, section 528(5) of the Omnibus Budget Reconciliation Act of 1981, without regard to section 512(b) of the Omnibus Budget Reconciliation Act of 1981, \$385,525,000: *Provided*, That funds made available in Public Law 96-536, section 110 for the Wayne Morse Chair of Law and Politics shall remain available for obligation until September 30, 1985: *Provided further*, That \$2,000,000 shall be available until expended for the Carl Albert Congressional Research and Studies Center: *Provided further*, That \$25,000,000 made available for interest subsidy grants under section 734 of the Higher Education Act shall remain available until expended: *Provided further*, That sections 922(b)(2) and 922(e)(2) and the funding limitations set forth in section 922(e) of the Higher Education Act shall not apply to funds in this Act.

HIGHER EDUCATION FACILITIES LOANS AND INSURANCE

20 USC 1132d-2.

For the payment of principal and interest on participation certificates as authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, issued by the Government National Mortgage Association as trustee on the behalf of the Department of Education pursuant to the Federal National Mortgage Association Act (12 U.S.C. 1717(c)), and for the payment of interest expenses to the Department of the Treasury as required by title VII, section 733(b)(2) of the Higher Education Act, \$20,143,000 to remain available until expended. The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 849) as may be necessary in carrying out the program set forth in the budget for the current fiscal year. During fiscal year 1983, no new commitments for loans may be made from this account.

COLLEGE HOUSING LOANS

The aggregate amount of commitments for loans made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749), for the fiscal year 1983 shall not exceed the total of loan repayments and other income available during such period, less operating costs. Payments of insufficiencies in fiscal year 1983 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717) shall be made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749) using loan repayments and other income available during fiscal year 1983. During fiscal year 1983 and within the resources and authority available, gross commitments for the principal amount of direct loans shall be \$40,000,000.

EDUCATIONAL RESEARCH AND STATISTICS

For necessary expenses for education statistics activities and for research and development, to carry out sections 405 and 406 of the General Education Provisions Act, \$64,203,000.

20 USC 1221e,
1221e-1.

EDUCATIONAL, RESEARCH, AND TRAINING ACTIVITIES OVERSEAS
(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be in excess of the normal requirements of the United States, for necessary expenses of the Department of Education, as authorized by law, \$516,000, to remain available until expended.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I and II of the Library Services and Construction Act (20 U.S.C., ch. 16); title II, part A, part B except section 224, and part C of the Higher Education Act, notwithstanding the provisions of section 221, \$80,320,000.

20 USC 352,
355e, 351 *et seq.*

20 USC 1022,
1031, 1034, 1041,
1031.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-105), \$5,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681 *et seq.*), \$26,300,000.

GALLAUDET COLLEGE

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027) and for the partial support of Gallaudet College authorized by the Act of June 18, 1954 (68 Stat. 265), \$52,000,000.

HOWARD UNIVERSITY

For partial support of Howard University, \$145,200,000. If requested by the university, construction financed by prior year appropriations to this account shall be supervised by the General Service Administration.

OFFICE FOR CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$44,868,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three medium sedans, \$222,000,000. During the current fiscal year up to \$10,500,000 from collections of federally insured defaulted loans may be transferred to this account for payment of related collection activities.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$12,840,000.

20 USC 3422.

GENERAL PROVISIONS

SEC. 301. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 302. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet College shall be subject to audit by the Secretary of Education.

SEC. 303. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

SEC. 304. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or

42 USC 2000c.

from a particular school over the protest of his or her parents or parent.

SEC. 305. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

School busing.

42 USC 2000c.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 306. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 307. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Voluntary school prayer.

This title may be cited as the "Department of Education Appropriation Act, 1983".

Short title.

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, \$129,321,000, of which \$11,831,000 shall be available to carry out title I, part A of said Act: *Provided*, That none of the funds appropriated under this heading may be used to close State field offices of the Action agency or to reduce the number of personnel engaged in operating State field offices of the Action agency.

42 USC 4951
note.
42 USC 4951.

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

For payment to the Corporation for Public Broadcasting, as authorized by the Public Broadcasting Amendments Act of 1981, an amount which shall be available within limitations specified by said

95 Stat. 725.
47 USC 609 note.

Act, for the fiscal year 1985, \$130,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties and similar forms of entertainment for government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity excluding from participation in, denying the benefits of, or discriminating against any person on the basis of race, color, national origin, religion or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes and for convening factfinding boards of inquiry appointed by the Director in the health care industry; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 125a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. Chapter 71), \$21,321,000.

88 Stat. 395.

29 USC 141 note.

5 USC 7101 et seq.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$3,686,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), \$674,000.

20 USC 1501 note.

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

For necessary expenses to carry out section 491 of the Higher Education Act, \$840,000.

20 USC 1097.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$124,045,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or

used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 12), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$5,468,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$6,316,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$430,000,000, which shall be credited to the account in 12 approximately equal amounts on the first day of each month in the fiscal year.

45 USC 231n.

LIMITATION ON ADMINISTRATION

For expenses necessary for the Railroad Retirement Board, \$46,361,000 to be derived from the railroad retirement accounts: *Provided*, That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 1,162 full-time-equivalent employees: *Provided further*, That \$500,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further*, That notwithstanding any other provisions in law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228 a-r). For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than \$16,644,000 shall be apportioned for fiscal year 1983 pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665) from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That such portion of the foregoing

amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 416 full-time-equivalent employees.

MILWAUKEE RAILROAD RESTRUCTURING, ADMINISTRATION

45 USC 913.

For administrative expenses authorized by section 14(c) of the Milwaukee Railroad Restructuring Act, \$250,000.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, \$26,718,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

TITLE V—GENERAL PROVISIONS

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

Experts and consultants.

5 USC 5332 note.

Uniforms or allowances.

Meetings.

SEC. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

Funds to campus disrupters, prohibition.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent

the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Education, and Health and Human Services are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Transfer of funds.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year limitations.

SEC. 509. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 510. The Secretaries of Labor, Education, and Health and Human Services are each authorized to make available not to exceed \$7,500 from funds available for salaries and expenses under titles I, II, and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$2,500 from funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 511. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

Human participation projects.

SEC. 512. Section 104 of Public Law 97-276 is deemed to charge no amount appropriated by section 132, 134, 137, 141, or 142 of that joint resolution to any appropriation, fund, or authorization contained in this or any other measure whenever enacted.

Ante, p. 1190.
Ante, pp. 1197, 1198.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1983".

Short title.

(2) Such amounts as may be necessary for carrying out the following activities, not otherwise provided for, at the current rate: health planning activities authorized by the Public Health Service Act: *Provided*, That, notwithstanding section 102 of this

42 USC 201 note.

Post, p. 1909.

42 USC 3001-1,
3001-4, 300m.

29 USC 801 note.

Ante, p. 1354.

19 USC 2296,
2297, 2298.

26 USC 51.
92 Stat. 181.

joint resolution, no penalty shall be applied nor any State or agency agreement terminated pursuant to sections 1512, 1515 or 1521 of the Public Health Service Act during fiscal year 1983.

activities under the Comprehensive Employment and Training Act as authorized by section 181 of the Job Training Partnership Act, Public Law 97-300; sections 236, 237, and 238 of the Trade Act of 1974, as amended; section 51 of the Internal Revenue Code of 1954, as amended; and sections 210, 211, and 212 of Public Law 95-250; and

activities under the Department of Labor, Employment and Training Administration, for "Program Administration".

(3) Notwithstanding any other provision of this joint resolution, neither the restriction contained in the proviso under the heading "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION: SALARIES AND EXPENSES" in Public Law 97-257 (96 Stat. 844) nor any similar or comparable provision of any other law shall apply or have any continuing effect during fiscal year 1983 or any succeeding fiscal year.

(f) Such amounts as may be necessary for continuing activities which were conducted in fiscal year 1982, for which provision was made in the Energy and Water Development Act, 1982, at the current rate of operations: *Provided*, That no funds under this heading shall be used for further study or construction or in any fashion for a federally funded waterway which extends the Tennessee Tombigbee project south from the city of Demopolis, Alabama: *Provided further*, That no appropriation, fund or authority made available by this joint resolution or any other Act may be used directly or indirectly to significantly alter, modify, dismantle, or otherwise change the normal operation and maintenance required for any civil works project under Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Operation and Maintenance, General, and the operation and maintenance activities funded in Flood Control, Mississippi River and Tributaries: *Provided further*, That of such amount, \$1,000,000 shall be available only to provide for a wider navigation opening at the Franklin Ferry Bridge, Jefferson County, Alabama: *Provided further*, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1982 without prior approval of the Committees on Appropriations: *Provided further*, That Department of Energy, Atomic Energy Defense Activities, shall be funded at not to exceed an annual rate for new obligational authority of \$5,700,000,000, of which not more than \$4,372,000,000 shall be available for operating expenses and not more than \$1,328,000,000 shall be available for plant and capital equipment, except that no funds shall be available for Project 82-D-109: *Provided further*, That no appropriation, fund or authority made available to the Department of Energy by this joint resolution or any other Act, shall be used for any action which would result in a significant reduction of the employment levels for any program or activity below the employment levels in effect on September 30, 1982:

(g) Notwithstanding section 102(c) of this joint resolution, the following amounts are provided for fiscal year 1983:

Post, p. 1909.

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 \$519,711,198: *Provided*, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by \$8,651,475,689: *Provided further*, That of the budget authority provided herein, \$361,760,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, \$1,834,000,000 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), and \$2,500,000,000 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): *Provided further*, That all budget authority recaptured and becoming available for obligation in fiscal year 1983 shall only be made available for annual contributions contracts under the section 8 moderate rehabilitation program and the section 8 existing housing program (42 U.S.C. 1437f): *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 1983, 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 1983: *Provided further*, That the \$89,321,727 of budget authority deferred and made available in accordance with the provisos under the heading "Annual Contributions for Assisted Housing" in Chapter VII of the Supplemental Appropriations Act, 1982 (Public Law 97-257), shall be made available for the modernization of 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: *Provided further*, That none of the merged amounts available for obligation in 1983 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): *Provided further*, That with respect to newly constructed and substantially rehabilitated projects under section 8 of the United States Housing Act of 1937, as amended, during 1983, the Secretary shall not impose a percentage or other arbitrary limitation on the cost and rent increases resulting from increased construction cost in exercising the authority to approve cost and rent increases set forth in section 8(1) of such Act: *Provided further*, That no funds provided in this joint resolution or any other Act shall be used to administer or implement any regulation, policy direction or handbook instruction concerning maximum total development costs applicable to the public housing, Indian housing or low-rent homeownership programs not in effect before September 7, 1982: *Provided further*, That the proceeding proviso may be waived by the Committees on Appropriations after the Department of Housing and Urban Development

Ante, p. 835.

presents to the Appropriations Committees, an analysis of the impact of the maximum total development cost regulation, published September 8, 1982 in the Federal Register, amending 24 CFR 804, 805 and 841, upon the ability of local public housing authorities to develop the units in the pipeline in a timely fashion.

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

For an additional amount for direct loan obligations for "Housing for the Elderly or Handicapped Fund" under section 202 of the Housing Act of 1959, as amended, (12 U.S.C. 1701q), \$181,200,000: *Provided*, That title I of the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1983 (Public Law 97-272) is amended by striking out the period at the end of the paragraph under the heading "Housing for the Elderly or Handicapped Fund", and inserting in lieu thereof the following: *Provided further*, That notwithstanding section 202(a)(3) of such Act, loans made in fiscal year 1983 shall bear an interest rate which does not exceed 9.25 per centum, including the allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program."

Ante, p. 1160.

RENT SUPPLEMENT

(RESCISSION)

The limitation otherwise applicable to 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), is reduced in fiscal year 1983 by not more than \$105,160,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

FEDERAL HOUSING ADMINISTRATION FUND

For an additional amount for commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, \$6,100,000,000: *Provided*, That section 207(c)(3), the second proviso of section 213(b)(2), section 220(d)(3)(B)(iii), section 221(d)(3)(ii), section 221(d)(4)(ii), section 231(c)(2) and section 234(e)(3) of the National Housing Act are each amended by inserting "(by not to exceed 140 per centum where the Secretary determines that a mortgage other than one purchased or to be purchased under section 305 of this Act by the Government National Mortgage Association in implementing its special assistance functions is involved)" after "90 per centum".

12 USC 1713,
1715e, 1715k,
1715l, 1715v,
1715y.
12 USC 1720.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTIONS FUND

During 1983, within the resources and authority available, gross obligations for the principal amounts of direct loans made pursuant to section 305 of the National Housing Act, as amended (12 U.S.C. 1720), shall not exceed \$500,000,000, which may be financed with collections received in 1983, and additional obligations are authorized in such amounts as are necessary for increases to prior year commitments.

(h) Notwithstanding any other provision of this joint resolution such amounts as may be necessary for programs, projects, or activities provided for in the Department of the Interior and Related Agencies Appropriation Act, 1983 (H.R. 7356), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 97-978), passed by the House of Representatives on December 18, 1982, and by the Senate on December 19, 1982, as if such Act had been enacted into law: *Provided*, That notwithstanding any other provision of this joint resolution or any other Act including the Department of the Interior and Related Agencies Appropriation Act, 1983, \$2,000,000 is appropriated for "Fossil energy research and development", Department of Energy, to remain available until expended.

Post, p. 1966.

(i) Notwithstanding any other provision of this joint resolution such sums as may be necessary for programs, projects, or activities provided for in the Department of Agriculture, Rural Development and Related Agencies Appropriation Act, 1983 (H.R. 7072), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 97-957), filed in the House of Representatives on December 10, 1982, as if such Act had been enacted into law.

Ante, p. 1787.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 17, 1982, 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) September 30, 1983, whichever first occurs.

Funding
availability.

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 projects 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. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 106. No provision in any appropriation Act for the fiscal year 1983 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.

Supra.

SEC. 107. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending September 30, 1983, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or an employee covered by section 5348 of that title, in an amount which exceeds—

5 USC 5343 note.

(1) for the period from October 1, 1982, until the next applicable wage survey adjustment becomes effective, the rate which

was payable for the applicable grade and step to such employee under the applicable wage schedule that was in effect and payable on September 30, 1982; and

(2) for the period consisting of the remainder of the fiscal year ending September 30, 1983, a rate 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 adjustment in the General Schedule during the fiscal year ending September 30, 1983.

5 USC 5343 note.

(b) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of the Civil Service Reform Act of 1978, the provisions of subsection (a) of this section shall apply (in such manner as the Office of Personnel Management shall prescribe) to prevailing rate employees to whom such section 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) For the purposes of subsection (a) 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, 1982, shall be determined under regulations prescribed by the President.

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

(e) 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 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.

(f) Notwithstanding the limitations imposed on prevailing rate pay pursuant to subsection (a) of this section and section 109 of Public Law 97-276, an Act to make continuing appropriations for the fiscal year 1983, such limitations shall not apply to wage adjustments for prevailing rate supervisors provided by the supervisory pay plan published in the Federal Register on May 21, 1982. (47FR22100).

Ante, p. 1191.

Space and services rental.

40 USC 490.

SEC. 108. 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 higher 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) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted: *Provided*, That 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 higher rate per square foot for rental space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year 1982.

(INCLUDING TRANSFER OF FUNDS)

SEC. 109. Notwithstanding any other provision of this joint resolution, the following administrative provision shall apply to the Veterans Administration: The \$35,000,000 limitation on Veterans Administration medical automatic data processing services carried in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983 (Public Law 97-272), is hereby repealed: *Provided*, That none of the funds which are made available by this or any other Act shall be used to further develop, implement, install, administer, operate, or maintain the computerized medical information support system (COMISS) as described in the VA ADP and Telecommunications Plan, fiscal years 1984-1987, dated September 1982, except to administer, operate and maintain the currently operational outpatient automated pharmacy, prescription, labeling, and editing system (APPLES) at locations where such system is currently operating: *Provided further*, That fifty-two of the full-time equivalent employment (FTEE) ceiling assigned to the Office of Data Management and Telecommunications for the development of COMISS shall immediately be transferred to the Department of Medicine and Surgery to support the decentralized hospital computer program: *Provided further*, That the FTEE ceiling for the Office of Data Management and Telecommunications in fiscal year 1983 shall not exceed one thousand nine hundred and thirty-four, including not to exceed one FTEE located in the Central Office to support APPLES: *Provided further*, That \$1,000,000 of the amount appropriated to the "General operating expenses" account in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983 (Public Law 97-272), is hereby transferred to the "Medical care" account to support the transferred FTEE.

Ante, p. 1160.

SEC. 110. Notwithstanding any other provision of this joint resolution, moneys deposited into the National Defense Stockpile Transaction Fund under section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) are hereby made available, subject to such limitations as may be provided in appropriation Acts and in section 5(a)(1) of such Act, until expended for the acquisition of strategic and critical materials under section 6(a)(1) of such Act (and for transportation and other incidental expenses related to such acquisition). This paragraph applies without fiscal year limitation to moneys deposited into the fund before, on, or after October 1, 1982: *Provided*, That during the fiscal year ending on September 30, 1983, not more than \$120,000,000 in addition to amounts previously appropriated in prior years, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition.

50 USC 98d.
50 USC 98e.

SEC. 111A. Notwithstanding section 102(c) of this joint resolution, subsection (c) of section 4 of the Commission on Wartime Relocation and Internment of Civilians Act (50 U.S.C. App. 1981 note) is amended by striking out "shall submit" and all that follows through the end of the subsection and inserting in lieu thereof "may make available to the public such interim findings and other information as it deems appropriate and shall submit a written report of its

Ante, p. 1909.

findings and recommendations to Congress not later than June 30, 1983.”.

Six-day and rural mail deliveries.
39 USC 403 note.

SEC. 111B. Notwithstanding any other provision of this joint resolution the Postal Service shall continue six-day delivery of mail and rural delivery of mail shall continue at the 1982 level.

Ante, p. 1909.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 102(c), 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 maintained at Step 14.

42 USC 603 note.
42 USC 601.

SEC. 113. No reduction in the amount payable to any State under title IV of the Social Security Act with respect to any of the fiscal years 1977 through 1983 shall be made prior to the date on which this resolution expires on account of the provisions of section 403(h) of such Act.

42 USC 603.

SEC. 114. Notwithstanding any other provision of this joint resolution or any other provision of law, none of the funds made available under this resolution or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required “at cost” to a “market rate” or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

16 USC 838.

SEC. 115. Notwithstanding any other provision of this joint resolution, except section 102, expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for construction of Boundary Integration and Colville Valley Support; official reception and representation expenses in an amount not to exceed \$2,500; and for the purposes of providing funds for conservation and renewable resource loans and grants as specified in the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96-501), \$1,250,000,000 borrowing authority is made available to remain outstanding at any given time: *Provided*, That the obligation of such additional borrowing authority not exceed \$276,000,000 in fiscal year 1983.

16 USC 839.

SEC. 116. Notwithstanding any other provision of this joint resolution, there is appropriated to the Department of the Treasury \$248,000,000 for “Salaries and expenses”, Bureau of Government Financial Operations; \$170,510,000 for “Salaries and expenses”, Internal Revenue Service; \$1,009,409,000 for “Examinations and Appeals”, Internal Revenue Service; \$1,000,778,000 for “Taxpayer Service and Returns Processing”, Internal Revenue Service; \$553,700,000 for “Salaries and expenses”, United States Customs Service: *Provided*, That none of these funds shall be available to close or relocate Customs offices in Duluth, Minnesota/Superior, Wisconsin; Milwaukee, Wisconsin; Bridgeport, Connecticut; Hartford, Connecticut; Portland, Oregon; Miami, Florida; St. Albans, Vermont; or Anchorage, Alaska, or to consolidate or reduce personnel, programs or functions of these offices; and \$235,000,000 for “Salaries and expenses” (including the hire of 200 new special agents), United States Secret Service.

26 USC 511, 512, 513.

SEC. 117. None of the funds contained in this resolution shall be available for the implementation and enforcement of any Internal Revenue ruling relating to the application of sections 511, 512, and 513 of the Internal Revenue Code to revenues generated as a result of North Dakota Century Code chapter 53-06.

SEC. 118. Notwithstanding any other provision of this joint resolution, \$770,000,000 shall be available for rental of space within the Federal Buildings Fund of the General Services Administration.

SEC. 119. Notwithstanding any other provision of this joint resolution, none of the funds made available by this Act shall be used to reduce the number of positions allocated to taxpayer service activities below fiscal year 1982 levels or to reduce the number of positions allocated to any other direct taxpayer assistance functions below fiscal year 1982 levels, including, but not limited to toll free telephone tax law assistance and Internal Revenue Service walk-in assistance available at Internal Revenue Service field offices.

SEC. 120. Notwithstanding any other provision of this joint resolution, none of the funds made available to the General Services Administration under this Act shall be obligated or expended after date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position described in section 3310 of title 5, United States Code.

SEC. 121. Notwithstanding any other provision of this joint resolution, funds available to the Federal Building Fund within the General Services Administration may be used to initiate new construction, purchase, advance design, and repairs and alteration line-item projects which are included in the Treasury, Postal Service and General Government Appropriation Act, 1983, as passed by the House or as reported to the Senate.

SEC. 122. Section 2 of Reorganization Plan Numbered 3 of 1979 (93 Stat. 1382, 5 U.S.C. Appendix) is amended by adding thereto a new subsection (e) as follows:

19 USC 2171
note.

“(e) There shall be in the Department of Commerce a Director General of the United States and Foreign Commercial Services who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed by law for level IV of the Executive Schedule.”

Director General
of United States
and Foreign
Commercial
Services,
Presidential
appointment.
5 USC 5315.

SEC. 123. Section 5314 of title V, United States Code is amended by adding the following at the end thereof: “Executive Director Property Review Board”.

SEC. 124. Section 305(b) of Public Law 97-253 is amended by inserting before the period the following: “, except for those individuals who serve three days or less in the month of retirement”.

Ante, p. 795.
5 USC 8345 note.

SEC. 125. No funds appropriated by this joint resolution or any other Act may be used to enter into a restructured contract of the National Aeronautics and Space Administration for tracking and data relay satellite services if the estimated impact on total program cost of such restructured contract exceeds \$216,000,000, or if the estimated total cost of the restructured tracking and data relay satellite services program exceeds \$2,704,000,000, unless the Committees on Appropriations, having been apprised of higher estimates by the Administrator of the National Aeronautics and Space Administration, approve entering into such contract: *Provided*, That if at any time the Administrator of the National Aeronautics and Space Administration estimates that the total cost of the tracking and data relay satellite services program will exceed \$2,704,000,000, or that the impact on total cost of restructuring the contract for such services will exceed \$216,000,000, he shall promptly notify the Committees on Appropriations and shall take no actions that would

cause such costs to increase without the approval of the Committees on Appropriations.

SEC. 126. Of the funds made available to the Department of Defense by this joint resolution, \$200,000 shall be transferred to the Department of Education which shall grant such sum to the Board of Education of the Highland Falls-Fort Montgomery, New York central school district. The funds transferred by this section shall be in addition to any assistance to which the Board may be entitled under subchapter 1, chapter 13 of title 20 United States Code.

SEC. 127. The provisions of H. Res. 611, 97th Congress, approved November 30, 1982, relating to the House of Representatives Page Board, shall be the permanent law with respect thereto.

SEC. 128. No funds provided under this joint resolution shall be used to deny or reduce supplemental security income or aid to families with dependent children benefits because of home energy assistance provided by a private nonprofit organization, or any entity whose revenues are primarily derived on a rate-of-return basis regulated by a State or Federal governmental body, if the appropriate State agency has certified that such assistance was based on need as determined by such organization or entity.

SEC. 129. (a) Section 101(e) of Public Law 97-276 is amended by striking out "December 17, 1982," and inserting "September 30, 1983,".

(b) In lieu of payment of salary increases of up to 27.2 percent as authorized by law for senior executive, judicial, and legislative positions (including Members of Congress), it is the purpose of this section to limit such increases to 15 percent. Notwithstanding the provisions of section 306 of S. 2939 made applicable by subsection (a) of this section, nothing in subsection (a) shall (or be construed to) require that the rate of salary or pay payable to any individual for or on account of services performed after December 17, 1982, be limited to an amount less than the rate (or maximum rate, if higher) of salary or pay payable as of such date for the position involved increased by 15 percent and rounded in accordance with section 5318 of title 5, United States Code.

(c) Subsection (b) shall not apply to Senators.

(d) For the purposes of any rule, regulation, or order having the force and effect of law and limiting the annual rates of compensation of officers and employees of the Senate by reference to the annual rate of pay of Senators, the annual rate of pay of Senators shall be deemed to be the annual rate of pay that would be payable to Senators without regard to subsection (c) of this section.

SEC. 130. Notwithstanding any other provision of this joint resolution, there is appropriated to the "Federal Labor Relations Authority", \$15,500,000.

SEC. 131. Notwithstanding any other provision of this joint resolution, the Secretary of the Treasury shall instruct the United States executive directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this or any other Act, for the production of any commodity for export, if it is in surplus on world

20 USC 236.
2 USC 88b-2,
88b-3, 88b-4.

5 USC 5318 note.
Ante, p. 1186.

Executive
Schedule, pay
adjustments.

markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEC. 132. Notwithstanding any other provision of this joint resolution, none of the funds appropriated or made available (other than funds for "Operating expenses of the Agency for International Development") pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to finance the operating expenses of the Agency for International Development, except that funds contained in deferral numbered D83-1 shall be used for operating expenses of the Agency for International Development.

22 USC 2151
note.

SEC. 133. Notwithstanding any other provision of this joint resolution, none of the funds appropriated under section 101(b) of this joint resolution may be available for any country during any 3-month period beginning on or after October 1, 1982, immediately following the certification of the President to the Congress that such country is not taking adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are produced, processed, or transported in such country from entering the United States unlawfully.

SEC. 134. Notwithstanding any other provision of this joint resolution, of the new obligational authority appropriated under section 101(b) to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, not less than 30 percent shall be available for loans for the fiscal year 1983 (funds for such loans shall remain available for obligation until September 30, 1984): *Provided*, That loans made pursuant to this authority to countries whose annual per capita gross national product is greater than \$795 but less than \$1,285 shall be repayable within twenty-five years following the date on which funds are initially made available under such loans and loans to countries whose annual per capita gross national product is greater than or equal to \$1,285 shall be repayable within twenty years following the date on which funds are initially made available under such loans.

22 USC
2151a-2151d.

SEC. 135. Payments required by section 4 of Public Law 97-346 with respect to the Vice President, Senators, and officers and employees of the Senate shall be paid from the contingent fund of the Senate out of the account in such fund for "Miscellaneous Items".

Ante, p. 1650.

SEC. 136. Any commuter authority operating commuter service transferred from the Consolidated Rail Corporation under part 2 of the Northeast Rail Service Act of 1981 shall be subject to applicable laws with respect to such service.

45 USC 591 note.

SEC. 137. Conrail employees who are deprived of employment by assumption or discontinuance of intercity passenger service by Amtrak shall hereafter be eligible for employee protection benefits under section 701 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797), notwithstanding any other provision of law, agreement, or arrangement, and notwithstanding the inability of such employees otherwise to meet the eligibility requirements of such section. Such protection shall be the exclusive protection applicable to Conrail employees deprived of employment or adversely affected by any such assumption or discontinuance.

95 Stat. 647.
45 USC 744a.

45 USC 1113
note.

SEC. 138. Notwithstanding any other provision of this joint resolution, the provisions of section 616 of H.R. 7158, the Treasury, Postal Service, and General Government Appropriation Act, 1983,

and section 614 of S. 2916, the Treasury, Postal Service, and General Government Appropriation Bill 1983, shall not apply to funds appropriated or otherwise made available by this joint resolution.

SEC. 139. None of the funds appropriated in this Act may be obligated or expended in any way for the purpose of the sale, lease, or rental of any portion of land currently identified as Fort DeRussy Honolulu, Hawaii.

SEC. 140. The authorization for the water project on Bradley Lake, near Cook Inlet, Alaska described in the plans recommended in the report of the Chief of Engineers contained in House Document Numbered 455, 87th Congress, which plan was adopted and authorized by the Flood Control Act of 1962 (76 Stat. 1180, 1193) is hereby terminated: *Provided*, That for clarification, funds in the amount of \$31,050,000 authorized to be appropriated in fiscal year 1978 for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley Project under Public Law 95-46 shall remain available until expended: *Provided further*, That \$4,000,000 shall be made available for the Yatesville Lake construction project: *Provided further*, That funds available or hereafter made available for the project for flood protection on the Sacramento River, California, authorized by the Flood Control Act of 1960, may be used for construction of bank erosion control works along the banks of the Sacramento River for Chico Landing to the upstream ends of the project levees.

SEC. 141. Notwithstanding any other provision of this joint resolution, including section 102, there are appropriated \$3,500,000 for carrying out the Runaway and Homeless Youth Act, which is in addition to amounts otherwise available under section 137 of Public Law 97-276 and under this joint resolution for carrying out such Act.

SEC. 142. (a) For payment to the Alaska Railroad Revolving Fund for capital improvements, replacements, operations, and maintenance, \$7,600,000, to remain available until expended.

(b) For an additional amount to execute contracts for the Dodge Island Bridge Project, Miami, Florida, in accordance with the provisions of Title 23, United States Code, Section 144, \$23,200,000 to be derived from the Highway Trust Fund, and to remain available until expended: *Provided*, That, notwithstanding any other provision of law, obligations incurred under this section shall not be subject to any limitation on obligations for federal-aid highways.

SEC. 143. Notwithstanding any other provision of this joint resolution, until the United States Court of Appeals for the District of Columbia renders a final decision in Case No. 82-2389, (National Cable Television Assoc., Inc. v. Copyright Royalty Tribunal), or March 15, 1983, whichever occurs first, no funds appropriated by this joint resolution or any other Act of Congress which provides funds for the Library of Congress and the Copyright Royalty Tribunal for fiscal year 1983 shall be expended to implement, enforce, award, or collect royalty fees under, and no obligation or liability for copyright royalty fees shall accrue until March 15, 1983 pursuant to, the decision announced by the Copyright Royalty Tribunal on October 20, 1982, Docket Numbered 81-2, and any subsequent decision, order, memorandum, or opinion issued by the Tribunal in such docket, insofar as such decision and any subsequent decision, order, memorandum, or opinion relate to the establishment of a royalty rate of 3.75 per centum of the gross receipts of certain cable systems for the carriage of certain distant signal equivalents. Nothing in this

91 Stat. 225.

33 USC 701r-1,
709a.

Ante, p. 1909.

Ante, p. 1198.

section shall be construed as barring the Copyright Royalty Tribunal from expending funds to decide, and to issue written materials with regard to its Docket Number 81-2, and to defend in court or elsewhere its decisions, orders, memoranda, or opinions in such docket or relating to the subject matter of such docket.

Nothing in this joint resolution shall inhibit the Library of Congress and the Copyright Office from expending funds duly appropriated for the general purpose of administering the Copyright Act, including the compulsory licensing provisions therein, except as solely and specifically related to implementation of the Copyright Royalty Tribunal's rate determination of October 20, 1982 as set out in 47 FR 52146 (November 19, 1982) until the Court of Appeals has rendered a final decision regarding said determination as it relates to the distant signal rate adjustment.

17 USC 101 *et seq.*

SEC. 144. Notwithstanding any provision of this joint resolution or any other law or regulation, payments for local educational agencies under the Act of September 30, 1950 (Public Law 874, 81st Congress) in Montana for fiscal year 1983 shall be computed from corrected 1981 financial data. The provisions of this section shall not apply unless the following conditions are met:

20 USC 236.

(1) No such payments shall be made until an audit is conducted. (2) No such payments shall be made prior to March 30, 1983. (3) The total amount of the increase in payments made by reason of this section shall not exceed \$3,000,000. (4) No such payments shall be made prior to the submission of the audit report to the Committee on Appropriations of the Senate and of the House of Representatives.

SEC. 145. Notwithstanding any other provision of this joint resolution, section 5546a(a) of title 5, United States Code, is amended (1) by deleting the period at the end of paragraph (2) of subsection (a) and inserting in lieu thereof a semicolon and the word "and", and (2) by inserting immediately after paragraph (2) of subsection (a) the following new paragraph:

"(3) any employee of the Federal Aviation Administration who occupies a position at the Federal Aviation Administration Academy, Oklahoma City, Oklahoma, the duties of which are determined by the Administrator to require the individual to be actively engaged in or directly responsible for training employees to perform the duties of a position described in subparagraph (a); (b); or (c) or paragraph (1) of this subsection, and who, immediately prior to assuming such position at such Academy, occupied a position referred to in subparagraph (a), (b), or (c) of paragraph (1) of this subsection."

SEC. 146. No funds, including funds provided in this joint resolution or in the account entitled "Expenses, Disposal of Surplus Real and Related Personal Property" (Account No. 47-5254-0-2-804), may be expended by the General Services Administration to proceed with any sale or disposal of real property and improvements known as the Naval and Marine Corps Reserve Center at Beavertail Point, Jamestown, Rhode Island, containing 6.81 acres, more or less, and identified by General Services Administration control number N-RI-482A.

SEC. 147. Section 1618 of the Social Security Act is amended by adding the following new subsection:

42 USC 1382g.

"(c) The Secretary shall not find that a State has failed to meet the requirements imposed by paragraph (4) of subsection (a) with respect to the levels of its, supplementary payments for

any portion of the period July 1, 1980 through June 30, 1981, if the State's expenditures for such payments in that twelve-month period were not less than its expenditures for such payments for the period July 1, 1976 through June 30, 1977 (or if the State made no supplementary payments in the period July 1, 1976 through June 30, 1977, the expenditures for the first twelve-month period extending from July 1 through June 30 in which the State made such payments)."

SEC. 148. There is appropriated \$25,000,000 for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981, relating to low income home energy assistance, which is in addition to amounts otherwise available for such title XXVI under this joint resolution.

SEC. 149. (A) Notwithstanding the first sentence of section 103(e)(4) of title 23, United States Code, the Secretary of Transportation shall approve the withdrawal from the Interstate System the route of Interstate Route 95 and Interstate Route 695 from the intersection with Interstate Route 295 in Hopewell Township, Mercer County, New Jersey, to the proposed intersection with Interstate Route 287 in Franklin Township, Somerset County, New Jersey.

(B) Notwithstanding any other provision of law, the Secretary of Transportation is authorized and directed, pursuant to section 103 of such title, to designate as part of the Interstate Highway System the New Jersey Turnpike from exit 10 to the interchange with the Pennsylvania Turnpike and the Pennsylvania Turnpike from such interchange to and including the proposed interchange with Interstate Route 95 in Bucks County, Pennsylvania.

(C) The Secretary of Transportation is further authorized and directed to designate Interstate Route 95 and assure through proper sign designations the orderly connection of Interstate Route 95 pursuant to this section.

SEC. 150. Within 60 days of receipt of a complete abandoned mine reclamation fund grant application from any eligible State under the provisions of the Surface Mining Control and Reclamation Act (91 Stat. 460) the Secretary of Interior shall grant to such State any and all funds available for such purposes in the applicable appropriations Act.

SEC. 151. Notwithstanding Public Law 95-622, funds made available to the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research under Public Law 97-216 shall remain available until March 31, 1983.

SEC. 152. Section 10526(a) of title 49, United States Code, is amended—

- (1) by striking "or" at the end of paragraph (12);
- (2) by striking the period at the end of paragraph (13), and inserting in lieu thereof " ; or, " ; and
- (3) by adding at the end thereof the following:
 "(14) transportation of broken, crushed, or powdered glass."

SEC. 153. None of the funds appropriated in this joint resolution or Public Law 97-276 shall be used for the development, initiation, or implementation of plans, drawings, architectural engineering work, design work, site preparation or acquisition for, or the construction of, any new Senate office buildings or additions to existing Senate office buildings. This provision does not apply to planning, construction, or completion for the Philip A. Hart Senate Office Building.

95 Stat. 893.
42 USC 8621.

23 USC 103.

30 USC 1235
note.

30 USC 1235.

42 USC 2689
note.

Ante, p. 180.

Ante, p. 1186.

SEC. 154 Notwithstanding any other provision of law or this joint resolution, none of the funds provided for "International Organizations and Programs" under section 101(b) of this joint resolution shall be available for the United States' proportionate share for any programs for the Palestine Liberation Organization, the Southwest Africa Peoples Organization, or Cuba.

Ante, p. 1830.

SEC. 155. (a) It is the purpose of this section to provide the Secretary of Energy the exclusive authority for the disbursement of the designated petroleum violation escrow funds for limited restitutional purposes (1) which are reasonably expected to benefit the class of persons injured by such violations, and (2) which, based on information previously provided to Congress by the Secretary of Energy, are likely not to be, through procedures established by regulation, otherwise refunded to injured persons because the purchasers of the refined petroleum products cannot be reasonably identified or paid or because the amount of each purchaser's overcharge is too small to be capable of reasonable determination.

(b) As soon as practicable, the Secretary of Energy shall disburse designated petroleum violation escrow funds to the Governors of the States in accordance with the formula set forth in subsection (d).

(c) Amounts disbursed to the Governor of any state shall be used by the Governor as if such funds were received under one or more energy conservation programs. The Governor shall identify to the Secretary within one year after the time of disbursement the energy conservation program or programs to which the funds are or will be applied. Funds disbursed under this section shall be used to supplement, and not supplant, funds otherwise available for such programs under Federal or State law.

(d) The disbursement by the Secretary of Energy to each State shall be based on the ratio, calculated by the Secretary, which—

(1) the volume of refined petroleum products consumed within that State during the period beginning September 1, 1973, and ending January 28, 1981, bears to

(2) the volume of refined petroleum products consumed within all States during such period.

Calculations made by the Secretary of Energy under this subsection shall be based upon estimates by the Secretary from reasonably available information.

(e) For purposes of this section—

(1) The term "designated petroleum violation escrow funds" means amounts (not in excess of \$200,000,000) which are derived from settlements from alleged petroleum pricing and allocation violations generally resulting in overcharges to purchasers of refined petroleum products and held in trust accounts administered by the Department of Energy on December 17, 1982, and which—

(A) are not likely to be required for satisfying claims of potential claimants identified in the proceedings of the Office of Hearings and Appeals initiated prior to December 17, 1982, or identified in judicial proceedings initiated prior to such date; and

(B) the use of under this section would be consistent with the remedial order or consent order covering such funds.

(2) The term "energy conservation programs" means—

(A) the program under Part A of the Energy Conservation and Existing Buildings Act of 1976 (42 U.S.C. 6861 and following);

(B) the programs under part D of title III of the Energy Policy and Conservation Act (relating to primary and supplemental State energy conservation programs; 42 U.S.C. 6321 and following);

(C) the program under part G of title III of Energy Policy and Conservation Act (relating to energy conservation for schools and hospitals; 42 U.S.C. 6371 and following);

(D) program under the National Energy Extension Service Act (42 U.S.C. 7001 and following); and

(E) the program under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 and following).

Definitions.

(3) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(4) The term "Governor", when used with respect to any State, means the Governor or the chief executive officer of that State.

(5) The term "refined petroleum product" means gasoline, kerosene, distillates, (including Number 2 fuel oil), LPG (other than ethane), refined lubricating oils, diesel fuel, and residual fuel oil, but does not include refinery feedstocks.

(f) No funds disbursed under this section may be used for any administrative expenses of the Department of Energy or of any State, whether incurred in connection with any energy conservation program or otherwise.

42 USC 402 note.

SEC. 156. (a)(1) The head of the agency shall pay each month an amount determined under paragraph (2) to a person—

(A) who is the surviving spouse of a member or former member of the Armed Forces described in subsection (c);

(B) who has in such person's care a child of such member or former member who has attained sixteen years of age but not eighteen years of age and is entitled to a child's insurance benefit under section 202(d) of the Social Security Act (42 U.S.C. 402(d)) for such month; and

(C) who is not entitled for such month to a mother's insurance benefit under section 202(g) of the Social Security Act (42 U.S.C. 402(g)) by reason of having such child (or any other child of such member or former member) in her care.

(2) A payment under paragraph (1) for any month shall be in the amount of the mother's insurance benefit, if any, that such person would receive for such month under section 202(g) of the Social Security Act if such child were under sixteen years of age, disregarding any adjustments made under section 215(i) of the Social Security Act after August 1981. However, if such person is entitled for such month to a mother's insurance benefit under section 202(g) of such Act by reason of having the child of a person other than such member or former member of the Armed Forces in such person's care, the amount of the payment under the preceding sentence for such month shall be reduced (but not below zero) by the amount of the benefit payable by reason of having such child in such person's care.

42 USC 402.

42 USC 415.

(b)(1) The head of the agency shall pay each month an amount determined under paragraph (2) to a person—

(A) who is the child of a member or former member of the Armed Forces described in subsection (c);

(B) who has attained eighteen years of age but not twenty-two years of age and is not under a disability as defined in section 223(d) of the Social Security Act (42 U.S.C. 423(d));

(C) who is a full-time student at a postsecondary school, college, or university that is an educational institution (as such terms were defined in section 202(d)(7) (A) and (C) of the Social Security Act as in effect before the amendments made by section 2210(a) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 841)); and

42 USC 402.

(D) who is not entitled for such month to a child's insurance benefit under section 202(d) of the Social Security Act (42 U.S.C. 402(d)) or is entitled for such month to such benefit only by reason of section 2210(c) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 842).

42 USC 402 note.

(2) A payment under paragraph (1) for any month shall be in the amount that the person concerned would have been entitled to receive for such month as a child's insurance benefit under section 202(d) of the Social Security Act (as in effect before the amendments made by section 2210(a) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 841)), disregarding any adjustments made under section 215(i) of the Social Security Act after August 1981, but reduced for any month by any amount payable to such person for such month under section 2210(c) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 842).

42 USC 415.

(c) A member or former member of the Armed Forces referred to in subsection (a) or (b) as described in this subsection is a member or former member of the Armed Forces who died on active duty before August 13, 1981, or died from a service-connected disability incurred or aggravated before such date.

(d)(1) The Secretary of Health and Human Services shall provide to the head of the agency such information as the head of the agency may require to carry out this section.

(2) The head of the agency shall carry out this section under regulations which the head of the agency shall prescribe. Such regulations shall be prescribed not later than ninety days after the date of the enactment of this section.

(e)(1) Unless otherwise provided by law—

(A) each time after December 31, 1981, that an increase is made by law in the dependency and indemnity compensation paid under section 411 of title 38, United States Code, the head of the agency shall, at the same time and effective as of the same date on which such increase takes effect, increase the benefits paid under subsection (a) by a percentage that is equal to the overall average (rounded to the nearest one-tenth of 1 per centum) of the percentages by which each of the dependency and indemnity compensation rates under section 411 of such title are increased above the rates as in effect immediately before such increase; and

38 USC 411.

(B) each time after December 31, 1981, that an increase is made by law in the rates of educational assistance allowances provided for under section 1731(b) of title 38, United States Code, the head of the agency shall, at the same time and effective as of the same date on which such increase takes effect, increase the benefits paid under subsection (b) by a percentage that is equal to the overall average (rounded to the nearest one-tenth of 1 per centum) of the percentages by which each of the educational assistance allowance rates provided for under section 1731(b) of such title are

38 USC 1731.

increased above the rates as in effect immediately before such increase.

(2) The amount of the benefit payable to any person under subsection (a) or (b) and the amount of any increase in any such benefit made pursuant to clause (1) or (2) of this subsection, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(f) Payments under subsections (a) and (b) shall be made only for months after the month in which this section is enacted.

(g)(1) During fiscal year 1983 the Secretary of Defense shall transfer from time to time from the "Retired Pay, Defense" account of the Department of Defense to the head of the agency such amounts as the head of the agency determines to be necessary to pay the benefits provided for under subsections (a) and (b) during such fiscal year and to pay the administrative expenses incurred in paying such benefits during such fiscal year. The Secretary of Defense may transfer funds under this subsection in advance of the payment of benefits and expenses by the head of the agency.

(2) The head of the agency shall establish on the books of the agency over which he exercises jurisdiction a new account to be used for the payment of benefits under subsections (a) and (b) and shall credit to such account all funds transferred to him for such purpose by the Secretary of Defense.

(h) The head of the agency and the Secretary of Health and Human Services may enter into an agreement to provide for the payment by the Secretary or the head of the agency of benefits provided for under subsection (a) and benefits provided for under section 202(g) of the Social Security Act (42 U.S.C. 402(g)) in a single monthly payment and for the payment by the Secretary or the head of the agency of benefits provided for under subsection (b) and benefits provided for under section 202(d) of the Social Security Act (42 U.S.C. 402(d)) in a single monthly payment, if the head of the agency and the Secretary agree that such action would be practicable and cost effective to the Government.

Definitions.

(i) For the purposes of this section:

(1) The term "head of the agency" means the head of such department or agency of the Government as the President shall designate to administer the provisions of this section.

(2) The terms "active military, naval, or air service" and "service-connected" have the meanings given those terms in paragraphs (24) and (16), respectively, of section 101 of title 38, United States Code, except that for the purposes of this section such terms do not apply to any service in the commissioned corps of the Public Health Service or the National Oceanic and Atmospheric Administration.

SEC. 157. Upon request of the city of Tacoma, Washington, the Secretary of Commerce shall authorize such city to sell or lease to any person the Pantages Centre for the Performing Arts building, without affecting the Federal assistance provided under the Public Works and Economic Development Act of 1965 (project numbered 07-11-02513), if such transfer documents provide for the operation of such facility as a performing arts center for at least twenty-five years after such transfer.

SEC. 158. For activities of the White House Conference on Productivity, including the conduct of regional and local conferences throughout the United States, as authorized by Public Law 97-367, \$1,500,000.

SEC. 159. Funds in this joint resolution may not be made available for payment to the International Atomic Energy Agency unless the Board of Governors of the International Atomic Energy Agency certifies to the United States Government that the State of Israel is allowed to participate fully as a member nation in the activities of that Agency, and the Secretary of State transmits such certification to the Speaker of the House of Representatives and the President of the United States Senate.

SEC. 160. Notwithstanding any other provision of this joint resolution, there is appropriated \$100,000,000 for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981, relating to low-income home energy assistance, which is in addition to amounts otherwise available for such title XXVI under this joint resolution.

95 Stat. 893.
42 USC 8621.

SEC. 161. The Nation's economy is entering the seventeenth month of a severe recession, with few signs of recovery;

Nearly twenty million people are underemployed or unemployed due to this recession;

Our Nation's steel, auto and housing industries and our agricultural sector remain mired in a depression;

Given the current underutilization of both labor and capital, lower interest rates will not rekindle inflation;

Lower interest rates are the key to higher employment, higher production and sustained economic growth; therefore, be it

Declared that it is the Sense of the Congress that: In recent months, the Board of Governors of the Federal Reserve and the Federal Open Market Committee have made a significant contribution to the lower interest rates without rekindling inflation, and that, with due regard for controlling inflation so as not to have an opposite effect of driving interest rates upward, they should continue to take such actions as are necessary to achieve and maintain a level of interest rates low enough to generate significant economic growth and thereby reduce the current intolerable level of unemployment.

SEC. 162. For an additional amount for "Employment and training assistance", \$25,000,000, which shall be for carrying out title III of the Job Training Partnership Act (Public Law 97-300).

Ante, p. 1364.

SEC. 163. None of the funds made available by this joint resolution shall be used to furnish, or facilitate the sale or transfer of, sensitive United States defense equipment, materials or technology to any country for which the President does not certify to the Congress that he has reliable assurances that such country will not transfer sensitive United States equipment, materials or technology in violation of agreements entered into under the Arms Export Control Act to any Communist country, or to any country which receives arms from a Communist country.

22 USC 2751
note.

SEC. 164. Notwithstanding any other provision of this joint resolution, \$94,000 is appropriated to the United States Fish and Wildlife Service, "Resource Management".

SEC. 165. (a) Section 922(b)(5), title 18, United States Code, is amended by adding the words "except .22 caliber rimfire ammunition" after the words "or ammunition".

(b) Section 923(9), title 18, United States Code, is amended by adding the words "except .22 caliber rimfire ammunition" after the words "and ammunition" the first time they appear.

SEC. 166. Notwithstanding any other provision of law, an additional amount of \$2,000,000 shall be available to the Secretary of Labor to enter into a contractual or other agreement to support social science and historical studies of international labor issues.

SEC. 167. Notwithstanding any other provision of this joint resolution, there is appropriated to the Department of the Interior \$3,000,000 for National Park Service Construction.

Approved December 21, 1982.

SMITHSONIAN LIBRARIES



3 9088 01850 6204

LEGISLATIVE HISTORY—H.J. Res. 631:

HOUSE REPORT: No. 97-959 (Comm. on Appropriations) and No. 97-980 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 128 (1982):

Dec. 14, considered and passed House.

Dec. 18, 19, considered and passed Senate, amended.

Dec. 19, House concurred in Senate amendments with amendments.

Dec. 20, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 51 (1982):

Dec. 21, Presidential statement.