

MAKING CONTINUING APPROPRIATIONS,  
FISCAL YEAR 1981

OCTOBER 1 (legislative day, SEPTEMBER 30), 1980.—Ordered to be printed

Mr. WHITTEN, from the Committee of Conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.J. Res. 610]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 610) "making continuing appropriations for the fiscal year 1981, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 27, 29, 34, 37, 39, 40, 41, and 48.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 6, 7, 8, 9, 10, 11, 14, 15, 18, and 22, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert:

(4) *Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980, except section 201 of title II of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriations Act, 1980 (H.R. 3489) as adopted by the House of Representatives on August 2, 1979, and except for title III of the Agriculture,*

*Rural Development, and Related Agencies Appropriations Act, the programs in which shall continue at the rate of operations as provided for in the House-passed appropriation bill for fiscal year 1981.*

And the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert: *title VIII*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert (a) and (b); and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert *\$1,850,000,000 shall be available*; and the Roman agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

*except that the sum of \$50,000,000 shall be reserved for payments to any State which would receive under the above formula an amount less than 75 per centum of the amount it would have received under the State allocation formula for low-income energy assistance as provided in the regulations published on May 30, 1980 in volume 45, No. 106, Federal Register, pages 36810-36838, such payments to be the amount necessary for the allocations to those States to be equal to 75 per centum of their allocation under such regulations; the energy assistance program shall be continued under the terms and conditions of such regulations and any non-formula amendments thereto, except that an eligible household shall also include any single person household at or below 125 per centum of poverty: Provided, That none of the funds appropriated in this paragraph shall be used to provide assistance either in cash or in kind to any household during fiscal year 1981 which exceeds a value of \$750, except this \$750 limitation may be waived by the Secretary of Health and Human Services upon request of a State.*

And the Senate agree to the same.

Amendment numbered 20;

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

*(i) Such amounts as may be necessary for projects and activities provided for in the Energy and Water Development Appropriation Act, 1981 (H.R. 7590), at a rate of operations, and to the extent and in the manner provided for in such Act as adopted by the House of Representatives and the Senate on September 24, 1980, notwithstanding section 102(c) of this joint resolution: Provided, That appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act shall be used by the Commission in accordance with the provisions of the applicable appropriation Act and pursuant to the Appalachian Regional Development Act of 1965, as amended, notwithstanding the provisions of section 405 of said Act.*

And the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

*(j) Funds available under the provisions of this section for child nutrition programs of the Department of Agriculture may be used to pay valid claims submitted in fiscal year 1981 for meals served in September 1980.*

And the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

*(l) Such amounts as provided in H.R. 8105, entitled the Department of Defense Appropriation Act, 1981, as passed the House of Representatives, September 16, 1980, and under the authority and conditions provided in the Department of Defense Appropriation Act, 1980.*

And the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert:

*SEC. 110. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported within forty-eight hours to a law enforcement agency or public health services; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: 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.*

And the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 115. Notwithstanding the provisions of section 101, activities of the Department of Energy to initiate preimplementation of standby gasoline rationing plans, as authorized by the Emergency Energy Conservation Act of 1979, shall be funded at not to exceed an annual rate for obligations of \$42,677,000.*

And the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows:

In lieu of section number named in said amendment insert 116; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 117. Notwithstanding any other provision of this joint resolution, the amount available for the Postal Service shall not exceed \$1,250,000,000.*

And the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 120. Should it be necessary, such amounts as may be required for Expenses, Presidential Transition, notwithstanding any other provision of this joint resolution, but at a rate of operations not in excess of the amount contained in H.R. 7583 as passed by the House of Representatives.*

And the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 122. Notwithstanding any other provision of this resolution: For temporary employment assistance under title VI of the Comprehensive Employment and Training Act, no more than \$1,229,000,000 of new obligations shall be available.*

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows:

In lieu of section number 130 named in said amendmment insert 123; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows:

In lieu of section number 131 named in said amendment insert 124; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows:

In lieu of section number named in said amendment insert 125; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In lieu of section number named in said amendment insert 126; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 13, 25, 26, 28, 30, 35, 36, and 42.

JAMIE L. WHITTEN (except  
Amendment No. 24),  
EDWARD P. BOLAND,  
WILLIAM H. NATCHER (except  
Amendment No. 24),  
NEIL SMITH,  
JOSEPH P. ADDABBO,  
CLARENCE D. LONG,  
SIDNEY R. YATES,  
GUNN MCKAY (except  
Amendment No. 24),  
TOM BEVILL,  
BILL ALEXANDER,  
ROBERT DUNCAN,  
ADAM BENJAMIN, Jr. (except  
Amendment No. 24),  
JULIAN C. DIXON,  
SILVIO O. CONTE,  
JOSEPH M. McDADE (except  
Amendment No. 24),  
MARK ANDREWS,  
JACK EDWARDS,

*Managers on the Part of the House.*

WARREN G. MAGNUSON,  
ROBERT C. BYRD,  
WILLIAM PROXMIRE,  
DANIEL K. INOUE,  
TOM EAGLETON,  
LAWTON CHILES,  
J. BENNETT JOHNSTON,  
WALTER D. HUDDLESTON,  
PAT LEAHY,  
JIM SASSER,  
MARK O. HATFIELD,  
RICHARD S. SCHWEIKER,

*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 610), making continuing appropriations for the fiscal year 1981, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

### DEPARTMENT OF DEFENSE

Amendment No. 1: Deletes "Department of Defense Appropriation Act, 1981" from list of Departments and agencies contained at the current rate of operations. Defense funding is established at the rate of the House-passed bill as discussed under Amendment No. 23.

### NEW YORK CITY

The Committee of Conference agrees that, for the purposes of this resolution, in interpreting the language contained in section 101(a)(3) concerning restrictive authority included in only one version of an Act as passed by the House and Senate, the restrictive authority as it applies to the proviso concerning the New York City Loan Guarantee Program contained in the 1981 HUD-Independent Agencies Appropriation Act must have been carried in the applicable appropriation Act for fiscal year 1980 before it is operative in fiscal year 1981.

Amendment No. 2: For activities in bills which have passed only the House as of October 1, 1980, the conferees agree that, except for these programs and activities specifically excluded, the rate of operation will be the rate provided for in the House passed bill or the current rate whichever is lower.

The language in the House passed resolution provided that the rate of operations would be the rate provided for in the House passed appropriations bills. The agreement includes the language provided by both the House and the Senate that the authority and conditions provided in applicable appropriation Acts for fiscal 1980 shall prevail.

Provides that section 201 of title II of the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriations Act for 1980 as adopted by the House of Representatives on August 2, 1979 shall not apply to this joint resolution.

The conferees also agree to provide that the programs in title III of the Agriculture, Rural Development and Related Agencies Appropriations Act of 1980 shall continue at the rate of operations as provided for in the House-passed appropriations bill for fiscal year 1981. These programs include food stamps, school lunch, WIC and others.

## FOOD STAMP PROGRAM

Under the provisions of the resolution, the annual rate of operations for the food stamp program cannot exceed the rate provided for in the 1981 appropriations bill as passed by the House on July 30, 1980. During the effective period of the resolution, the Department will be expected to continue program operations at the current level of benefits. The Conferees agree that, in order to preserve the flexibility and prerogatives of the Congress to act on pending authorization and appropriation matters, the Department should exercise caution in expending funds at the current benefit level rate, utilizing all regulatory and administrative methods available to curtail fraud, waste and abuse. In this regard, due consideration should be given to the prospects for timely enactment of legislation necessary for the continuation of current program benefit levels after the effective period of this resolution.

Amendment No. 3: Adopts the Senate position which provides funding levels for programs contained in the Foreign Assistance Appropriations Act at the rate of the fiscal year 1980 conference report agreement for Foreign Assistance (House Report 96-787) and additional funds for Operating Expenses of the Agency for International Development instead of the House position which provides for either the current or budget level, whichever is lower.

The managers agree that, under Section 101(b) of this Resolution, subscriptions to the callable capital stock of each of the several multilateral development banks shall be made on the basis of a program limitation in an amount not in excess of the amount which would have been provided under the conference (House Report 96-787), together with associated agreements stated in the Joint Explanatory Statement of the Committee of Conference, accompanying H.R. 4473, and that amounts which would have been provided under such Conference Agreement for United States contributions to each of the several multilateral development banks are reduced by an amount equal to the amount of the callable capital subscription.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

*, except that section 309 of H.R. 7593 shall be deemed not to be applicable to the General Accounting Office; and the provisions of section 306 of H.R. 7593 shall apply to any appropriation, fund or authority made available for the period October 1, 1980, through December 15, 1980, by this or any other Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The action of the conferees will yield an annual appropriation rate of \$210,000,000 for the General Accounting Office and will provide a funding level sufficient to preclude the necessity of a reduction-in-force. The conferees agree that if recently estimated increases in project travel and per diem costs cause undue impact on the GAO work-



load, consideration will be given in the regular bill or the spring supplemental. The amendment also contains language that clarifies the intent of Section 101(c) to make Section 306 of H.R. 7593, as passed the House of Representatives on July 21, 1980, a Government-wide authority.

#### COUNCIL ON WAGE AND PRICE STABILITY

With respect to the Council on Wage and Price Stability (CWPS), it is the intention of Congress that all the powers and authorities available to CWPS during fiscal year 1980 be extended through the period covered by this resolution, notwithstanding Section 7 of the Council on Wage and Price Stability Act, as amended. The Congress intends by this action to preserve the existing authorities of CWPS during the term of this resolution, until the House and Senate resolve the differences in their bills extending the CWPS authorization.

#### DEPARTMENT OF JUSTICE

Amendment No. 5: Deletes language proposed by the Senate under Section 101(d) of the joint resolution, which would provide for continuing activities of the Marshals Service pertaining to the processing and detention of Cubans and Haitians and the service of private process at a rate of operations not in excess of the current rate. The conferees are agreed that service of private process will continue at the current rate pursuant to the agreement on amendment number 2.

Amendment No. 6: Inserts language proposed by the Senate under Section 101(d) of the joint resolution, which would permit activities of the Attorney General in connection with assistance for Joint State and Joint State and Local Law Enforcement Agencies to be continued at a rate of operations not in excess of the current rate.

#### DEPARTMENT OF COMMERCE

Amendment No. 7: Inserts language proposed by the Senate under Section 101(d) of the joint resolution, which would permit activities of the United States Travel Service including the Assistant Secretary for Tourism to be continued at a rate of operations not in excess of the current rate.

Amendment No. 8: Deletes language proposed by the House to continue at the current rate activities for which provision is made in the Energy and Water Development Appropriation Act of 1981. The conference agreement on Senate Amendment No. 20 provides substitute language reflecting subsequent congressional action on this Act.

Amendment No. 9: Deletes language proposed by the House to continue activities of the Water Resources Council. This language is no longer required.

Amendment No. 10: Deletes language proposed by the House which would have funded the National Health Service Corps at a rate for operations not in excess of the current rate.

Amendment No. 11: Deletes the word "and" as proposed by the Senate.

Amendment No. 12: Inserts citation for title VIII of the Comprehensive Employment and Training Act as proposed by the Senate,

but deletes citation for title III of the Comprehensive Employment and Training Act as proposed by the Senate.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment, amended to read as follows:

*Act, except that activities under title VIII shall be conducted at not to exceed an annual rate for new obligations of \$200,000,000; and*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 14: Inserts language proposed by the Senate to fund State Medicaid fraud control units at a rate for operations not in excess of the current rate and to continue Federal matching of these units at 90 percent.

Amendment No. 15: Deletes language proposed by the House which is no longer required for the purposes of this section.

Amendment No. 16: Inserts language as proposed by the Senate, amended to delete reference to section 127 which is no longer required.

Amendment No. 17: Provides that \$1,850,000,000 shall be available for the low income energy assistance program in fiscal year 1981 instead of \$1,800,000,000 as proposed by the House and \$2,030,000,000 as proposed by the Senate.

Amendment No. 18: Deletes House language referencing the "terms and conditions" under which low income energy funds would be available, as proposed by the Senate.

Amendment No. 19: The conferees have agreed to revisions in the low income energy assistance program which provide that of the \$1,850,000,000 available, \$4,000,000 shall be for federal administrative expenses, \$87,500,000 shall be for the Community Services Administration Crisis Intervention program, \$2,500,000 shall be for grants to the territories, \$1,706,000,000 shall be for energy assistance grants to the States to be distributed under the formula contained in House Report 96-1244 (Page 76) and \$50,000,000 shall be available for grants to States to ensure that no State's low income energy grant will be less than 75 percent of the amount it would have been if the allocations to the States had been made under the formula contained in Public Law 96-223, the Crude Oil—Windfall Profits Tax Act. The conferees have further agreed that the program should be operated under the regulations promulgated by the Secretary of Health and Human Services on May 30, 1980 with two exceptions: the first provides that potential eligibility for the program should be expanded to include single person households with incomes below 125 percent of the CSA poverty level. These individuals were eligible in fiscal year 1980 and the conferees agreed that they should not be excluded in 1981. In addition the conferees have limited assistance to a maximum of \$750 per household. The conferees believe that this amount is sufficient, but they have given the Secretary authority to waive this limit upon application of the Governor if it is determined to be in the best interest of the energy assistance program.

The Conferees are aware that a difference of interpretations has arisen regarding the application of the maintenance-of-effort provision of the low income energy assistance regulations. This provision

prohibits States from reducing other public assistance programs in anticipation of an energy grant and was included to ensure that energy funds would be in addition to other funds already available rather than simply as a substitute of Federal dollars for State funds. While the conferees continue to support this concept, it is important that States not lose their energy grants because of an interpretation of the law which goes beyond its original intent. Some States appear to have made reductions in cash assistance programs for reasons totally unrelated to the availability of energy funds. The conferees believe that the Secretary should review the circumstances in each State on a case by case basis before excluding any State from the 1980-81 program because of a violation of the maintenance-of-effort clause. States should not be automatically excluded because of reductions if they were made for reasons not related to the availability of energy funds. The conferees are in agreement that the Secretary has the authority under the law to grant waivers of the maintenance-of-effort provision if it is determined that the granting of a waiver would be in the best interest of the energy assistance program. Nothing in this procedure shall increase the total eligibility of any State under the formula provided in this Act.

Amendment No. 20: Inserts language as proposed by the Senate to provide such amounts as are necessary for projects and activities provided for in the Energy and Water Development Appropriation Act, 1981 (H.R. 7590) which was passed by the House and Senate on September 24, 1980, but was not signed by the President at the time of the conference, amended to delete reference to section 127 which is no longer required.

#### CHILD NUTRITION PROGRAMS

Amendment No. 21: Modifies language proposed by the Senate which provided that USDA can pay valid claims for reimbursement for meals served in the child nutrition program regardless of the period in which the meals were served.

The 1980 Supplemental directed USDA to pay claims for meals served during September 1980 out of fiscal year 1981 funds. Under the House-passed resolution, these claims cannot be paid. The Senate amendment intended to make it legal to pay reimbursements for September meals. The conferees agree to a modification of the Senate language to clarify that the object of the amendment is meals served during September 1980, and not any other prior period.

Amendment No. 22: Inserts language proposed by the Senate to fund the National Health Service Corps at a rate not to exceed the fiscal year 1981 budget estimate.

Amendment No. 23: Provides that funding for the Department of Defense shall be continued at the various levels established in H.R. 8105, the Department of Defense Appropriation Act, 1981, as passed by the House of Representatives on September 16, 1980.

Amendment No. 24: Deletes language provision proposed by the House relating to payment for abortions and substitutes the following language:

*SEC. 110. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made avail-*

able by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported within 48 hours to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: 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.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

*SEC. 111. Such amounts as may be necessary for projects or activities provided for in the Military Construction Appropriation Act, 1981 (H.R. 7592), at a rate of operations and to the extent and in the manner provided for in the conference report (H. Rpt. No. 96-1433) filed in the House of Representatives on September 29, 1980, notwithstanding section 102 (c) of this joint resolution.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This language uses the rate of projects and activities provided for in the military construction appropriation conference agreement instead of the rate of expenditure allowed in the House-passed version of the fiscal year 1981 bill.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate.

This amendment reappropriates \$15,000,000 of funds appropriated to the Department of Agriculture, Forest Service for "Forest Management, Protection and Utilization" in Public Law 96-304 for emergency activities caused by the eruption of Mount St. Helens in Washington State as proposed by the Senate.

#### PACIFIC NORTHWEST REGIONAL COMMISSION

The Conferees agree that, from within available funds, the Pacific Northwest Regional Commission may consider providing to the Port of Astoria, Oregon, such sums as may be necessary to relieve shoaling within the harbor caused by deposition of volcanic ash from Mt. St. Helens.

Amendment No. 27: Deletes language proposed by the Senate concerning the rate of operations for certain hazardous waste activities of the Environmental Protection Agency.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, amended to read as follows:

*SEC. 113. Notwithstanding any other provision of law, no funds available to the Secretary of Education shall be used to adopt or enforce any final regulations which replace the current "Lau remedies" for use as a guideline concerning the scope or adequacy of services to be provided to students of limited English-language proficiency, or for defining entry and exit criteria for such services, before June 1, 1981.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Any reference in the conference agreement to the "Lau Remedies" should not be interpreted as either ratifying or prohibiting the current Lau Remedies. The conference committee strongly maintains that the "Lau Remedies" are only suggestions from the Department of Education to school districts for methods of complying with the equal educational opportunity requirements under title VI of the Civil Rights Act of 1964.

#### SMALL BUSINESS ADMINISTRATION

Amendment No. 29: Deletes language proposed by the Senate which provided that notwithstanding Sec. 101(a) of this joint resolution, the Administrator of the Small Business Administration, pursuant to Section 4(c) (5) (a) of the Small Business Act, as amended, is authorized to issue notes to the Secretary of the Treasury in an amount not to exceed \$174,000,000 for the purpose of providing disaster loans.

The conferees are agreed that the funds provided under Sec. 101(a) of this joint resolution for continuation of the disaster loan program of the Small Business Administration should be available immediately in their entirety for the period of this joint resolution.

Amendment No. 30: Reported in technical agreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

*SEC. 114. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending September 30, 1981, 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—*

*(1) for the period from October 1, 1980, until the next applicable wage survey adjustment becomes effective, 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, 1980, plus 75 percent of the difference between that rate and*

*the rate which would be payable were it not for the limitation contained in section 613 of Public Law 96-74; and*

*(2) for the period consisting of the remainder of the fiscal year ending September 30, 1981, a rate which exceeds as a result of a wage survey adjustment the rate payable on September 30, 1980, by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1981.*

*(b) For the purpose 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, 1980, shall be determined under regulations prescribed by the President.*

*(c) 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.*

*(d) 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.*

The managers on the part of the Senate will offer a motion to recede and concur in the amendment of the House to the amendment of the Senate.

This amendment provides for pay increases for prevailing rate employees.

Amendment No. 31: Provides for funding for preimplementation of standby gasoline rationing plans, as authorized by the Emergency Energy Conservation Act of 1979, of not to exceed an annual rate of \$42,677,000 instead of \$46,000,000 as proposed by the Senate, and renumbers the section. The House had no similar provision.

Amendment No. 32: Appropriates \$1,383,000,000, to remain available until expended, for strategic petroleum reserve petroleum acquisition as proposed by the Senate, and renumbers the section.

Amendment No. 33. Inserts new section number and provides \$1,250,000,000 for the Postal Service in lieu of the amount as reported in the bill H.R. 7583 by the Senate Committee on Appropriations (\$1,063,217,000) and the amount contained in the bill H.R. 7583 as passed by the House of Representatives (\$1,593,217,000).

The Conferees direct the Postal Service to continue six-day delivery of mail as at present, including Saturday delivery of mail in business and residential areas and on rural delivery routes.

Amendment No. 34: Deletes language proposed by the Senate which would have established specific funding levels for certain programs.

#### DEPARTMENT OF COMMERCE

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

*SEC. 118. (a) Notwithstanding any other provision of law, when the President determines that a State, county, or local unit of general purpose government is significantly affected by a major population change due to a large number of legal immigrants within six months of a regular decennial census date, he may order a special census, pursuant to section 196 of title XIII of the United States Code, or other method of obtaining a revised estimate of the population, of such jurisdiction or subsections of that jurisdiction in which the immigrants are concentrated. If the President decides to conduct a special census, it may be conducted solely at Federal expense.*

*(b) Notwithstanding any other provision of law, the number of Representatives in Congress to which each State would be entitled under the twentieth decennial census shall be determined only on the basis of the number of persons in each State who are citizens of the United States.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

#### DEPARTMENT OF JUSTICE

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

*SEC. 119. From sums appropriated to the Bureau of Prisons, the Bureau is directed to protect and maintain McNeil Island, Washington, pending disposal of the island by the General Services Administration, and the Bureau is thereby directed (a) to immediately cease dismantling the island's physical facilities, and (b) to develop and implement a plan, which shall be coordinated with the General Service Administration and the Fish and Wildlife Service, to protect and maintain the island's physical facilities, natural resources, and wildlife.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 37: Deletes language proposed by the Senate which would have appropriated specific amounts for aging social services and center, aging research, training, and special projects, and the White House Conference on Aging. It is the understanding of the Conferees that the resolution provides an annual rate of \$3,000,000 in new obligational authority for the White House Conference on Aging.

Amendment No. 38: Inserts new section number and makes available funds as proposed by the House and as provided for in H.R. 7583 as passed by the House on August 20, 1980, instead of making funds available as proposed by the Senate and as provided for in H.R. 7583

reported by the Senate Appropriations Committee and as proposed by the Senate. The conferees are agreed that \$3,000,000 is to be available for Expenses, Presidential Transition.

Amendment No. 39. Deletes language proposed by the Senate which provided that the funds or authority of the joint resolution could not be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 1980.

Amendment No. 40: Deletes language proposed by the Senate which defined "current rate".

#### SMALL BUSINESS ADMINISTRATION

Amendment No. 41: Deletes language proposed by the Senate which prohibited any of the funds provided by this joint resolution for the Small Business Administration from being used to administer any disaster loan program in which participants may receive loans for that portion of those losses which are eligible for compensation through other direct Federal payment programs.

The conferees agree that this restriction concerning the disaster loan program of the Small Business Administration is contained in the Small Business Act, as amended, and therefore, inclusion of this provision in the joint resolution is unnecessary. It is noted, however, that the disaster loan application form used by SBA does not specifically require full disclosure, and reduction from the loan amounts, of all anticipated direct Federal payments. The conferees, therefore, direct SBA to review this form and accompanying instructions immediately and make such revisions as are necessary to comply fully with the disaster loan provisions of the Small Business Act, as amended.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

*SEC. 121. Notwithstanding any other provision of this joint resolution, for the purposes of Public Law 96-304 and Public Law 96-126 relating only to cooperative agreements and feasibility studies, the term "alternative fuels" as defined in Public Law 96-126, includes gaseous, liquid, or solid fuels and chemical feedstocks derived from heavy oil resources which cannot technically or economically be produced under applicable price and tax policy using conventional crude oil recovery and refining techniques, and innovative systems for the direct combustion of minerals and organic materials other than petroleum and natural gas for energy production: Provided, That obligations for energy feasibility studies and cooperative agreements for direct combustion, except for direct combustion of urban waste, shall not exceed \$30,000,000, to be derived from the \$300,000,000 appropriated*



*for energy feasibility studies and cooperative agreements in Public Law 96-304: Provided further, That funding made available in the Energy Security Reserve account in Public Law 96-304 shall not exceed \$17,522,000,000 when used for the purposes authorized under Title I of the Energy Security Act (Public Law 96-294) and shall not exceed \$1,270,000,000 when used for the purposes authorized under Title II of such Act: Provided further, That funds obligated for biomass energy feasibility studies and cooperative agreements under the Alternative Fuels Production account in Public Law 96-304 shall apply to the Title II limitation, and all other funds obligated for such studies and agreements shall apply to the Title I limitation: Provided further, That of the \$1,500,000,000 made available for "alternative fuels production" in Public Law 96-126 for purchase commitments and price guarantees, up to \$500,000,000 shall be available instead to supplement the default reserve for loan guarantees established by such law: Provided further, That the indebtedness guaranteed or committed to be guaranteed under the supplemented reserve shall not exceed the aggregate of up to \$3,000,000,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to expand the definition of alternative fuels for cooperative agreements and feasibility studies relating to Public Law 96-126 and Public Law 96-304 to include heavy oil and the direct combustion of minerals and organic materials other than petroleum and natural gas, as proposed by the Senate.

In addition, the managers agree to set aside \$30,000,000 for a separate 60 day solicitation for feasibility studies and cooperative agreements for direct combustion technologies, excluding urban waste, out of the \$300,000,000 made available under Public Law 96-304. By doing this, the managers intend that the current solicitation for feasibility studies and cooperative agreements now active will not be delayed, and that award of contracts under the solicitation, including those that may be approved for direct combustion of urban waste and production and refining of heavy oil, can proceed on schedule with the \$270,000,000 remaining for that purpose.

Some confusion apparently still exists within the Department over the allocation of Energy Security Reserve funding spelled out in the supplemental appropriations bill for fiscal year 1980 (Public Law 96-304). To clarify congressional intent on the allocation of total funding, the managers have included more specific language in the accompanying bill. It limits total funding for biomass and urban waste energy to \$1,270,000,000 while synthetic fuels as authorized by title I of the Energy Security Act are held to \$17,522,000,000. Any awards under the interim Alternative Fuels program must count against those limitations.

Finally, the managers agree that up to \$500,000,000 of funds provided in Public Law 96-126 for purchase commitments and price guarantees shall be available for a default reserve for loan guarantees established by said law and that the amount of outstanding guarantees

may not exceed \$3,000,000,000, including those allowed in Public Law 96-126. This provision allows a broad range of loan guarantees under the alternative fuels program.

Amendment No. 43: Inserts new section 122 which limits new obligations under title VI of the Comprehensive Employment and Training Act to not more than \$1,229,000,000, instead of \$743,000,000 as proposed by the Senate, but deletes language proposed by the Senate which would have established an obligation rate of \$920,000,000 for subpart (3) of part A of title IV of the Comprehensive Employment and Training Act.

Amendment No. 44: Inserts new section number and inserts language as proposed by the Senate which prohibits the Internal Revenue Service from implementing or enforcing certain regulations or rulings with respect to Section 280A of the Internal Revenue Code.

Amendment No. 45: Inserts new section proposed by the Senate which prohibits the use of funds for implementing new day care regulations which are scheduled to go into effect on October 1, 1980.

Amendment No. 46: Inserts new section proposed by the Senate which provides that funding for emergency energy conservation services under the Community Services Administration shall be continued at a level not lower than that provided in fiscal year 1980.

Amendment No. 47: Inserts language proposed by the Senate providing that activities of the Solar Energy and Energy Conservation Bank shall be funded at an annual rate not in excess of \$125,000,000, and amends the section number.

Amendment No. 48: Deletes language proposed by the Senate which would have prohibited the use of funds to carry out the Denver income maintenance program, authorized under section 1110 of the Social Security Act, after November 15, 1980.

JAMIE L. WHITTEN (except  
Amendment No. 24),  
EDWARD P. BOLAND,  
WILLIAM H. NATCHER (except  
Amendment No. 24),  
NEIL SMITH,  
JOSEPH P. ADDABBO,  
CLARENCE D. LONG,  
SIDNEY R. YATES,  
GUNN MCKAY (except  
Amendment No. 24),  
TOM BEVILL,  
BILL ALEXANDER,  
ROBERT DUNCAN,  
ADAM BENJAMIN, Jr. (except  
Amendment No. 24),  
JULIAN C. DIXON,  
SILVIO O. CONTE,  
JOSEPH M. McDADE (except  
Amendment No. 24),  
MARK ANDREWS,  
JACK EDWARDS,

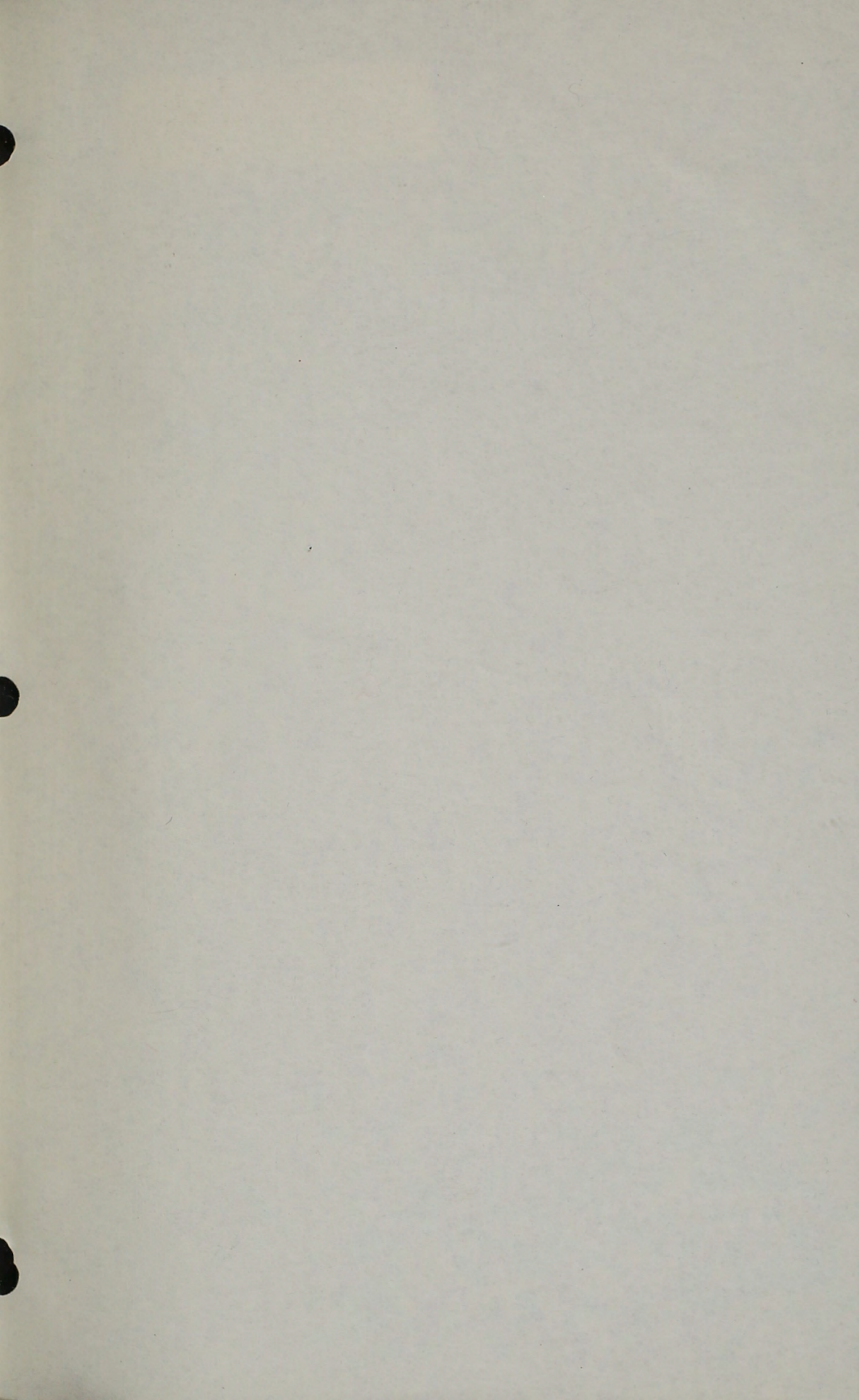
*Managers on the Part of the House.*

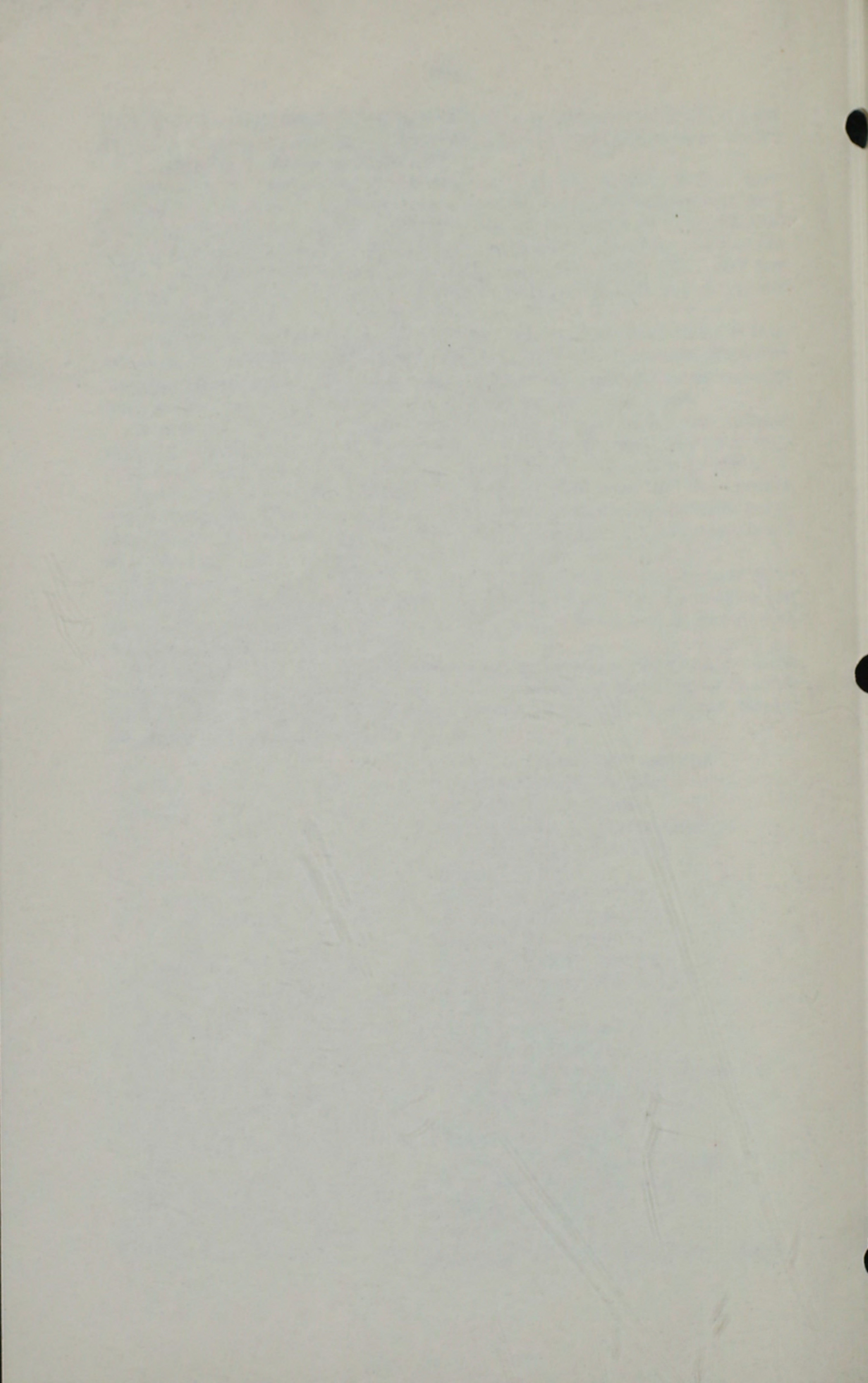
WARREN G. MAGNUSON,  
ROBERT C. BYRD,  
WILLIAM PROXMIRE,  
DANIEL K. INOUE,  
TOM EAGLETON,  
LAWTON CHILES,  
J. BENNETT JOHNSTON,  
WALTER D. HUDDLESTON,  
PAT LEAHY,  
JIM SASSER,  
MARK O. HATFIELD,  
RICHARD S. SCHWEIKER,

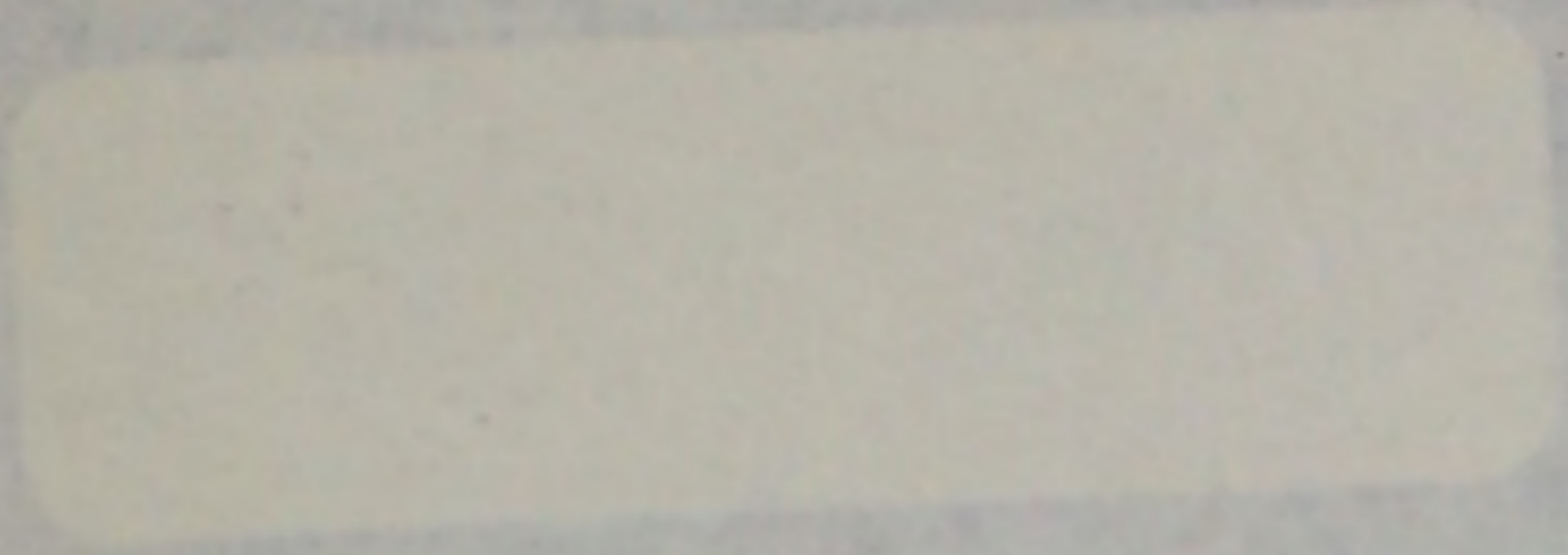
*Managers on the Part of the Senate.*

○









SMITHSONIAN LIBRARIES



3 9088 01850 5768