

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL
YEAR 1982, AND FOR OTHER PURPOSES

SEPTEMBER 30, 1981.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.J. Res. 325]

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. 325) "making continuing appropriations for the fiscal year 1982, 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 4, 5, 9, 11, 13, 15, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 6, 7, 8, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 38, 39, 40, and 41, 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 proposed by said amendment insert:

Provided further, That for the purposes of this joint resolution, when an Act listed in this subsection, with the exception of the Department of the Interior and Related Agencies Appropriation Act, 1982, has been reported to a House but not passed by that House as of October 1, 1981, it shall be deemed as having been passed by that House; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment for the Library of Congress, Congressional Research Service, salaries and expenses, insert \$30,000,000; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

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

Sec. 131. Sections 111 through 130 and sections 139 through 141 of this joint resolution shall be effective without regard to the provisions of sections 102 and 106 of this joint resolution; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert \$600,000; 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 the section numbers named in said amendment insert 140 and 141; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 16, 31, 36, 43, 44, and 46.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
(Except Nos. 36 and 46).
WILLIAM H. NATCHER,
NEAL SMITH,
JOSEPH P. ADDABBO,
CLARENCE D. LONG,
SIDNEY R. YATES,
(Except Nos. 36 and 46).
EDWARD R. ROYBAL,
TOM BEVILL,
(Except Amendments 36 and 46).
ADAM BENJAMIN, JR.,
(Except Nos. 36 and 46).
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JULIAN C. DIXON,
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 MARK ANDREWS,
 JAMES ABDNOR,
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 ALFONSE M. D'AMATO,
 MACK MATTINGLY,
 JOHN C. STENNIS,
 (Except as to Amendment No. 46).
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 ERNEST F. HOLLINGS,
 QUENTIN N. BURDICK,
 PATRICK J. LEAHY,
Managers on the Part of the Senate.

JACK KEMP
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 MARK O. HAYWARD
 THE GOVERNOR
 JAMES A. FOX
 PAUL J. LAXTON
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 HARRISON H. SMITH
 THOMAS C. SMITH
 MARK ANDERSON
 JAMES ANDERSON
 ROBERT W. HASTEN
 ALBERT M. DAVISON
 MARK HANCOCK
 JOHN C. BRYAN
 (Proposed as to Amendment No. 40)
 JAMES H. HENRY
 JAMES J. HENRY
 GEORGE W. BENTLEY
 PATRICK J. LAXTON
 Managers on the Part of the Senate

THE HOUSE OF REPRESENTATIVES
 SENATE CHAMBER
 JANUARY 18, 1901

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. 325), making continuing appropriations for the fiscal year 1982 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:

RATE OF OPERATIONS

Amendment No. 1: Inserts language proposed by the Senate which provides funding under section 101(a) of the continuing resolution for the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1982, the Energy and Water Development Appropriation Act, 1982, the Department of the Interior and Related Agencies Appropriation Act, 1982, and the Treasury, Postal Service and General Government Appropriation Act, 1982.

Amendment No. 2: Amends language proposed by the Senate, which provided that bills reported to a House but not passed by that House by October 1, 1981 are deemed to have been passed by that House, by exempting the Department of Interior and Related Agencies Appropriation Act. The Labor-HHS bill is deemed passed by the House and the Treasury-Postal Service bill is deemed passed by the Senate.

The managers are in agreement that within the funds available, the Bureau of Indian Affairs shall continue to provide welfare grants and other social services to Alaskan Natives pending resolution of the matter in the regular Interior Appropriations bill.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

Amendment No. 3: Inserts language proposed by the Senate which makes funds available for the mandatory payment of the government's share of the annuitants and employees health benefits under the authority and conditions set forth in H.R. 4121 as reported by the Senate.

Amendments No. 4 and 5: Retain House language which provides that when an Act has passed only one House then the rate of operation under the Resolution shall be the rate granted by the one House or the current rate, whichever is lower. The Senate amendment had proposed that when an Act had not been passed by both Houses the rate of operations shall be the current rate.

It is the understanding of the conferees that the Continuing Resolution contains sufficient funds and authority to operate the Office of Adolescent Pregnancy in the Department of Health and Human Services for the duration of this Resolution in order to

maintain the option for the Congress to consider funding mechanisms for the Adolescent Family Life program which would be administered by the Office.

The managers direct that within funds provided in this resolution, Amtrak shall not terminate rail passenger service along the existing route of the Cardinal.

This direction in no way predetermines the intent of Congress which may be expressed in the fiscal year 1982 appropriation bill for the Department of Transportation and Related Agencies. The managers' intent is that any future Congressional decision not be preempted by a premature administrative action.

Amendment No. 6: Deletes House language which provides that when an Act has been reported to the House by October 1, 1981 it shall be deemed as having been passed by the House for purposes of the Resolution.

Amendment No. 7: Changes expiration date of Section 305 (a), (b), and (d) of H.R. 4120 to November 20, 1981, as proposed by the Senate instead of November 1, 1981, as proposed by the House.

Amendment No. 8: Provides funding for the Senate, as proposed by the Senate.

Amendment No. 9: Deletes Senate provision regarding funding for the House of Representatives and House Office Buildings.

Amendment No. 10: Provides funding for Joint Items and related agencies as proposed by the Senate instead of as proposed by the House with the exception of funding for the Congressional Research Service, salaries and expenses. The conference agreement appropriates \$30,000,000 for the Congressional Research Service, salaries and expenses, instead of \$29,000,000 as proposed by the Senate and \$31,575,000 as proposed by the House.

The conferees agree that, in connection with the reduction in overtime funding in Congressional Printing and Binding, there should be no effect on urgent requirements necessary to meet the Congressional workload and legislative schedule. The conferees also agree that the Capitol Buildings appropriation may be used to install additional protective handrails in the House gallery, subject to the guidance provided in House Report No. 97-170.

Amendment No. 11: Deletes Senate language regarding standard level user charges.

Amendment No. 12: Retains language proposed by the Senate to provide such amounts as may be necessary for projects or activities provided for in the 1982 Department of Housing and Urban Development-Independent Agencies Appropriation Act (H.R. 4034) at a rate of operations and to the extent provided for in the conference report and joint explanatory statement of the Committee of Conference (H. Rept 97-222).

Amendment No. 13: Deletes Senate language providing for certain cost-of-living adjustments.

Amendment No. 14: Inserts language proposed by the Senate providing for an expiration date for this continuing resolution of November 20, 1981, instead of November 1, 1981 as proposed by the House.

Amendment No. 15: Restores House language which permits the Secretary of Agriculture to borrow from other USDA accounts in order to cope with emergencies such as the Medfly and the gypsy moth.

Amendment No. 16: 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 which changes only the section number. The Senate amendment provides language mandating 47 positions as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1982 and requiring that such positions be maintained in the various states within the approved organizational structure in place on June 1, 1981 and where possible, with those employees who filled those positions on that date.

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 Nos. 17 through 28: Provide for Senate housekeeping matters as proposed by the Senate and in accordance with long standing practice wherein each body determines its own housekeeping requirements and the other concurs without intervention.

Amendment No. 29: Inserts Senate language which provides that Senate and House pages may remain on the payroll during recesses and between sessions of Congress.

Amendment No. 30: Limits the number of Senior Executive Service positions or positions under similar personnel systems in any agency which may receive performance awards to 20 percent of the total number of positions in the system for that agency as proposed by the Senate instead of 25 percent as proposed by the House.

Amendment No. 31: 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. 125. The first sentence of section 110(a) of the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12) is amended by inserting immediately before the period at the end thereof the following: “; except that the total amount so transferred from any such balance remaining as of the close of the fiscal year 1982 shall not exceed an amount equal to \$15,000 or 25 per centum of the amount of such Senator’s Official Office Expense Account, whichever is greater, as determined under section 506(b)(1) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(1)), for the calendar year 1982”.

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 Nos. 32 through 35: Provide for Senate housekeeping matters as proposed by the Senate and in accordance with long standing practice wherein each body determines its own housekeeping requirements and the other concurs without intervention.

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:

Sec. 130. (a) In section 323(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441 (a))—

(1) strike out all after "shall accept" down to and including "(1) any" and insert "shall accept any"; and

(2) strike out all after the word "speech," down to and including "year." and insert "or article."

(b) In section 102 (a)(1)(A) of the Ethics in Government Act of 1978 (2 U.S.C. 702 (a)(1)(A)), after the word "source" where it appears the last time in the paragraph insert "including speeches, appearances, articles, or other publications".

(c) Effective beginning with fiscal year 1983, and continuing each year thereafter, such sums as hereafter may be necessary for "Compensation of Members" (and administrative expenses related thereto), as authorized by law and at such level recommended by the President for Federal employees for that fiscal year are hereby appropriated from money in the Treasury not otherwise appropriated. Such sums when paid shall be in lieu of any sums accrued in prior years but not paid. For purposes of this subsection, the term "Member" means each member of the Senate and the House of Representatives, the Resident Commissioner from Puerto Rico, the delegates from the District of Columbia, Guam, Virgin Islands, and American Samoa, and the Vice President.

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: Changes section numbers "140 through 142" to "139 through 141".

Amendment No. 38: Inserts language proposed by the Senate, which amends the 1981 Appropriation Act for the Departments of State, Justice and Commerce, the Judiciary and related agencies to permit the purchase of an aircraft with funds available in the "Operations, research, and facilities" appropriation of the National Oceanic and Atmospheric Administration. NOAA is leasing the aircraft at the present time.

Amendment No. 39: Inserts new section as proposed by the Senate making available such sums as may be necessary during fiscal year 1982 for the close-out expenses of the Community Services Administration. The Omnibus Budget Reconciliation Act of 1981 authorizes the Director of the Office of Management and Budget to provide for termination of the affairs of the Community Services Administration.

It is the intent of the conferees that funds provided under this section shall be available after September 30, 1981, to continue to pay career senior executives of the Community Services Administration as required by section 3595 of title 5, United States Code, until such executives are placed or separated in accordance with such section.

It is also the intent of the conferees that any balance in the Rural Development Loan Fund not be used in meeting the estimated \$30,100,000 in expenses provided for under this section.

Amendment No. 40: Inserts new section as proposed by the Senate which prohibits payments under section 5(b)(2) of Public Law 81-874 (impacted aid program), for the duration of the continuing resolution.

The conferees are agreed that the language of the Senate amendment relieves the Secretary of Education of the requirement to make impact aid payments to school districts—within thirty days

after the beginning of the fiscal year—in an amount equal to 75 percent of the amount they received in the previous fiscal year. The conferees want to make clear, however, that the Secretary shall make payments, as needed, to those school districts heavily dependent upon impact aid for maintenance and operations of local schools.

Amendment No. 41: Inserts language proposed by the Senate which takes the oil acquisition and transportation funds of the strategic petroleum reserve off-budget as provided for in the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

Amendment No. 42: Appropriates \$600,000 to support the Yorktown Bicentennial Celebration instead of \$750,000 as proposed by the Senate. The House had not provided any funds.

RATES FOR MILITARY ALLOWANCES AND BONUSES

The conferees recognize that implementation of the language contained in the House report regarding military pay and allowances might create certain inequities. It is therefore the intent of the conferees that the Department of Defense be permitted to make overseas cost-of-living allowance payments at the rates that would normally take effect on October 1, 1981. As a part of the normal fiscal year 1982 appropriations process, the conferees also agree to consider retroactive payment of the remaining allowances and bonuses to the extent that the Department of Defense can demonstrate that substantial inequities have arisen.

The conferees also agree that the Secretary of Defense should immediately take whatever steps are necessary under existing statutory authority to correct the wage grade rate disparity of civilian employees of the 184th Air National Guard Tactical Fighter Group, Wichita, Kansas, and other problem areas if he determines that under a pay cap on wage grade pay scales, wages are no longer competitive with those of private industry in such areas. In such instances, there is statutory authority to establish special pay schedules to attract or retain skilled personnel.

DEPARTMENT OF AGRICULTURE

Amendment No. 43: 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. 137. Notwithstanding any other provision of law or this joint resolution, \$250,000,000 shall be available for loans to be guaranteed under the Rural Development Insurance Fund for alcohol production facilities to applicants that the Secretary of Agriculture determines are qualified to receive such guarantees, and \$93,200,000 shall be available for the Elderly Feeding Program authorized by section 311 of the Older Americans 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 conference agreement appropriates \$93,200,000 for the Elderly Feeding Program and provides \$250,000,000 in loan guarantees for alcohol production facilities for fiscal year 1982. The Senate

amendment directed the use of the loan guarantee authority for alcohol production facilities provided in the House bill. The conferees have agreed to the mandatory language with respect to the loan guarantees and direct the Department to expeditiously implement this program.

The conferees wish to stress that the Continuing Resolution maintains the current levels of participation for the Special Supplemental Food Program, known as "WIC", and the Commodity Supplemental Food Program (CSFP). Any efforts to reduce funding allocations to the states, thereby affecting levels of participation, would be clearly contrary to the provisions of this joint resolution.

The conferees also agree that the Department of Agriculture has the authority under this Continuing Resolution to pay claims for meals served during the month of September 1981 under the Child Nutrition Programs. The Department is directed to promptly pay such claims to avoid unnecessary hardships by school districts.

FORCED LIQUIDATION NOT THE ANSWER

The conferees have been advised that many farmers who have Farmers Home Administration production loans may be on the verge of being forced to declare bankruptcy because of Farmers Home procedures. This situation occurs because recent bad crop years and the cost price squeeze have left many farmers short of cash and heavily in debt.

While the problem has been very serious in the past, it has now reached critical proportions. Approximately 75 percent of all farmers must borrow for production purposes. Furthermore, the average production loan is approximately \$78,000 and the average interest rate is over 14 percent and in some cases over 20 percent. In 1981 farmers will have to pay over \$10 billion in interest costs alone. When these costs are coupled with today's low commodity prices—reportedly, the lowest in 50 years on a parity basis—most farmers will have great difficulty remaining in business.

Often, however, the farmer has assets in excess of his outstanding indebtedness to Farmers Home and others. If those individuals are forced to liquidate their assets because of bankruptcy or to avoid bankruptcy, because of today's high interest and shortage of cash by other farmers, only a fraction of the true value will be recovered through a forced sale. Furthermore their land will likely end up in the hands of the large land owners, large corporations or the Federal government.

Under law the Farmers Home Administration has existing authority to help meet this problem. Section 1981 of title VII of the United States Code for instance, sets forth some of the Secretary of Agriculture's authority in this area. It provides a means of refinancing, stretching out the repayment date, and perhaps postponing a year's payments and interest, when the facts justify such action. This is all the more essential in view of the fact that the 1977 Farm Bill expires on September 30, 1981.

The conferees direct the Department to strengthen the local supervision system where close attention may be given and to do everything reasonable to help avoid bankruptcy or forced sale of assets.

The economic recovery of the Nation depends on keeping people producing—not forcing them into bankruptcy.

Amendment No. 44: 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:

Sec. 138. Notwithstanding any other provision of this joint resolution, \$125,000,000 shall be available for expenses necessary for the participation of the United States in a Multinational Force and Observers to implement the Treaty of Peace between Egypt and Israel: Provided, That the facilities constructed by use of these funds shall not be available for participation of U.S. troops in the Multinational Force and Observers in the Sinai without prior authorization by Congress for the participation of U.S. troops.

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 expect that a new account entitled "Multinational Force and Observers in the Sinai" will be established for these funds.

Amendment No. 45: Deletes provision proposed by the Senate which would have appropriated \$2,400,000,000 to carry out title II of the Federal Water Pollution Control Act, as amended, contingent upon enactment into law of Presidentially requested legislative reforms and receipt of a 1982 budget amendment.

The conferees support the submission of a budget request for the Environmental Protection Agency's construction grants program after the enactment of the Administration's legislative reforms. The conferees are concerned that a disruptive and costly funding lapse might occur between the time a budget request is submitted and a funding bill is enacted. Consequently, the conferees are committed to providing adequate funding in the first legislative vehicle available.

Amendment No. 46: 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 which changes section number "140" to "139". This amendment provides for an increase in the deductions for certain living expenses.

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. 47: The conference agreement changes only the section numbers. The amendment provides for Senate housekeeping matters as proposed by the Senate and in accordance with long standing practice wherein each body determines its own housekeeping requirements and the other concurs without intervention.

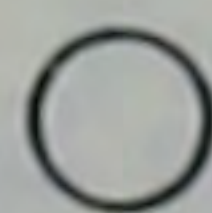
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