

**MAKING URGENT SUPPLEMENTAL APPROPRIATIONS FOR  
THE FISCAL YEAR ENDING SEPTEMBER 30, 1982, AND FOR  
OTHER PURPOSES**

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JULY 14, 1982.—Ordered to be printed  
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Mr. WHITTEN, from the committee of conference,  
submitted the following

**CONFERENCE REPORT**

[To accompany H.R. 6685]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6685) making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, having met, after full and free conference, have been unable to agree.

- JAMIE L. WHITTEN,
  - EDWARD P. BOLAND,
  - WILLIAM H. NATCHER,
  - NEAL SMITH,
  - JOSEPH P. ADDABBO,
  - CLARENCE D. LONG,
  - SIDNEY R. YATES,
  - EDWARD R. ROYBAL,
  - TOM BEVILL,
  - ADAM BENJAMIN, Jr.,
  - VIC FAZIO,
  - SILVIO O. CONTE,
  - JOSEPH M. McDADE,
  - JACK EDWARDS,
  - JOHN T. MYERS,
  - LAWRENCE COUGHLIN,
  - RALPH REGULA,
  - BILL GREEN,
- Managers on the Part of the House.*



MARK O. HATFIELD,  
TED STEVENS,  
LOWELL P. WEICKER, Jr.,  
JAMES A. McCLURE,  
JAKE GARN,  
HARRISON SCHMITT,  
THAD COCHRAN,  
MARK ANDREWS,  
JAMES ABDNOR,  
BOB KASTEN,  
ALFONSE M. D'AMATO,  
ARLEN SPECTER,  
BILL PROXMIRE,  
JOHN C. STENNIS,  
DANIEL K. INOUYE,  
ERNEST F. HOLLINGS,  
TOM EAGLETON,  
LAWTON CHILES,  
WALTER D. HUDDLESTON,  
QUENTIN N. BURDICK,  
PATRICK J. LEAHY,  
DENNIS DECONCINI,

*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 amendment of the Senate to the bill (H.R. 6685) making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, report that the conferees have been unable to agree.

However, disagreement to the amendment of the Senate is a technical matter. There is agreement among the conferees as to the motion which will be offered by the managers on the part of the House. The rules of the House prohibit the managers on the part of the House from agreeing to an amendment of the Senate that would have been subject to a point of order if it had originated in the House. The amendment of the Senate clearly would have been subject to a point of order. The amendment struck out all of the text of the House bill and substituted therefor a number of new appropriating paragraphs and other provisions, and restored most of the items in the text of the House bill.

The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which (1) provides \$45,000,000 for the summer youth employment program not included in the Senate amendment; (2) provides \$1,000,000 for nursing research grants not included in the Senate amendment; (3) provides \$20,000,000 for the refugee and entrant assistance program not included in the Senate amendment; (4) provides \$35,000,000 for the Work Incentives Program instead of \$57,621,000 contained in the Senate amendment; (5) provides \$72,000,000 for the Federal-Aid Highway Program in addition to the \$19,000,000 contained in the Senate amendment; and (6) provides \$42,000,000 for the Postal Service Fund not included in the Senate amendment. The conference agreement also has the effect of increasing by \$171,000,000 the rescission in the rent supplement program.

The text of the amendment which will be offered is as follows: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Urgent Supplemental Appropriations Act, 1982") for the fiscal year ending September 30, 1982, and for other purposes, namely:*



## TITLE I

## CHAPTER I

## DEPARTMENT OF LABOR

## EMPLOYMENT AND TRAINING ADMINISTRATION

## PROGRAM ADMINISTRATION

*(TRANSFER OF FUNDS)*

*For an additional amount for "Program administration", \$8,742,000 to be derived by transfer from Employment and Training Administration, "Employment and training assistance".*

## EMPLOYMENT AND TRAINING ASSISTANCE

*For an additional amount for the Summer Youth Program under part C of title IV of the Comprehensive Employment and Training Act, \$45,000,000.*

## EMPLOYMENT STANDARDS ADMINISTRATION

## SALARIES AND EXPENSES

*(TRANSFER OF FUNDS)*

*For an additional amount for "Salaries and expenses", \$4,259,000 to be derived by transfer from Employment and Training Administration, "Employment and training assistance".*

## BUREAU OF LABOR STATISTICS

## SALARIES AND EXPENSES

*(TRANSFER OF FUNDS)*

*For an additional amount for "Salaries and expenses", \$5,623,000 to be derived by transfer from Employment and Training Administration, "Employment and training assistance".*

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## HEALTH SERVICES ADMINISTRATION

## HEALTH SERVICES

*For an additional amount for "Health Services", \$60,080,000, of which \$3,500,000 shall be used to provide twelve months of transitional funding for those University Affiliated Facilities previously funded under section 502(a) of the Social Security Act or predecessor legislation (title V of the Social Security Act as in effect prior to the enactment of the Material and Child Health Services Block Grant), but for which termination of such funding has been announced during fiscal year 1982.*



HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

*For an additional amount for "Health Resources", \$1,000,000, which shall be available for nursing research grants.*

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

WORK INCENTIVES

*For an additional amount for "Work incentives", \$35,000,000.*

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

(TRANSFER OF FUNDS)

*From amounts appropriated for fiscal year 1982 for payments to States for Medicaid Fraud Control Units, there is transferred to the Office of Inspector General, Department of Health and Human Services, for necessary expenses, \$13,941,000.*

SOCIAL SECURITY ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

*For an additional amount for "Refugee and Entrant assistance", \$20,000,000, to be available only to reimburse States which by reason of court order, State statute or regulation, or other administrative restraint could not implement the change in regulations published on March 12, 1982, for refugee assistance and domestic assistance for Cuban and Haitian entrants.*

DEPARTMENT OF EDUCATION

STUDENT LOAN INSURANCE

*For an additional amount under title IV, part B of the Higher Education Act, \$1,300,000,000, to remain available until expended.*

DEPARTMENT MANAGEMENT

SALARIES AND EXPENSES

*For an additional amount for "Salaries and expenses", \$5,650,000.*

RELATED AGENCIES

ACTION

OPERATING EXPENSES, DOMESTIC PROGRAMS

*For an additional amount for "Operating expenses, domestic programs", under the provisions of the Domestic Volunteer Service Act of 1973, as amended (Public Law 93-113, as amended, 42 U.S.C. section 4951 et seq.), \$2,000,000.*



## CORPORATION FOR PUBLIC BROADCASTING

## PUBLIC BROADCASTING FUND

For an additional amount for payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934 as amended, an amount which shall be available within limitations specified by said Act, for the fiscal year 1984, \$24,400,000: 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 use 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.

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN  
MEDICINE

## SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$309,000.

## CHAPTER II

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## HOUSING PROGRAMS

## ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

## (RESCISSION)

Of the amount of authority provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982 and prior Appropriation Acts, \$94,382,000 of contract authority and \$4,098,640,000 of budget authority are rescinded: Provided, That any balances of authorities made available prior to enactment of the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, which are, or become, available for obligation in fiscal year 1982, shall be added to and merged with the authority approved in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1982: Provided further, That \$190,860,000 of contract authority and \$4,098,685,000 of budget authority shall be used for the public housing program, including \$18,960,000 of contract authority for assistance in financing the development or acquisition cost of low-income housing for Indian families, \$90,000,000 of contract authority for modernization of existing low-income housing projects, and \$1,263,005,000 of budget authority for new construction and substantial rehabilitation as authorized by section 5(c) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c); and \$870,969,000 of contract



authority and \$15,228,518,000 of budget authority shall be used for new construction and substantial rehabilitation and assistance to existing housing units, including amendments for units reserved in prior years, under the lower-income housing assistance program (section 8, United States Housing Act of 1937, as amended): Provided further, That of the foregoing amounts, \$152,715,200 of contract authority and \$3,700,000,000 of budget authority shall be for projects under section 8, United States Housing Act of 1937, as amended, the rents for which are approved pursuant to the note governing financing adjustments (46 Fed. Reg. 51903, October 23, 1981) or any published amendment thereto or successor note, except that the Secretary shall include in the determination of the fair market rental a debt service factor reflecting the lesser of (A) 14 percent or (B)(i) where the rate of interest on the permanent instrument sold to finance the project is 12 percent or less, such rate of interest or (ii) where the rate of interest on the permanent instrument sold to finance the project is more than 12 percent, one-half percent below such rate of interest but not less than 12 percent, and except that the Agreement to Enter into a Housing Assistance Payments Contract shall not be required to include a provision requiring that construction must be in progress prior to October 1, 1982: Provided further, That with respect to newly constructed and substantially rehabilitated projects under section 8, United States Housing Act of 1937, as amended, during 1982, 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 none of the merged amounts available for obligation in 1982 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 no funds provided under this or any other Act shall be used to terminate a reservation of contract authority for any project under section 8 of the United States Housing Act of 1937, as amended, on account of the inability of the developer or owner of that project to obtain firm financing, unless such termination occurs no less than twenty-four months following the date of initial reservation of contract authority for such project: Provided further, That \$74,375,000 of contract authority and \$1,750,000,000 of budget authority provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, shall not become available for obligation until October 1, 1982, and \$89,321,727 of the foregoing budget authority shall be for the modernization of 5,073 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 to the extent that the amount of budget authority which is recaptured or deobligated, including budget authority internally transferred by State Housing Finance Development agencies pursuant to 24 C.F.R. part 883.207, does not equal \$5,000,000,000 on June 30, 1982, the amounts deferred in the immediately preceding proviso may be used in accordance with, and in addition to, the amounts



provided in the third proviso of this paragraph, except that to the extent such amounts are used, an equivalent amount of such recaptured or deobligated contract authority and budget authority, which become available on or after July 1, 1982 through September 30, 1982, if any, shall be deferred until October 1, 1982.

#### PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for Operation of Low-Income Housing Projects", \$198,000,000: Provided, That of the total amount available in fiscal year 1982 for "Payments for Operation of Low-Income Housing Projects", \$1,215,275,400 shall be made available pro rata solely in accordance with the Performance Funding System (as set forth in 24 C.F.R. part 890, as of February 8, 1982).

#### 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 further reduced in fiscal year 1982 by not more than \$3,340,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

#### INDEPENDENT AGENCIES

##### ENVIRONMENTAL PROTECTION AGENCY

##### CONSTRUCTION GRANTS

For necessary expenses to carry out title II of the Federal Water Pollution Control Act, as amended, other than sections 201(m), 205(k), except that for the project authorized by said section the Administrator shall allocate to the State of New York an amount equal to one-third of the total cost from the amount made available under this paragraph to the State of New York, one-third from the amount made available to the State of New Jersey, and one-third from the amounts made available to the remaining States, 206, 208, and 209, \$2,400,000,000, including grants for biological treatment facilities to repair or replace small community systems but not to exceed three systems suffering operational problems outside the warranty period where the existing Environmental Protection Agency planned systems have proven to be inoperable by the local municipalities, where determined to be necessary, to remain available until expended: Provided, That of such amount, \$3,965,426 in additional funds (the amount which was withheld from the State of Kansas by reason of an accounting error by the Federal Government) shall be made available to the State of Kansas: Provided further, That nothing herein shall prohibit any project specified in section 201(m) from receiving a grant under section 201(g), in compliance with all relevant procedures under title II of the Federal Water Pollution Control Act, as amended, and paid from funds allotted to the State by section 205 and appropriated by this Act: Provided further, That the Administrator, upon application by the Governor of the State of



Ohio, with the approval of the Committees on Appropriations, shall before October 1, 1982, commit existing unobligated funds from the State's Wastewater Construction Grant allotments to fund the Solid Waste Energy facility in Akron, Ohio.

#### HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, \$5,000,000 shall be made available to the Department of Health and Human Services, upon enactment, and up to an additional \$2,000,000 may be made available by the Administrator to the Department for the performance of specific activities in accordance with section 111(c)(4) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Management of all funds made available to the Department shall be consistent with the responsibilities of the trustee of the fund, as outlined in section 223(b) of the Act.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### RESEARCH AND DEVELOPMENT

Notwithstanding any other provision of this or any other Act, of the funds appropriated under the heading, "National Aeronautics and Space Administration, Research and development" in Public Law 97-101, not less than the amounts hereinafter set forth shall be made available for the purposes specified: \$31,200,000 for expendable launch vehicles; \$323,500,000 for physics and astronomy (including \$40,000,000 for Shuttle-Spacelab payloads); \$205,000,000 for planetary exploration (including \$1,700,000 for the mid-level facility in Hawaii); \$39,500,000 for life sciences; \$328,200,000 for space applications (including \$2,300,000 for the search and rescue program, \$5,000,000 for technology transfer, \$6,000,000 for upper atmosphere research satellite experiments, \$16,200,000 for Shuttle-Spacelab payloads, and \$15,400,000 for a 30/20 gigahertz test satellite); \$8,000,000 for technology utilization; \$264,800,000 for aeronautical research and technology; \$111,000,000 for space research and technology; and \$402,100,000 for tracking and data acquisition: Provided, That of the funds available for the Space Shuttle, including space flight operations, not less than \$80,000,000 shall be made available for design, development and procurement of liquid hydrogen-liquid oxygen (Centaur) upper stages for use in launching the Galileo and Solar Polar spacecraft in 1986: Provided further, That no funds may be obligated for other upper stages, including kick stages, for the Galileo and Solar Polar spacecraft after the enactment of this Act except for work performed prior to the effective date of this Act, together with liability for termination: Provided further, That no funds appropriated in this or any other Act may be obligated for a Solar Maximum repair/retrieval mission until the Secretary of the Air Force enters into an agreement with the Administrator to reimburse the National Aeronautics and Space Administration 50 per centum of the costs of such mission (exclusive of the costs attributable solely to equipment for the Solar Maximum spacecraft and to equipment capable of reuse): Provided further, That



upon request by the Administrator of the National Aeronautics and Space Administration and approval by the Committees on Appropriations not to exceed \$50,000,000 from the unobligated balances of funds appropriated under the heading "National Aeronautics and Space Administration, Construction of facilities" or "National Aeronautics and Space Administration, Research and program management" in Public Law 97-101 and Public Law 96-526 shall be available for the Space Shuttle, including space flight operations: Provided further, That the Administrator makes sufficient funds available to assure that a second Space Shuttle launch pad at the Kennedy Space Center, Florida, is operational by January 1, 1986.

### ADMINISTRATIVE PROVISION

Limitations in section 501(40) of title V of the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, are amended as follows: The limitations on the Department of Housing and Urban Development's Office of the Assistant Secretary for Legislation and Congressional Relations are increased from 26 full-time permanent positions and 27 staff years to 31 full-time permanent positions and 33.5 staff years, the limitation on the National Aeronautics and Space Administration's Office of the Comptroller is increased from 150 full-time permanent positions to 161 full-time permanent positions, the limitation on the National Aeronautics and Space Administration's Office of External Relations is increased from 120 full-time permanent positions to 125 full-time permanent positions, excluding those positions allocated for Technology Utilization activities, and the limitation on the Veterans Administration's Office of Planning and Program Evaluation is increased from \$1,500,000 to \$2,300,000.

## CHAPTER III

### DEPARTMENT OF TRANSPORTATION

#### COAST GUARD

##### OPERATING EXPENSES

For an additional amount for "Operating expenses", \$17,500,000, to remain available until expended.

#### FEDERAL HIGHWAY ADMINISTRATION

##### FEDERAL-AID HIGHWAY PROGRAM

Section 3(a) of the Federal-Aid Highway Act of 1981 is amended by striking the period at the end of the first sentence and by inserting the following: "plus, an additional amount not to exceed \$19,000,000 in obligation authority to carry out section 310(d)(3) of Public Law 97-102."

For an additional amount of authority to execute contracts to replace or rehabilitate highway bridges according to Title 23, United States Code, Section 144, \$19,000,000 out of the Highway Trust Fund, to remain available until expended: Provided, That obliga-



tions incurred under this authority shall not be subject to any law limiting obligations for Federal-Aid Highways.

Section 3(a) of the Federal-Aid Highway Act of 1981 is further amended by striking the period at the end of the first sentence and by inserting the following: "plus, an additional amount not to exceed \$53,000,000 in obligation authority which the Secretary shall allocate to the States in order to increase such total obligation limitation, so that the reduction of any State's final obligation limitation is held to 15 per centum of the tentative limitation issued by the Secretary on October 1, 1981."

## NATIONAL SCENIC AND RECREATIONAL HIGHWAY

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

Any amounts previously authorized to be derived from the Highway Trust Fund for payment of obligations in carrying out the provisions of 23 U.S.C. 148 are to be transferred to and administered under the appropriation "Federal-aid highways".

## FEDERAL RAILROAD ADMINISTRATION

### GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Section 303(d) of the Rail Passenger Service Act, 45 U.S.C. 543(d), is amended by changing the period at the end thereof to a semicolon and adding the following: "except that the holding of securities issued by a railroad shall not be deemed to be violative of this prohibition: Provided, That the officer who holds such securities recuses himself from any decisions which bear directly on such railroad, and makes full public disclosure of such holdings."

## RELATED AGENCIES

### CIVIL AERONAUTICS BOARD

#### PAYMENTS TO AIR CARRIERS

For an additional amount for "Payments to air carriers", \$28,400,000 to remain available until expended: Provided, That \$8,242,000 shall be used to liquidate obligations incurred during September 1981, to provide for subsidy payments under 49 U.S.C. 1376 and 1389: Provided further, That notwithstanding any other provision of law any funds appropriated for "Payments to air carriers" in this or any other Act which are not obligated by September 30, 1982, shall be available for obligations only for section 419 (49 U.S.C. 1389) subsidies, except for adjustments to section 406 (49 U.S.C. 1376) payments for service provided prior to September 30, 1982.

## INTERSTATE COMMERCE COMMISSION

### PAYMENTS FOR DIRECTED RAIL SERVICE

For an additional amount for "Payments for directed rail service", \$8,000,000, to remain available until expended.



Section 120 of the Rock Island Railroad Transition and Employee Assistance Act is amended—

(1) in subsection (a)—

(A) by striking out “the Rock Island Railroad” the first place it appears and inserting in lieu thereof “any railroad subject to section 77 of the Bankruptcy Act, or subchapter IV of chapter 11 of title 11, United States Code, which has ceased to provide passenger commuter service over any line of the railroad”;

(B) by striking out “2-year” and inserting in lieu thereof “3-year”; and

(C) by striking out “Rock Island Railroad” each place it appears (other than the first time it appears) and inserting in lieu thereof “railroad”; and

(2) in subsection (b), by striking out “the Rock Island Railroad” and inserting in lieu thereof “any railroad”.

#### CHAPTER IV

#### DEPARTMENT OF THE TREASURY

##### BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$81,604,000.

##### BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$23,825,000: Provided, That no funds made available by this Act or Public Law 97-161 may be used to accomplish or implement any proposed reorganization of the Bureau of Alcohol, Tobacco and Firearms or the transfer of the Bureau’s functions, missions, or activities to other agencies within the Department of the Treasury in the fiscal year ending on September 30, 1982: Provided further, That no reorganization of the Bureau of Alcohol, Tobacco and Firearms or the transfer of the Bureau’s functions, missions, or activities to other agencies within the Department of the Treasury subsequent to September 30, 1982, shall be accomplished or implemented without the specific, express approval of both the House and Senate Committee on Appropriations.

##### UNITED STATES CUSTOMS SERVICE

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$14,865,000, of which \$8,000,000 shall be used for salaries, expenses, equipment, and other related expenses for Operation Exodus.



## U.S. POSTAL SERVICE

### PAYMENT TO THE POSTAL SERVICE FUND

*For an additional amount for payment to the Postal Service Fund for revenue forgone on free and reduced rates of mail, pursuant to 39 U.S.C. 3401(c), \$42,000,000: Provided, That notwithstanding any other provision of law, the Postal Service shall use these funds promptly to revise the adjustment to preferred rates made pursuant to section 108 of Public Law 97-92 so that all mail covered by the 16-year phasing schedule established pursuant to section 3626 of title 39, United States Code, shall benefit from step 13 on such schedule through September 30, 1982. This provision shall take effect ten days after enactment of this Act.*

*Effective October 1, 1982, section 1723 of the Omnibus Reconciliation Act, Public Law 97-35, is amended by striking out "(a)" before "Notwithstanding" in subsection (a) and by striking out subsection (b).*

## INDEPENDENT AGENCIES

### GENERAL SERVICES ADMINISTRATION

#### OFFICE OF INSPECTOR GENERAL

*For an additional amount for "Office of Inspector General", \$500,000.*

### FEDERAL BUILDINGS FUND

*Notwithstanding the provision immediately following the repairs and improvements line item projects under the heading "General Services Administration, Federal buildings fund, Limitations on availability of revenue" in H.R. 4121 as passed by the House and in H.R. 4121 as reported for the Senate on September 22, 1981, funds presently available for repairs and alterations nonprospective projects shall be used to initiate the design and related work required to begin the repairs and alterations of the U.S. Court of Appeals building, Atlanta, Georgia.*

### MERIT SYSTEMS PROTECTION BOARD

#### SALARIES AND EXPENSES

*For an additional amount for "Salaries and expenses", \$4,006,000.*

### OFFICE OF SPECIAL COUNSEL

#### SALARIES AND EXPENSES

*For an additional amount for "Salaries and expenses", \$238,000.*



## U.S. TAX COURT

## SALARIES AND EXPENSES

*For an additional amount for "Salaries and expenses", \$1,530,000.*

## CHAPTER V

## DEPARTMENT OF COMMERCE

## GENERAL ADMINISTRATION

## SALARIES AND EXPENSES

*For an additional amount for "Salaries and expenses", \$3,171,000.*

## ECONOMIC DEVELOPMENT ADMINISTRATION

## SALARIES AND EXPENSES

## (TRANSFER OF FUNDS)

*For an additional amount for "Salaries and expenses", \$3,500,000 to be derived by transfer from the Economic Development Revolving Fund.*

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

## OPERATIONS, RESEARCH, AND FACILITIES

*For an additional amount for "Operations, research, and facilities", \$2,000,000, to remain available until expended.*

## RELATED AGENCY

## INTERNATIONAL COMMUNICATION AGENCY

## ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

*Appropriations made available under this heading for fiscal year 1982 may be used for lease of real property for periods of up to twenty-five years in Africa, Asia, the Caribbean area, and Europe.*

## CHAPTER VI

## DEPARTMENT OF AGRICULTURE

## FOOD AND NUTRITION SERVICE

## FOOD STAMP PROGRAM

*For an additional amount for the "Food Stamp Program", \$1,006,616,000.*



## CHAPTER VII

## DEPARTMENT OF DEFENSE—CIVIL

## DEPARTMENT OF THE ARMY

## CORPS OF ENGINEERS—CIVIL

## FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", \$40,000,000, to remain available until expended: Provided, That \$18,000,000 of the funds provided shall be for flood control measures and features on the Cowlitz and Toutle Rivers in the State of Washington.

## TITLE II

## GENERAL PROVISIONS

SEC. 201. Any institution of higher education specifically cited in the conference report on the Education Amendments of 1980 (report numbered 96-1337) as a unique institution which the conference committee for that legislation intended to be recognized as a developing institution eligible to apply for funds under title III of the Higher Education Act of 1965, shall be treated as an eligible institution for such purpose for fiscal year 1982, notwithstanding section 322(a)(2)(A) of such Act.

SEC. 202. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 203. Notwithstanding any other provision of law, none of the funds provided for International Organizations and Programs in Public Law 97-121, the Foreign Assistance and Related Programs Appropriation Act for fiscal year 1982, shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the South West Africa Peoples Organization, or Cuba.

SEC. 204. No funds appropriated or otherwise made available for fiscal year 1982 shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Federal Mine Safety and Health Act of 1977 on any State or political subdivision thereof. Notwithstanding section 101(a)(3) of Public Law 97-92 or any similar or comparable provision of any other law, during fiscal year 1982 the Mine Safety and Health Administration shall have the same enforcement authorities vested in such Administration on September 30, 1981.

SEC. 205. Effective upon enactment of this Act and for the remainder of fiscal year 1982, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be



in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

SEC. 206. Notwithstanding any other provision of law, the amounts appropriated for fiscal year 1982 under Public Law 97-51 (as amended by Public Law 97-85) and Public Law 97-92 (as amended by Public Law 97-161) for purposes of section 340 of the Public Health Service Act shall be available for funding grants and contracts under such section in areas that are not urbanized areas and in urbanized areas.

SEC. 207. Notwithstanding any other provision of this Act, any other Act, or section 413D of the Higher Education Act of 1965, the Secretary shall apportion the sums appropriated pursuant to section 413A(b) of the Higher Education Act of 1965 for the fiscal year 1982 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 1981 bears to the total amount appropriated pursuant to section 413A(b) for that fiscal year: Provided, That the Secretary shall allocate sums to institutions in each State notwithstanding section 413D(b)(1)(B)(ii)(I) of the Higher Education Act of 1965.

SEC. 208. Notwithstanding any other provision of this Act, any other Act, or section 442 of the Higher Education Act of 1965, the Secretary shall allot the sums appropriated pursuant to section 441 of the Higher Education Act of 1965 for the fiscal year 1982 among Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the States (including the District of Columbia and the Commonwealth of Puerto Rico) so that the allotment of Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and each State (including the District of Columbia and the Commonwealth of Puerto Rico) bears the same ratio to the amount appropriated as the allotment of Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and each State (including the District of Columbia and the Commonwealth of Puerto Rico) for the fiscal year 1981 bears to the total amount appropriated pursuant to section 441 for that fiscal year: Provided, That the Secretary shall allocate sums to institutions in each jurisdiction notwithstanding the second sentence of section 446(a) of the Higher Education Act of 1965.

SEC. 209. The Secretary of Education and the Director of the National Institute of Education shall not terminate any long-term special institutional agreement (or any other grant agreement or contract which incorporates by reference such long-term special institutional agreement) which—

- (1) was entered in to under section 405(f) of the General Education Provisions Act, relating to laboratories and centers, and
  - (2) is in effect on the date of enactment of this Act,
- prior to the original completion date established by such long-term special institutional agreement (or any other grant agreement or



contract which incorporates by reference such long-term special institutional agreement).

SEC. 210. (a) The Secretary of Agriculture shall initiate construction on not less than fifteen new projects under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) during fiscal year 1982.

(b) Any project proposed for construction pursuant to the Act referred to in subsection (a) and submitted to the Director of the Office of Management and Budget for review shall be deemed to be approved by the Director unless disapproved by him within ninety days after submission.

SEC. 211. (a) Subsection (a) of section 112 of the Act of December 15, 1981 (95 Stat. 1194), is amended by inserting after "in connection with a qualified issue" the following: ", except to the extent such funds are used in connection with the consideration of granting of an exemption from the application of such revenue ruling or regulation under proposed income tax regulation section 1.103-7(b)(6)(ii) or any similar statute or regulation".

(b) Subsection (d) of section 112 of the Act of December 15, 1982 (95 Stat. 1196), is amended to read as follows:

"(d) It is the sense of the Congress that after August 23, 1981, the Secretary of the Treasury or his delegate, in all cases should enforce any revenue ruling or regulation described in paragraph (1) or (2) of subsection (a) in a manner consistent with the provisions of this section. Nothing in the preceding sentence shall prevent the Secretary of the Treasury or his delegate from granting or considering an exemption from the application of such a revenue ruling or regulation under proposed income tax regulation section 1.103-7(b)(6)(ii) or any similar statute or regulation."

SEC. 212. Notwithstanding any provision of this or any other Act, none of the funds appropriated for the Department of Labor, Mine Safety and Health Administration, shall be used to classify a mine in the potash industry as gassy based upon air samples containing concentrations of methane gas, unless such classification standard has been adopted through formal rulemaking on or after November 5, 1981.

SEC. 213. None of the funds provided in this or any other Act shall be used to implement an apportionment and staffing plan to specifically phase down the Public Health Service Commissioned Corps.

SEC. 214. The Department of Agriculture, U.S. Forest Service, within available funds, shall expend not less than \$1,000,000 for research on the cyclocrane concept of a lighter-than-air heavy lift vehicle for use in logging operations.

SEC. 215. (a) The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of \$3,000" after "home".

(b) Paragraph (4) of section 280A(f) of such code (relating to coordination with section 162(a)(2)) is amended to read as follows:

"(4) COORDINATION WITH SECTION 162(a)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests



of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units)".

(c) Subsection (a) of section 139 of the Act of October 1, 1981 (95 Stat. 967), is hereby repealed.

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1981.

SEC. 216. For an additional amount for National Guard Personnel, Army, such amount as is necessary to make 850 man-days available to the Kentucky Army National Guard to implement and operate the Medical Assistance to Safety and Traffic program in Kentucky through August 1, 1982, to be derived by transfer from Operations and Maintenance, Army National Guard.

SEC. 217. (a) None of the funds which are made available by this or any other Act shall be used to study, plan, or implement the termination of the operation of the Southwestern Indian Polytechnic Institute located in Albuquerque, New Mexico, in fiscal year 1982.

(b) The Secretary of the Interior shall use funds made available to the Department of the Interior under the Act of December 23, 1981 (95 Stat. 1391), to operate Southwestern Indian Polytechnic Institute through fiscal year 1982.

SEC. 218. Notwithstanding the provisions of section 4(b) of the Federal-Aid Highway Act of 1981, and section 102(c) of the Federal-Aid Highway Act of 1976, the Secretary may approve the use of interstate construction funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, on projects for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System in accordance with the provisions of 23 U.S.C. 119, or for those purposes for which funds apportioned under 23 U.S.C. 104(b)(1), (2), and (6) may be expended, in a State which received no more than one-half of 1 per centum of the total apportionment under 23 U.S.C. 104(b)(5)(A) for the fiscal year ending September 30, 1983, where necessary in order to fully utilize funds apportioned under 23 U.S.C. 104(b)(5)(A) through the fiscal year ending September 30, 1982, but within the obligational limitation established by section 3 of the Federal-Aid Highway Act of 1981.

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

#### ADDITIONAL EXPLANATORY MATERIAL

The conferees agree that for accounts, projects and activities which have been considered and acted upon by the Congress in identical manner in both H.R. 5922 and H.R. 6685, the provisions of the conference report on H.R. 5922 and associated documents shall apply, except for the recent supplement program.

As part of the fiscal year 1983 budget submission, the administration proposed a fiscal year 1982 rescission to reduce budget authority by an additional \$1,750,480,000 in the rent supplement program over the amount already approved for reduction in fiscal year 1982. The Department of Housing and Urban Development would recapture this authority by converting 40,000 more rent supplement units to section 8 in 1982 than were originally proposed.



Actual conversions are estimated to reach 60,000 units in 1982 compared with the previous estimate of 20,000 units. The conversion of 40,000 additional units above the previous 1982 estimate will result in the recapture of \$46,840,000 more of rent supplement contract authority than previously projected. Approximately \$43,500,000 of the additional contract authority proposed to be recaptured would, under the conference agreement, be utilized to provide needed amendments to units not yet converted, including State-aided projects. The remaining \$3,340,000 of contract authority are proposed for rescission. The amendments approved in 1982 will support increased costs on the remaining rent supplement projects for 2 years until conversion to section 8 is accomplished. Limiting the amendments to 2 years rather than an average of 34 years contemplated when the 1982 budget was passed or the 5-6 year conversion period as proposed by the Senate, reduces the amount of recaptured budget authority required to support the amendments. As a result, \$1,750,480,000 of budget authority would be available for rescission by adopting the faster conversion rate proposed by the conferees. Through this action, the need for additional amendment money in the out-years was reduced by \$171,000,000 from the Senate version, thus increasing the amount of budget authority available for rescission by \$171,000,000 over the amount assumed in the Senate provision.

The conferees agree that a total of \$91,000,000 in new contract authority for the Federal-Aid Highway Program Should be provided as follows:

Bismarck-Mandan Bridge.....	\$15,000,000
Steubenville-Weirton Bridge.....	4,000,000
Canal Street Bridge, East Chicago .....	10,000,000
U.S. 12 Bridge over Trail Creek, Michigan City.....	9,000,000
Preclude certain States from absorbing more than a 15 percent loss in obligational authority.....	53,000,000
Total.....	91,000,000

The metrorail project now under construction in Miami, Fla., was estimated to cost \$866,500,000 when the full funding contract was signed in May 1976. Since that time a number of factors, particularly inflation, have resulted in cost escalations for the system. It is now estimated to cost \$986,900,000 to complete the metrorail system. The conferees continue to concur with language included in House Report 96-186 that instructed the Urban Mass Transportation Administration (UMTA) to "refrain from making grants to pay for the cost overruns in projects covered by full funding contracts that are in excess of extraordinary costs already provided for in the contract."

The Conferees are aware that UMTA and the Metro Dade Authority have been negotiating payment of extraordinary costs permitted under the full funding contract since September 1981. While the Metro Dade Authority has requested compensation for \$45,000,000 of extraordinary costs permitted under the contract, UMTA to date has agreed that \$10,000,000 to \$15,000,000 of those costs are fully eligible for payment. The Conferees therefore direct UMTA to make immediate payment to the Metro Dade Authority for those extraordinary costs that both parties now agree are appropriate and fully justified under the terms and conditions of the



full funding contract. The necessary funds for these payments shall be reprogrammed from funds already available, in accordance with established procedures for reprogramming.

The conferees agreed to recommend an appropriation of \$42,000,000 for the U.S. Postal Service to enable preferred rate mailers to continue to mail at the rate for step 13 of the 16 year postal rate phasing provisions of the Postal Reorganization Act, as amended.

Organizations such as the March of Dimes, the American Cancer Society, the American Heart Association, and hundreds of other non-profit organizations provide very valuable services to the citizens of this nation and are urged to continue their important programs.

## CONFERENCE TOTAL—WITH COMPARISONS

### NEW BUDGET AUTHORITY

The total new budget (obligational) authority for the fiscal year 1982 recommended by the Committee of Conference, with comparisons to the fiscal year 1982 budget estimates, and the House and Senate bills for 1982 follow:

Budget estimates of new (obligational) authority, fiscal year 1982.....	\$4,543,371,000
House bill, fiscal year 1982 .....	4,524,123,000
Senate bill, fiscal year 1982 .....	<sup>1</sup> 5,291,073,000
Conference agreement, fiscal year 1982 .....	<sup>1</sup> 5,448,452,000
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1982 .....	+ 905,081,000
House bill, fiscal year 1982.....	+ 924,329,000
Senate bill, fiscal year 1982.....	+ 157,379,000

<sup>1</sup> Includes \$24,400,000 in advance appropriations for fiscal year 1984.

### RESCISSIONS

In addition, the total rescission of budget authority recommended by the Committee of Conference, with comparisons to the President's proposals, and the House and Senate bills follow:

President's proposals .....	-\$7,750,269,165
House bill .....	-4,098,640,000
Senate bill .....	-5,678,120,000
Conference agreement .....	-5,849,120,000
Conference agreement compared with:	
President's proposals .....	+ 1,901,149,165
House bill.....	-1,750,480,000
Senate bill.....	-171,000,000

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