

Public Law 97-92  
97th Congress

## Joint Resolution

Making further continuing appropriations for the fiscal year 1982, and for other purposes.

Dec. 15, 1981  
[H.J. Res. 370]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1982, and for other purposes, namely:

Further  
continuing  
appropriations  
for fiscal  
year 1982.

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

Department of Defense Appropriation Act, 1982;  
Military Construction Appropriation Act, 1982;  
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1982; and  
Treasury, Postal Service and General Government Appropriation Act, 1982.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed the House as of December 15, 1981, is different from that which would be available or granted under such Act as passed by the Senate as of December 15, 1981, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of December 15, 1981, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations of the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1981: *Provided further*, That for the purposes of this joint resolution, when an Act listed in this subsection has been reported to a House but not passed by that House as of December 15, 1981, it shall be deemed as having been passed by that House: *Provided further*, That, in addition to the sums otherwise made available by this paragraph the following additional sums are hereby appropriated: for low income home energy assistance program, \$175,000,000; for the foster care program authorized by title IV of the Social Security Act, \$75,000,000: *Provided further*, That the provisions contained in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act for fiscal year 1982 (H.R. 4560), as reported by the Senate Committee on Appropriations on

42 USC 601.

November 9, 1981, related to a limitation on entitlement to payments under parts A and E of title IV of the Social Security Act and transfer of funds under parts B and E of such title (contained in H.R. 4560 as so reported beginning with "provided" on page 39, line 17, and ending on page 40, line 8) shall not be applicable with respect to any sums appropriated pursuant to this joint resolution; for the family medicine residency training programs authorized by section 786 of the Public Health Service Act, \$10,000,000; for the Community Services Block Grant, \$62,552,000; and for the State Block Grant authorized by chapter 2 of the Education Consolidation and Improvement Act of 1981, \$140,000,000; and for the Office of Smoking and Health, as authorized by section 301 of the Public Health Service Act, \$1,500,000: *Provided further*, That the college housing loan program shall operate under the terms and conditions as contained in H.R. 4560 as passed the House October 6, 1981, except that the gross commitments for the principal amount of direct loans shall not exceed \$75,000,000: *Provided further*, That notwithstanding the rate otherwise established by this subsection, and notwithstanding section 143 of this joint resolution, for the Department of Labor Grants to States for Unemployment Insurance and Employment Services account, \$19,272,000 in new budget authority is appropriated, and no more than \$1,913,384,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided further*, That no funds provided by this joint resolution shall be used for administrative or other expenses in connection with the closure of any State unemployment office, except in such cases as may be determined by the respective State agency to render its services more efficient: *Provided further*, That notwithstanding the rate otherwise established by this subsection, for carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and sections 1526 and 1533(d) of the Public Health Service Act, \$78,535,000, with not to exceed \$872,000,000, to be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein, but not subject to the reduction contained in section 143 of this joint resolution; none of these funds shall be used to pay the expenses of Statewide Professional Standards Review Councils; \$20,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes (31 U.S.C. 665), only to the extent necessary and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That notwithstanding the rate otherwise established by this subsection, for necessary expenses for the Social Security Administration, not more than \$3,017,000,000 may be expended as authorized by section 201(g)(1), of the Social Security Act, from any one or all of the trust funds referred to therein, but not subject to the reduction contained in section 143 of this joint resolution; \$70,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes (31 U.S.C. 665), only to the extent necessary for additional automatic data processing expenses, to process other workloads not anticipated in the budget estimates, and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs

42 USC 601, 670.  
42 USC 620, 670.

42 USC 295g-6.

*Ante*, p. 469.  
42 USC 241.

*Post*, p. 1203.

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

42 USC 1381,  
1395, 421.

within the remainder of the existing limitation has been achieved: *Provided further*, That funds which would be available under H.R. 4121, entitled the Treasury, Postal Service and General Government Appropriation Act, 1982, for the Government payment of annuitants and employees health benefits, shall be available under the authority and conditions set forth in H.R. 4121 as reported to the Senate on September 22, 1981: *Provided further*, That for the purposes of this joint resolution, the Senate reported level of H.R. 4121, entitled the Treasury, Postal Service, and General Government Appropriation Act, 1982, shall be the level reported by the Senate on September 22, 1981 (S. Rept. No. 97-192), as modified on November 17, 1981.

(4) Whenever an Act listed in this subsection has been passed by only one House as of December 15, 1981, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations of the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1981.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1981, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(6) In addition to any sums otherwise appropriated there is appropriated an additional sum of \$25,000,000 which shall be made available for training, job search allowances, and relocation allowances, under sections 236, 237, and 238 of the Trade Act of 1974.

(b) Such amounts as may be necessary for continuing programs and activities, not otherwise provided for, which were conducted in the fiscal year 1981, for which provision was made in and under the terms and conditions of section 101(b) of Public Law 96-536 regarding foreign assistance and related programs, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the State Department Basic Authorities Act of 1956, at a rate for operations not in excess of the current rate provided in fiscal year 1981 or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority: *Provided*, That the limitation on gross obligations for the principal amount of direct loans by the Export-Import Bank shall be increased by \$100,000,000, and the limitation on total commitments to guarantee loans by the Export-Import Bank shall be increased by \$2,220,000,000 of contingent liability for loan principal: *Provided further*, That this section shall be deemed to allow the continuation of the activities of the Department of State for contributions to the United Nations Relief and Works Agency for Palestinian Refugees at a rate of operations not in excess of the current rate.

(c) Such amounts as may be necessary for projects or activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1982, at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (H. Rept. No. 97-331) filed in the House of Representatives on November 13, 1981, as if such Act had been enacted into law, except that appropriations made available for the projects or activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1982, in this joint resolution are hereby reduced in the following amounts:

19 USC 2296,  
2297, 2298.

94 Stat. 3166.

22 USC 2412.  
22 USC 2680.

## DEPARTMENT OF TRANSPORTATION

Office of the Secretary, salaries and expenses and transportation planning, research, and development, \$4,500,000;

Coast Guard, operating expenses, \$48,400,000, of which \$5,000,000 shall be deducted from the amounts made available for recreational boating safety; acquisition, construction, and improvements, \$16,000,000; alteration of bridges, \$4,000,000; research, development, test, and evaluation, \$4,000,000; offshore oil pollution compensation fund, \$3,000,000; and deepwater port liability fund, \$3,000,000;

Federal Aviation Administration, operations, \$125,000,000; facilities, engineering and development, \$9,000,000; facilities and equipment (Airport and Airway Trust Fund), \$24,000,000; research, engineering and development (Airport and Airway Trust Fund), \$16,000,000; and construction, Metropolitan Washington Airports, \$5,000,000;

Federal Highway Administration, highway safety research and development, \$2,000,000; highway beautification, \$1,500,000; territorial highways, \$1,000,000; and interstate transfer grants-highways, \$37,000,000;

National Highway Traffic Safety Administration, operations and research, \$7,000,000;

Federal Railroad Administration, office of the administrator, \$500,000; railroad safety, \$2,500,000; railroad research and development, \$9,000,000; rail service assistance, \$4,000,000, of which at least \$2,000,000 shall be deducted from amounts made available for the Minority Business Resource Center; Northeast corridor improvement program, \$6,000,000; and redeemable preference shares, \$7,000,000;

Urban Mass Transportation Administration, administrative expenses, \$3,000,000; research, development, and demonstrations and university research and training, \$10,000,000; urban discretionary grants, \$29,500,000; non-urban formula grants, \$4,000,000; urban formula grants, \$64,750,000; and interstate transfer grants-transit, \$22,000,000;

Research and Special Programs Administration, research and special programs, \$9,000,000, of which \$2,500,000 shall be deducted from the amounts made available for research and development and \$750,000 shall be deducted from amounts made available for grants-in-aid as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968;

49 USC 1674.

## RELATED AGENCIES

Architectural and Transportation Barriers Compliance Board, salaries and expenses, \$100,000;

National Transportation Safety Board, salaries and expenses, \$2,000,000;

Civil Aeronautics Board, salaries and expenses, \$1,500,000;

Interstate Commerce Commission, salaries and expenses, \$4,000,000;

Department of the Treasury, Office of the Secretary, investment in fund anticipation notes, (\$7,000,000); and

United States Railway Association, administrative expenses, \$4,000,000.

(d) Such amounts as may be necessary for projects or activities provided for in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1982 (H.R. 4034), at a rate for operations and to the extent and in the manner provided for

in the conference report and joint explanatory statement of the committee of conference (H. Rept. No. 97-222) filed in the House of Representatives on September 11, 1981, as if such Act had been enacted into law, with the following new title:

“TITLE V

“SEC. 501. Notwithstanding any other provision of this Act—

“(1) The amount of the increase in contract authority under the heading ‘HOUSING PROGRAMS, ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING’, shall be \$897,177,848, and the amount of the increase in budget authority under such heading shall be \$17,373,528,040.

“(2) The amount appropriated under the heading ‘HOUSING PROGRAMS, HOUSING COUNSELING ASSISTANCE’, shall be \$3,520,000.

“(3) The amount appropriated under the heading ‘SOLAR ENERGY AND ENERGY CONSERVATION BANK, ASSISTANCE FOR SOLAR AND CONSERVATION IMPROVEMENTS’, shall be \$23,000,000.

“(4) The amount appropriated under the heading ‘COMMUNITY PLANNING AND DEVELOPMENT, COMMUNITY DEVELOPMENT GRANTS’, shall be \$3,600,000,000.

“(5) The amount appropriated under the heading ‘COMMUNITY PLANNING AND DEVELOPMENT, URBAN DEVELOPMENT ACTION GRANTS’, shall be \$458,000,000.

“(6) The amount appropriated under the heading ‘POLICY DEVELOPMENT AND RESEARCH, RESEARCH AND TECHNOLOGY’, shall be \$20,000,000.

“(7) The amount appropriated under the heading ‘FAIR HOUSING AND EQUAL OPPORTUNITY, FAIR HOUSING ASSISTANCE’, shall be \$5,016,000.

“(8) The amount appropriated under the heading ‘MANAGEMENT AND ADMINISTRATION, WORKING CAPITAL FUND’, shall be \$528,000.

“(9) The amount appropriated under the heading ‘DEPARTMENT OF DEFENSE—CIVIL, CEMETERIAL EXPENSES, ARMY, SALARIES AND EXPENSES’, shall be \$4,476,000.

“(10) The amount appropriated under the heading ‘ENVIRONMENTAL PROTECTION AGENCY, SALARIES AND EXPENSES’, shall be \$562,837,000.

“(11) The amount appropriated under the heading ‘ENVIRONMENTAL PROTECTION AGENCY, RESEARCH AND DEVELOPMENT’, shall be \$167,759,000.

“(12) The amount appropriated under the heading ‘ENVIRONMENTAL PROTECTION AGENCY, ABATEMENT, CONTROL AND COMPLIANCE’, shall be \$395,000,000.

“(13) The amount appropriated under the heading ‘ENVIRONMENTAL PROTECTION AGENCY, BUILDINGS AND FACILITIES’, shall be \$3,621,000.

“(14) The amount appropriated under the heading ‘EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY’, shall be \$919,000.

“(15) The amount appropriated under the heading ‘EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY POLICY’, shall be \$1,578,000.

“(16) The amount appropriated under the heading ‘FEDERAL EMERGENCY MANAGEMENT AGENCY, FUNDS APPROPRIATED TO THE PRESIDENT, DISASTER RELIEF’, shall be \$301,694,000.

"(17) The amount appropriated under the heading 'FEDERAL EMERGENCY MANAGEMENT AGENCY, SALARIES AND EXPENSES', shall be \$93,879,000.

"(18) The amount appropriated under the heading 'FEDERAL EMERGENCY MANAGEMENT AGENCY, STATE AND LOCAL ASSISTANCE', shall be \$121,829,000.

"(19) The amount appropriated under the heading 'FEDERAL EMERGENCY MANAGEMENT AGENCY, EMERGENCY PLANNING AND ASSISTANCE', shall be \$67,906,000.

"(20) There are appropriated, out of any money in the Treasury not otherwise appropriated, for the repayment of notes dated April 17, 1979, and September 28, 1979, issued by the Director of the Federal Emergency Management Agency to the Secretary of the Treasury pursuant to section 15(e) of the Federal Flood Insurance Act of 1956 (42 U.S.C. 2414(e)), \$328,240,000.

"(21) The amount appropriated under the heading 'DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF CONSUMER AFFAIRS', shall be \$1,760,000.

"(22) The amount appropriated under the heading 'NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, RESEARCH AND DEVELOPMENT', for the Space Shuttle including space flight operations shall not exceed \$3,104,900,000: *Provided*, That the limitations subject to the approval of the Committees on Appropriations contained under this heading shall not be affected by this subsection.

"(23) The amount appropriated under the heading 'NATIONAL SCIENCE FOUNDATION, RESEARCH AND RELATED ACTIVITIES', shall be \$1,010,000,000.

"(24) The amount appropriated under the heading 'NATIONAL SCIENCE FOUNDATION, SCIENCE EDUCATION ACTIVITIES', shall be \$22,000,000.

"(25) The amount appropriated under the heading 'NATIONAL SCIENCE FOUNDATION, SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)', shall be \$3,080,000.

"(26) The amount appropriated under the heading 'SELECTIVE SERVICE SYSTEM, SALARIES AND EXPENSES', shall be \$18,633,000.

"(27) The amount appropriated under the heading 'DEPARTMENT OF THE TREASURY, OFFICE OF REVENUE SHARING, SALARIES AND EXPENSES', shall be \$6,148,000.

"(28) The amount appropriated under the heading 'DEPARTMENT OF THE TREASURY, NEW YORK CITY LOAN GUARANTEE PROGRAM', shall be \$822,000.

"(29) The amount appropriated under the heading 'VETERANS ADMINISTRATION, COMPENSATION AND PENSIONS', shall be \$13,824,000,000.

"(30) The amount appropriated under the heading 'VETERANS ADMINISTRATION, READJUSTMENT BENEFITS', shall be \$1,938,800,000.

"(31) The amount appropriated under the heading 'VETERANS ADMINISTRATION, MEDICAL AND PROSTHETIC RESEARCH', shall be \$128,215,000.

"(32) The amount appropriated under the heading 'VETERANS ADMINISTRATION, MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES', shall be \$57,700,000.

"(33) The amount appropriated under the heading 'VETERANS ADMINISTRATION, CONSTRUCTION, MAJOR PROJECTS', shall be \$378,338,000.

“(34) The amount appropriated under the heading ‘VETERANS ADMINISTRATION, CONSTRUCTION, MINOR PROJECTS’, shall be \$102,942,000, of which not to exceed \$30,018,000 shall be available for the Office of Construction.

“(35) The amount appropriated under the heading ‘VETERANS ADMINISTRATION, GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES’, shall be \$15,840,000.

“(36) The amount appropriated under the heading ‘DEPARTMENT OF THE TREASURY, INVESTMENT IN NATIONAL CONSUMER COOPERATIVE BANK’, shall be \$43,000,000: *Provided*, That the final Government equity redemption date for the National Consumer Cooperative Bank shall occur on December 31, 1981.

“(37) During fiscal year 1982, gross obligations of not to exceed \$75,960,000 are authorized for payments under section 230(a) of the National Housing Act, as amended, from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

12 USC 1715u.

“(38) The amount appropriated under the heading ‘HOUSING PROGRAMS, PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS—FISCAL YEAR 1981’, shall remain available until September 30, 1982: *Provided*, That any part of the foregoing amount which has not been obligated before the forty-fifth calendar day following the enactment of this joint resolution, shall be deemed obligated notwithstanding the provisions of 31 U.S.C. 200(a).

“(39) The Congress also disapproves the deferral under the heading ‘VETERANS’ ADMINISTRATION, (DISAPPROVAL OF DEFERRAL)’, of the Washington, District of Columbia, and Long Beach, California, projects as contained in deferral notice D82-140.

Funds, transfer.

“(40) Notwithstanding any other provision of this Act, including any other provision of this title, any agency may before December 31, 1981, transfer to salaries and expenses from other sources made available to it by this Act, such amounts as may be required if the aggregate amount available for salaries and expenses, after such transfer, does not exceed the amount contained for such purposes in this Act before the application of the changes contained in title V: *Provided*, That such transfers shall be subject to the approval of the Committees on Appropriations: *Provided further*, That in the Department of Housing and Urban Development not to exceed (1) \$34,000,000 shall be available for data processing services, (2) 12 full-time permanent positions and 16 staff years shall be available for the Immediate Office of the Assistant Secretary for Administration, and (3) 26 full-time permanent positions and 27 staff years shall be available for the Office of the Assistant Secretary for Legislation and Congressional Relations: *Provided further*, That in the National Aeronautics and Space Administration not to exceed (1) 150 full-time permanent positions shall be available for the Office of the Comptroller, and (2) 120 full-time permanent positions shall be available for the Office of External Relations: *Provided further*, That in the Veterans’ Administration not to exceed (1) \$1,500,000 shall be available for the Office of Planning and Program Evaluation, and (2) 649 staff years shall be available for the Supply Service.”.

(e) Such amounts as may be necessary for projects or activities provided for in the Department of the Interior and Related Agencies Appropriation Act, 1982, at a rate for operations and to the extent and in the manner provided for in the conference report and joint

explanatory statement of the committee of conference (H. Rept. No. 97-315) as approved by the House of Representatives on November 12, 1981, as if such Act had been enacted into law.

(f) Such amounts as may be necessary for projects or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1982, at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (H. Rept. No. 97-313) filed in the House of Representatives on November 4, 1981, as if such Act had been enacted into law.

5 USC 5318 note.

(g) The provisions of section 305 (a), (b), and (d) of H.R. 4120, entitled the Legislative Branch Appropriation Act, 1982, shall apply to any appropriation, fund, or authority made available for the period October 1, 1981, through September 30, 1982, by this or any other Act.

22 USC 2680.

22 USC 1476.

(h) Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended, such amounts as may be necessary for projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1982, at the rate provided in H.R. 4169 as passed the House of Representatives on September 9, 1981, and under the authority and conditions provided in the applicable appropriation Act for fiscal year 1981, except that for the following items funding shall be at the rate specified herein:

## TITLE I

### DEPARTMENT OF COMMERCE

Bureau of the Census: "Salaries and Expenses", \$57,200,000; "Periodic Censuses and Programs", \$87,898,000;

Economic Development Administration, "Economic Development Assistance Programs", \$198,500,000;

International Trade Administration, "Operations and Administration", \$151,700,000: *Provided*, That during fiscal year 1982 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$20,000,000. During fiscal year 1982, total commitments to guarantee loans shall not exceed \$38,250,000 of contingent liability for loan principal;

United States Travel and Tourism Administration, "Salaries and Expenses", \$7,600,000;

Funds, transfer.

National Oceanic and Atmospheric Administration: "Operations, Research and Facilities", \$830,455,000, of which \$10,000,000 is to be derived by transfer from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries"; "Coastal Zone Management", \$7,415,000; "Fisheries Loan Fund", \$0; "Foreign Fishing Observer Fund", \$4,000,000; "Fishermen's Guaranty Fund", \$1,800,000;

Science and Technical Research: "Scientific and Technical Research and Services", \$125,528,000, of which \$2,042,000 shall be available for necessary expenses to enable the Department of Commerce to enter into an agreement with the Smithsonian Institution to close out the Smithsonian Science Information Exchange (SSIE), to transfer the assets of the SSIE to the Department of Commerce, and to pay the outstanding net liabilities of SSIE, including severance pay to SSIE employees;

National Telecommunications and Information Administration: "Salaries and Expenses", \$16,488,000; "Public Telecommunications Facilities, Planning and Construction", \$18,000,000; Maritime Administration: "Operations and Training", \$74,898,000;

#### RELATED AGENCIES

Federal Communications Commission, "Salaries and Expenses", \$76,900,000;

Federal Maritime Commission, "Salaries and Expenses", \$11,225,000;

Federal Trade Commission, "Salaries and Expenses", \$68,774,000; International Trade Commission, "Salaries and Expenses", \$17,200,000;

Office of the United States Trade Representative, "Salaries and Expenses", \$9,000,000: *Provided*, That not to exceed \$60,000 shall be available for official reception and representation expenses;

Securities and Exchange Commission, "Salaries and Expenses", \$82,906,000;

Small Business Administration, "Salaries and Expenses", \$221,945,000: *Provided*, That \$14,000,000 of said amount shall be available only for grants for Small Business Development Centers as authorized by section 20(a) of the Small Business Act, as amended. In addition, \$19,200,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster Loan Fund"; "Business Loan and Investment Fund", \$326,000,000; "Disaster Loan Fund", \$0; "Lease Guarantees Revolving Fund", \$3,000,000; "Surety Bond Guarantees Revolving Fund", \$19,000,000;

15 USC 631 note.

United States Metric Board, "Salaries and Expenses", \$2,000,000.

#### TITLE II

##### DEPARTMENT OF JUSTICE

General Administration, "Salaries and Expenses", \$41,233,000, of which \$500,000, to remain available until expended, is for the Federal justice research program;

United States Parole Commission, "Salaries and Expenses", \$6,200,000;

Legal Activities, "Salaries and Expenses, General Legal Activities", \$123,200,000;

"Salaries and Expenses, Antitrust Division", \$44,000,000;

"Salaries and Expenses, United States Attorneys and Marshals", \$291,950,000;

"Support of United States Prisoners", \$24,100,000;

"Fees and Expenses of Witnesses", \$27,921,000;

"Salaries and Expenses, Community Relations Service", \$5,500,000;

Federal Bureau of Investigation, "Salaries and Expenses", \$739,609,000;

Immigration and Naturalization Service, "Salaries and Expenses", \$428,557,000;

Federal Prison System, "Salaries and Expenses", \$353,000,000; "National Institute of Corrections", \$11,186,000; "Buildings and Facilities", \$13,731,000, including \$1,920,000 for the planning, design, acquisition, and preparation of a site for a Federal Correctional Institution to be located in central Arizona and any necessary

relocation or replacement of existing site structures or other improvements, as well as the grading and development of utility distribution systems; "Federal Prison Industries, Incorporated: (Limitation on Administrative and Vocational Training Expenses)", \$5,066,000;

Office of Justice Assistance, Research, and Statistics, "Law Enforcement Assistance", \$93,554,000: *Provided*, That \$70,000,000 of said amount shall be available only for grants and administrative expenses authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended: *Provided further*, That \$4,000,000 of said amount provided for the program "Treatment Alternatives to Street Crime" shall be allocated solely to implement part E of the Justice System Improvement Act of 1979;

42 USC 5611.

42 USC 3751.

#### RELATED AGENCIES

Equal Employment Opportunity Commission, "Salaries and Expenses", \$139,889,000 of which not to exceed \$18,500,000 is for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, and sections 6 and 14 of the Age Discrimination in Employment Act.

42 USC 2000e.  
29 USC 625,  
633.

#### TITLE III

##### DEPARTMENT OF STATE

Administration of Foreign Affairs; "Salaries and Expenses", \$890,758,000; "Acquisition, Operation and Maintenance of Buildings Abroad (Special Foreign Currency Program)", \$9,102,000; "Emergencies in the Diplomatic and Consular Service", \$4,400,000; "Buying Power Maintenance", \$1,500,000;

International Organizations and Conferences: "Contributions to International Organizations", \$398,240,000, including funds for the payment of 1982 assessed contributions to the Pan American Health Organization, and to reimburse the Pan American Health Organization for payments under the tax equalization program for employees who are United States citizens; "International Conferences and Contingencies", \$7,284,000;

International Commissions; "International Boundary and Water Commission, United States and Mexico, Salaries and Expenses", \$7,927,000; "American Sections, International Commissions", \$2,847,000; International Fisheries Commissions", \$8,237,000; and "The Asia Foundation", \$4,100,000.

#### RELATED AGENCIES

Board for International Broadcasting, "Grants and Expenses", \$86,519,000;

Commission on Security and Cooperation in Europe, "Salaries and Expenses", \$404,000; and

International Communication Agency: "Salaries and Expenses", \$443,286,000; "Center for Cultural and Technical Interchange Between East and West", \$16,880,000; "Acquisition and Construction of Radio Facilities", \$19,000,000.

## TITLE IV

## THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services: "Salaries of Judges", \$59,400,000; "Salaries of Supporting Personnel", \$263,400,000; "Expenses of Operation and Maintenance of the Courts", \$55,600,000; "Bankruptcy Courts, Salaries and Expenses", \$81,200,000; "Fees of Jurors and Commissioners", \$43,500,000; "Space and Facilities", \$123,000,000.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 15, 1981, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) March 31, 1982, whichever first occurs.

Funding  
availability.

Subsection (c) of this section shall not reduce the availability of funds which would remain available beyond March 31, 1982, under the terms and conditions otherwise effective under this joint resolution.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 106. No provision in any appropriation Act for the fiscal year 1982 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 107. Notwithstanding any other provisions of this joint resolution and the provisions of sections 720(b) and 722(a)(1) of the Public Health Service Act, \$35,790,000 is appropriated and shall remain available until expended for grants for the construction or expansion of two teaching facilities under section 720(a)(1) of such Act.

42 USC 293,  
293b.

SEC. 108. Notwithstanding any other provision of this joint resolution except section 142, \$869,240,000 is appropriated under this joint resolution for payment to the Postal Service Fund, of which \$230,000,000 shall be available for public service costs and \$639,240,000 shall be available for revenue forgone on free and reduced-rate mail. Notwithstanding any other provision of law, the Postal Service shall promptly adjust preferred rates so as to recover the difference between the amount which was authorized to be appropriated under section 2401(c) of title 39, United States Code, and the amount hereby appropriated. Such adjustments shall be made in accordance with the following subsections:

Post, p. 1201.

*Ante*, p. 759.

(a) The amount attributable to the reduction in authorization specified in section 1723(a)(1) of the Omnibus Budget Reconciliation Act of August 13, 1981, shall be recovered from the classes of mail specified in section 1723(b)(1) of such Act.

(b)(1) The remaining amount shall be recovered through proportional adjustment, except as provided in paragraph (2) of this subsection, to the rates for each class of reduced-rate mail under section 3626 of title 39, United States Code, after the adjustment required by subsection (a) of this section.

(2) The adjustment made under paragraph (1) of this subsection shall provide for recovery of \$20,000,000 less from mail under former sections 4358(a), 4554(b), and 4554(c) of title 39, United States Code, and \$20,000,000 more from the other affected categories, than if such adjustment were fully proportional for all affected categories.

(c) Any further adjustments needed because of section 143 of this resolution shall be proportional as provided in subsection (b)(1) of this section without regard to subsection (b)(2).

(d) Any adjustments under this section shall look first to the phased rates under section 3626 of title 39, United States Code, and shall not affect the remaining (continuing) rate reductions for any category until phasing for all categories is exhausted.

SEC. 109. No funds made available pursuant to this continuing resolution may be used to accomplish or implement a proposed reorganization of the Bureau of Alcohol, Tobacco and Firearms before March 30, 1982. Such reorganization plan may be implemented after March 30, 1982, unless disapproved by the House and Senate Committees on Appropriations: *Provided*, That of the funds made available by this Continuing Resolution for the Bureau of Alcohol, Tobacco and Firearms, \$15,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1982.

27 USC 201.

SEC. 110. Notwithstanding any other provision of this joint resolution, the Secretary of the Treasury is authorized to transfer up to 2 per centum from any appropriation account provided by this joint resolution for the Department of the Treasury otherwise appropriated in H.R. 4121, entitled the Treasury, Postal Service and General Government Appropriation Act, 1982, to any other such appropriation account: *Provided*, That the recipient appropriation account is not increased by more than 2 per centum of the amount provided by this joint resolution: *Provided further*, That approval for such transfers is obtained in advance from the House and Senate Committees on Appropriations.

SEC. 111. Notwithstanding any other provision of this joint resolution, funds available to the Federal Building Fund within the General Services Administration may be used to initiate new construction, advance design, and repairs and alteration line-item projects and lease construction projects which are included in either H.R. 4121, as passed by the House, or in H.R. 4121, as reported by the Senate on September 22, 1981.

SEC. 112. (a) None of the funds appropriated by this joint resolution may be used to—

(1) enforce Revenue Ruling 81-216 or the proposed amendments to Income Tax Regulations sections 1.103-7 and 1.103-10 which were published in the Federal Register on October 8, 1981, or

46 FR 50014.  
26 CFR  
Part 1.

(2) propose, promulgate, or enforce any ruling or regulation reaching the same result as, or a result similar to, such Revenue Ruling or Regulations, in connection with a qualified issue, or

(3) issue rulings or regulations which treat as exempt from taxation under section 103(b)(6) of the Internal Revenue Code of 1954 any interest earned on an obligation the proceeds of which are used for a disqualified facility.

26 USC 103.

(b)(1) For purposes of subsection (a), the term "qualified issue" means a single issue (whether or not part of a composite or multiple series of issues)—

"Qualified issue."

(A) all of the obligations of which are directly or indirectly guaranteed or secured in whole or in part by—

(i) a State or political subdivision thereof or an instrumentality of either, or

(ii) in the case of an issue all of the proceeds of which are used for agricultural purposes, a qualified person (within the meaning of section 46(c)(8)(D) of the Internal Revenue Code of 1954 determined without regard to clauses (iii) and (iv) thereof), and

26 USC 46.

(B) none of the proceeds of which are used in connection with a disqualified facility or a facility with respect to which, at any time before January 1, 1987—

(i) any disqualified person used more than 5 percent of the facility, or

(ii) more than 25 percent of the facility is (in the aggregate) used by disqualified persons.

For purposes of subparagraph (B), use by a related person (within the meaning of section 103(b)(6)(C) of such Code) shall be treated as use by the disqualified person.

(2)(A) For purposes of paragraph (1), the term "disqualified person" means a person (other than an exempt person within the meaning of section 103(b)(3) of such Code) which has aggregate capital expenditures for any purpose which, for the period beginning October 1, 1979, and ending September 30, 1982, exceed \$25,000,000.

"Disqualified person."

(B) For purposes of determining the aggregate capital expenditures of any person under subparagraph (A), there shall be taken into account the capital expenditures of all persons which are—

(i) related persons (within the meaning of section 103(b)(6)(C) of such Code) with respect to such person; or

(ii) guarantors of any portion of the issue with respect to which a determination is being made under this subsection other than a guarantor which—

(I) is a State or a political subdivision thereof or an instrumentality of either,

(II) in the case of an issue all of the proceeds of which are used for agricultural purposes, a person described in paragraph (1)(A)(ii), or

(III) one or more financial institutions which are not related persons (within the meaning of section 103(b)(6)(C) of such Code) to the user of the proceeds of the issue.

(C) For purposes of this paragraph, the term "capital expenditures" has the meaning given such term by section 103(b)(6)(D) of such Code, except that such term shall not include any amount paid or incurred by the taxpayer which constitutes a qualified research expense (within the meaning of section 44F(b) of such Code).

26 USC 44F.

(c) For purposes of subsection (a) and subparagraph (b)(1)(B), a "disqualified facility" is any private or commercial—

"Disqualified facility."

- (i) golf course,
- (ii) country club,
- (iii) massage parlor, or
- (iv) tennis club.

26 USC 103.

(d) It is the sense of the Congress that after August 23, 1981, and until Congress enacts legislation which affects section 103(b)(6) of such Code, the Secretary of the Treasury or his delegate should in all cases enforce any ruling or regulation described in subsection (a) (1) or (2) in a manner consistent with the provisions of subsection (a).

SEC. 113. It is the sense of the Congress that the President of the United States should not include in his recommendations for revenue enhancements any recommendations which would have the effect of reducing Federal tax incentives for energy conservation or the development of renewable energy sources.

SEC. 114. Notwithstanding any other provision of law, funds provided under this joint resolution for the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)) shall not be withheld from obligation unless and until a special message specifying a deferral or rescission of budget authority for such programs is officially submitted to the Congress, when the Congress is in session.

49 USC 10903  
note.

SEC. 115. Notwithstanding any other provision of law or of this joint resolution, none of the funds provided in this or any other Act shall hereafter be used by the Interstate Commerce Commission to approve railroad branchline abandonments in the State of North Dakota by the entity generally known as the Burlington Northern Railroad, or its agents or assignees, in excess of a total of 350 miles: *Provided*, That this section shall be in lieu of section 311 (amendment numbered 93) as set forth in the conference report and the joint explanatory statement of the committee of conference on the Department of Transportation and Related Agencies Appropriations Act, 1982 (H.R. 4209), filed in the House of Representatives on November 13, 1981 (H. Rept. No. 97-331).

SEC. 116. Notwithstanding any other provision of law or of this joint resolution, the funds provided for section 18 nonurban formula grants and section 5 urban formula grants in this joint resolution shall be apportioned and allocated using data from the 1970 decennial census for one-half of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census.

SEC. 117. Notwithstanding any other provision of this joint resolution, the funds made available by this joint resolution which would be available under H.R. 4560, entitled "Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982", for school assistance in federally affected areas under title III of such Act shall be available under the authority and conditions set forth in H.R. 4560 as passed the House on October 6, 1981: *Provided*, That the total amount available for entitlements under section 3(a) of the Act of September 30, 1950, as amended, is amended so as to permit payment to any local educational agency under such section 3(a) not to exceed 90 per centum of the amount of such payment for fiscal year 1981, unless the entitlement for such agency is determined under section 3(d)(2)(B) of such Act: *Provided further*, That the provisions of section 3(d)(2)(B) shall be fully funded and not subject to rateable reduction: *Provided further*, That the provisions of section 5(c) shall not apply.

SEC. 118. Notwithstanding section 1903(s) of the Social Security Act, all medicaid payments to the States for Indian health service facilities as defined by section 1911 of the Social Security Act shall be paid entirely by Federal funds, and notwithstanding section 1903(t) of the Social Security Act, all medicaid payments to the States for Indian health service facilities shall not be included in the computation of the target amount of Federal medicaid expenditures.

42 USC 1396b  
note.  
Ante, p. 803.  
42 USC 1396j.  
Ante, p. 804.

SEC. 119. There are appropriated \$750,000 to continue the operations of the Office of Adolescent Pregnancy Programs of the Department of Health and Human Services.

SEC. 120. Notwithstanding any provision of law, 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 before November 5, 1981.

SEC. 121. Amounts at the level provided in H.R. 4560 as passed by the House are available for general departmental management, Department of Health and Human Services, and the program direction and support services activity, Assistant Secretary for Health.

SEC. 122. Notwithstanding any other provision of this joint resolution, appropriations for administrative costs including but not limited to salaries, expenses, travel and consultants in this joint resolution for the Department of Health and Human Services are hereby reduced by \$21,800,000: *Provided*, That none of this reduction shall be taken from activities supported under the budget account entitled "Social Security Administration, Limitation on Administrative Expenses" or from funds available for the administration of the Medicare program.

SEC. 123. Funding for sections 501 (a), (b), and (c) of the Refugee Education Assistance Act of 1980 and for the Refugee Act of 1980 shall be at the levels and under the terms and conditions of H.R. 4560, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982, as reported to the Senate on November 9, 1981.

8 USC 1522 note,  
1101 note.

SEC. 124. Notwithstanding any other provision of the joint resolution, the funds made available by this joint resolution which would be available under H.R. 4560, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982, as reported to the Senate on November 9, 1981, for Student Financial Assistance shall be subject to the following additional conditions:

(1) The maximum Pell Grant a student may receive in 1982-1983 academic year is \$1,800, notwithstanding section 411(a)(2)(A)(i)(II) of the Higher Education Act of 1965.

20 USC 1070a.

(2) The cost of attendance used for calculating eligibility for and amount of Pell Grants shall be established by the Secretary of Education.

(3) The Secretary of Education may establish or approve separate systems of need analysis for academic year 1982-1983, without regard to the provisions of subsections (a), (b), and (c) of section 482 of the Higher Education Act of 1965, for the programs authorized under subpart 2 of part A, part C, and part E of title IV of the Higher Education Act of 1965.

Ante, p. 453.

(4) The family contribution schedule for the 1981-1982 academic year shall be the family contribution schedule for the 1982-1983 academic year, modified by the Secretary of Education to exclude payments under the Social Security Act and title 38,

20 USC 1070b,  
42 USC 2751,  
20 USC 1088.

42 USC 1305.

*Ante*, p. 453.

20 USC 1089.  
20 USC 1070a.

42 USC 1305.  
38 USC 1651 *et seq.*, 1700 *et seq.*

2 USC 61b-3.

20 USC 1411.

29 USC 701 note.  
22 USC 2101 note.

29 USC 796e

United States Code, described in paragraph (5) and to reflect the most recent and relevant data, except that the Secretary of Education shall establish a series of assessment rates applicable to discretionary income in accordance with section 482(b)(4) of the Higher Education Act of 1965. The modified family contribution schedule under this paragraph shall be submitted to the President of the Senate and the Speaker of the House of Representatives not later than 15 days after the date of enactment of this resolution and shall otherwise be subject to the provisions of section 482(a) of the Higher Education Act of 1965.

(5) Notwithstanding the provisions of section 482 (b)(3) and the provisions of section 411(a)(2)(B)(ii), no Pell Grant shall exceed the difference between the cost of attendance at the institution at which the student is in attendance, and the sum of the expected family contribution and any amount paid to, or on account of, the student under the Social Security Act and any amount paid the student under chapters 34 and 35 of title 38, United States Code, and if with respect to any student, it is determined that the amount of a Pell Grant plus the amount of the expected family contribution, the amount paid to, or on account of, the student under the Social Security Act, and the amount paid the student under chapters 34 and 35 of title 38, United States Code, exceeds the cost of attendance for that year, the amount of the Pell Grant shall be reduced until the combination of expected family contribution, the amount of the Pell Grant, and the amount paid under the Social Security Act, and chapters 34 and 35 of title 38 of the United States Code, does not exceed the cost of attendance at such institution.

SEC. 125. For each fiscal year (beginning with the fiscal year which ends September 30, 1982), the Secretary of the Senate is authorized to expend from the contingent fund of the Senate such amount as may be necessary to enable the Secretary to obtain from the General Services Administration the services of a professional archivist. Such services shall be obtained on a reimbursable basis and shall not be obtained except with the consent of the General Services Administration and the Committee on Rules and Administration.

SEC. 126. There is appropriated \$69,800,000 for section 611 of the Education of the Handicapped Act which is in addition to amounts appropriated under this joint resolution which would otherwise be made available under H.R. 4560, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982, as reported to the Senate on November 9, 1981, for such section 611.

SEC. 127. For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, \$991,845,000, of which \$892,865,538 shall be for allotments under section 100(b)(1), \$6,134,462 shall be for activities under section 110(b)(3), \$650,000 shall be made available to the Navajo Tribal Council for activities under section 130, and \$18,000,000 shall be for activities under section 711 of the Rehabilitation Act of 1973.

SEC. 128. The Attorney General shall exercise his best efforts to ensure that none of the funds appropriated by this joint resolution may be obligated or expended after March 1, 1982, for the detention of any entrant, any applicant for political asylum or for refugee status, or any other alien which would cause the total number of aliens to exceed five hundred and twenty-five at the facility known as Krome North, located in the State of Florida, or to exceed five hundred and

twenty-five at any other facility in the State of Florida for the detention of aliens awaiting exclusion, deportation, or resettlement which is not used for such purpose on the date of enactment of this joint resolution.

SEC. 129. There is appropriated an additional \$45,000,000 for the payment of windfall benefits, as provided under section 15(d) of the Railroad Retirement Act of 1974, which, together with the amounts appropriated under this joint resolution which would otherwise be made available under H.R. 4560, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982, for the payment of such benefits, shall be the maximum amount available for payments through September 30, 1982.

45 USC 231n.

SEC. 130. Notwithstanding any other provision of this joint resolution, each State shall establish such fiscal control procedures as are necessary to assure that the funds made available under this resolution for the low-income energy assistance program are used for payments in accordance with section 2605(b) (1) and (2) of the Omnibus Budget Reconciliation Act of 1981 and that each eligible household receiving such payments does not use the payments for any other purpose than the purpose described in section 2602(a).

Ante, p. 896.

Ante, p. 893.

SEC. 131. Notwithstanding any other provision of this joint resolution, the provisions of section 210 of the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982 (H.R. 4560), as passed by the House of Representatives on October 6, 1981, and the provisions of section 209 of such Act as reported by the Senate Committee on Appropriations on November 9, 1981, shall be applicable with respect to sums appropriated pursuant to this joint resolution.

SEC. 132. Notwithstanding any other provision of law, none of the funds appropriated for the Department of Labor, Mine Safety and Health Administration 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 with respect to any independent construction contractor who is engaged by an operator for the construction, repair or alteration of structures, facilities, utilities or private ways or roads located on (or appurtenant to) the surface areas of any coal or other mine, and whose employees work in a specifically demarcated area, separate from actual mining or extraction activities: *Provided*, That no funds 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.

30 USC 801 note.

SEC. 133. There is appropriated the sum of \$362,000,000 for the Maternal and Child Health Care Block Grant Act.

Ante, p. 818.

SEC. 133a. Notwithstanding section 102 of this joint resolution, section 139(b)(3) of Public Law 97-51 is amended by striking out "1981" and inserting in lieu thereof "1980".

26 USC 162 note.

Ante, p. 967.

SEC. 134. There are appropriated to the Department of Health and Human Services \$61,180,000 for activities under the Developmental Disabilities Assistance and Bill of Rights Act of 1981.

SEC. 135. There is appropriated \$10,000,000 for part B of title IV of the Comprehensive Employment and Training Act relating to the Job Corps which is in addition to the amounts appropriated under this joint resolution which would otherwise be made available under H.R. 4560, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982, as reported to the Senate on November 9, 1981, for the Job Corps.

29 USC 923.

SEC. 136. Notwithstanding any other provision of this joint resolution, subject only to the absence of qualified applicants, and within the limits of funds and authority available, the head of each department and agency for which authority to enter into commitments to guarantee or insure is provided for in this joint resolution or H.R. 4034 shall enter into commitments to guarantee or insure in the full amounts provided for in this joint resolution or other applicable law.

SEC. 137. Notwithstanding any other provision of law or of this joint resolution, of the fiscal year 1982 Highway Trust Funds available for emergency relief, \$17,000,000 shall be made available for damaged highways or for the prevention of damage to highways in the area affected by eruptions of the Mount Saint Helens volcano.

SEC. 138. Notwithstanding any other provision of title 23, United States Code, or of this joint resolution, the Secretary of Transportation shall approve, upon the request of the State of Indiana, the construction of an interchange to appropriate standards at I-94 and County Line Road at the Porter-La Porte County Line near Michigan City, Indiana, with the Federal share of such construction to be financed out of funds apportioned to the State of Indiana under section 104(b)(5)(A) of title 23, United States Code.

45 USC 851.

SEC. 139. Notwithstanding any other provision of law, or of this joint resolution, any proposal for deferral of budget authority under section 1013 of the Impoundment Control Act of 1974 (31 U.S.C. 1403) with respect to budget authority for expenses related to the Northeast Corridor Improvement Project authorized under title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210) shall, upon transmittal to the Congress, be referred to the House and Senate Committees on Appropriations and any amount of budget authority proposed to be deferred therein shall be made available for obligation unless, within a 45-day period which begins on the date of transmittal and which is equivalent to that described in section 1011 (3) and (5) of the Impoundment Control Act of 1974 (31 U.S.C. 1401 (3) and (5)), the Congress has completed action on a bill approving all or part of the proposed deferral.

28 USC 461 note.

SEC. 140. Notwithstanding any other provision of law or of this joint resolution, none of the funds appropriated by this joint resolution or by any other Act shall be obligated or expended to increase, after the date of enactment of this joint resolution, any salary of any Federal judge or Justice of the Supreme Court, except as may be specifically authorized by Act of Congress hereafter enacted: *Provided*, That nothing in this limitation shall be construed to reduce any salary which may be in effect at the time of enactment of this joint resolution nor shall this limitation be construed in any manner to reduce the salary of any Federal judge or of any Justice of the Supreme Court.

5 USC 5318 note.

SEC. 141. (a) Notwithstanding the provisions of section 305 of H.R. 4120 made applicable by section 101(g) of this joint resolution, but subject to subsection (b) of this section, nothing in section 101(g) shall (or shall be construed to) require that the rate of salary or basic pay, payable to any individual for or on account of services performed after December 31, 1981, be limited to or reduced to an amount which is less than—

(1) \$59,500, if such individual has an office or position the salary or pay for which corresponds to the rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code;

(2) \$58,500, if such individual has an office or position the salary or pay for which corresponds to the rate of basic pay for

level IV of the Executive Schedule under section 5315 of title 5, United States Code; or

(3) \$57,500, if such individual has an office or position the salary or pay for which corresponds to the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b)(1) For purposes of subsection (a), any rate of salary or pay shall be considered to correspond to the basic pay for a level of the Executive Schedule if the rate of salary or pay for that office or position is (i) fixed at a rate which is equal to or greater than the rate of basic pay for that level of the Executive Schedule or (ii) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code, or any other provision of law (other than the provisions of such section 305, as made applicable by section 101(g) of this joint resolution) or congressional resolution.

(2) In applying subsection (a) for any office or position for which the rate of salary or basic pay is limited to a percentage of such a maximum rate, there shall be substituted, in lieu of the amount specified in subsection (a) for that office or position, an amount equal to such percentage of the specified amount.

(c) Any adjustment pursuant to this section made to the pay of any employee or class of employees whose pay is disbursed by the Clerk of the House should be of such amount as to assure, to the maximum extent practicable, that such employees are not paid at rates at less than employees or classes of employees whose pay is disbursed by the Secretary of the Senate and who hold equivalent positions.

SEC. 142. (a) Notwithstanding any other provision of this joint resolution, and except as otherwise provided in this section, total budget authority provided by this joint resolution for appropriation accounts for which provision would be made in the following appropriation Acts:

the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1982;

the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982;

the Department of the Interior and Related Agencies Appropriation Act, 1982;

the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1982; and

the Treasury, Postal Service, and General Government Appropriation Act, 1982;

shall be reduced by 4 per centum.

(b) Notwithstanding any other provision of this joint resolution, and except as otherwise provided in this section, total budget authority provided by this joint resolution for appropriation accounts for which provision would be made in the Military Construction Appropriation Act, 1982, shall be reduced by 2 per centum.

(c) The reductions made by subsections (a) and (b) of this section shall be applied proportionally to each appropriation account.

(d) Notwithstanding any other provision of this joint resolution, and except as otherwise provided in this section, total budget authority provided by this joint resolution for appropriation accounts for which provision would be made in the Department of Defense Appropriation Act, 1982, shall be reduced by 2 per centum. The reduction in this subsection shall be taken only from appropriation accounts in titles IV and V of that Act, and shall be applied proportionally to those accounts. After the conclusion of the first

session of the Ninety-seventh Congress, the level of budget authority for the Department of Defense shall be the level of the conference agreement on the Department of Defense Appropriation Act, 1982, and this section shall not apply to that level. If such agreement has not been reached by the conclusion of the first session of the Ninety-seventh Congress, the level shall be as set forth in section 101(a) of this joint resolution, and this section shall not apply to that level.

(e) The reduction made by this section shall be applied so that the budget authority provided in this joint resolution within any appropriation account for any program or project shall not be reduced by more than 6 per centum.

(f) The reduction made by this section shall be applied so that no program or project shall be terminated.

(g) The reduction made by this section shall not apply to budget authority made available by this joint resolution for:

- the Food Stamp program;
- the Veterans' Administration medical care account;
- any account, program or project involving spending authority defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344);

31 USC 1351.

- the Payment to State and Local Government Fiscal Assistance Trust Fund (31 U.S.C. 1221-1263);
- accounts of the Veterans' Administration where budget authority otherwise provided by this joint resolution would be at or below the revised budget estimates;

the Internal Revenue Service, the Federal Bureau of Investigation, and the Drug Enforcement Administration in the Department of Justice, the law enforcement activities of the Customs Service and the Secret Service in the Department of the Treasury, and the law enforcement activities of the Coast Guard.

(h) This section shall not apply to any appropriation account, program or project for which budget authority is provided by a 1982 appropriation Act enacted into law subsequent to the enactment of this joint resolution.

**Sec. 143.** Notwithstanding section 102 of this joint resolution, appropriations and funds made available and authority granted pursuant to this joint resolution for appropriation accounts, programs, and projects for which provision would be made in the Department of Defense Appropriation Act, 1982, shall be available from December 15, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) February 15, 1982, whichever first occurs.

Approved December 15, 1981.

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**LEGISLATIVE HISTORY—H.J. Res. 370:**

HOUSE REPORT No. 97-372 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 127 (1981):

Dec. 10, considered and passed House.

Dec. 10, 11, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 17, No. 51 (1981):

Dec. 15, Presidential statement.