Public Law 97-276
97th Congress

Joint Resolution

Oct. 2, 1982
[H.J. Res. 599]

Making continuing appropriations for the fiscal year 1983, and for other purposes.

Continuing appropriations for fiscal year 1983.

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

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

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1983;

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1983;

District of Columbia Appropriation Act, 1983;

Department of Transportation and Related Agencies Appropriation Act, 1983; and

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

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

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed the House as of October 1, 1982, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1982, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1982, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations of the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1982: *Provided further,* That for the purposes of this joint resolution, when an Act listed in this subsection has been reported to the House or the Senate but not passed by that House as of October 1, 1982, it shall be deemed as having been passed by that House.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1982, the pertinent project or activity shall be continued under the appropriation, fund, or author-

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ity granted by the House, but at a rate for operations of the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1982.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1982, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing the following activities, not otherwise provided for, which were conducted in the fiscal year 1982, under the current terms and conditions and at a rate to maintain current operating levels:

activities under the purview of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1982, as provided for in Public Law 97-92; and

95 Stat. 1183.

activities, including those activities conducted pursuant to section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended, for which provision was made in the Department of the Interior and Related Agencies Appropriation Act, 1982: *Provided,* That no programs or facilities funded therein may be terminated unless such termination is specifically approved in the appropriations process, including reprograming.

95 Stat. 619.
42 USC 6247.
95 Stat. 1391.

(c) Pending passage of the regular Department of Defense Appropriation Act for fiscal year 1983, such amounts as may be necessary for continuing activities which were conducted in the fiscal year 1982, for which provision was made in the Department of Defense Appropriation Act, 1982, but such activities shall be funded at not to exceed an annual rate for new obligational authority of $228,700,000,000, which is an increase above the current level, and this increase shall be distributed on a pro-rata basis to each appropriation account and shall operate under the terms and conditions provided for in the applicable appropriation Acts for the fiscal year 1982: *Provided,* That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds or other authority were not available during the fiscal year 1982; this limitation shall include but not be limited to prohibitions on funding availability for initial production of the MX intercontinental ballistic missile and for long lead or initial production of a second nuclear-powered aircraft carrier until midnight December 17, 1982; and in addition, this limitation shall include the lower appropriation or funding ceilings for specific projects and activities set forth in the Department of Defense Appropriation Act, 1983, as reported to the Senate on September 23, 1982, or as subsequently reported to the House of Representatives: *Provided further,* That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later except for the following programs and amounts; AN/ALQ-136 Radar Jamming Systems, $14,500,000; NATO Seasparrow Ordalt Kits, $33,000,000;

95 Stat. 1565.

continue the purchase of C-2 aircraft under a multiyear contract, $267,800,000: *Provided further,* That none of the funds appropriated or made available pursuant to this paragraph for the pay of members of the uniformed services shall be available to pay any member of the uniformed services a variable housihg allowance pursuant to section 403(a)(2) of title 37, United States Code, in an amount that is greater than the amount which would have been payable to such member if the rates of basic allowance for quarters for members of the uniformed services in effect on September 30, 1982, had been increased by 8 per centum on October 1, 1982: *Provided further,* That pending passage of the regular Department of Defense Appropriation Act for fiscal year 1983, none of the funds appropriated or made available pursuant to this paragraph shall be available for the additional conversion of any full time personnel in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard, from military technician to Active Guard/Reserve status: *Provided further,* That none of the funds appropriated or made available pursuant to this paragraph, except for small purchases in amounts not exceeding $10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto; Nothing in this provision shall preclude the procurement of foreign produced specialty metals used in the production or manufacture of weapons or weapons systems made outside the United States except those specialty metals which contain nickel from Cuba, or the procurement of chemical warfare protective clothing produced outside the United States, if such procurement is necessary to comply with agreements with foreign governments; Nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions; No funds appropriated or made available pursuant to this paragraph shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed $5,000,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations; That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 5 per

centum; None of the funds appropriated or made available pursuant to this paragraph shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

(d) Such amounts as may be necessary for continuing the activities of the Foreign Assistance Appropriations Act of 1982, Public Law 97-121, under the terms and conditions, and at the rate, provided for in that Act or at the rate provided for in the budget estimates, whichever is lower, and under the more restrictive authority, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the State Department Basic Authorities Act of 1956, or any other provision of law: *Provided,* That amounts allocated to each country under this paragraph shall not exceed those provided in fiscal year 1982 unless submitted through the regular reprograming procedures of the Committees on Appropriations: *Provided further,* That economic and military assistance shall be available to Israel at the rate provided by, and under the terms and conditions of, Public Law 97-113.

95 Stat. 1647.

22 USC 2412.
22 USC 2680.

95 Stat. 1519.

(e) Notwithstanding section 102 of this joint resolution, such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in S. 2939, entitled the Legislative Branch Appropriation Act, 1983, as reported September 22, 1982, and the provisions of S. 2939 shall be effective as if enacted into law; except that the provisions of section 306 (a), (b), and (d) of S. 2939 shall apply to any appropriation, fund, or authority made available for the period October 1, 1982, through December 17, 1982, by this or any other Act.

22 USC 2151 note.

5 USC 5318 note.

For purposes of this subsection, S. 2939, as reported September 22, 1982, shall be treated as appropriating the following amounts:

Under the headings "JOINT ITEMS", "CONTINGENT EXPENSES OF THE SENATE", "Joint Economic Committee", $2,327,000, and "CONTINGENT EXPENSES OF THE HOUSE", "Joint Committee on Taxation", $3,233,000; under the headings "CONGRESSIONAL BUDGET OFFICE", "SALARIES AND EXPENSES", $14,825,000; under the headings "ARCHITECT OF THE CAPITOL", "Salaries", $4,301,000; under the headings "COPYRIGHT ROYALTY TRIBUNAL", "SALARIES AND EXPENSES", $606,000, of which $157,000 shall be derived from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807; under the headings "GENERAL ACCOUNTING OFFICE", "SALARIES AND EXPENSES", $244,900,000.

For purposes of this subsection, S. 2939 shall be applied as follows:

The limitation on the number of staff employees of the Congressional Budget Office contained in S. 2939 shall be applied by substituting "222 staff employees" for "226 staff employees";

The fourth proviso under the headings "GOVERNMENT PRINTING OFFICE", "GOVERNMENT PRINTING OFFICE REVOLVING FUND", relating to travel expenses of advisory councils to the Public Printer, contained in S. 2939 shall be effective only for fiscal year 1983. Notwithstanding any other provision of this joint resolution, for payment to Patricia Ann Benjamin, wife of Adam Benjamin, Junior, late a Representative from the State of Indiana, $60,663.

(f) Such amounts are available as may be necessary for projects or activities provided for in H.R. 6968, the Military Construction Appropriations Act, 1983, as passed the House on August 19, 1982, at

a rate for operations and to the extent and in the manner provided for in such Act: *Provided*, That notwithstanding the foregoing provision of this paragraph and not withstanding any other provision of this joint resolution, such amounts as may be necessary for projects or activities provided for in the Military Construction Act, 1983 (H.R. 6968), 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 as filed in the House of Representatives on September 30, 1982, as if such Act had been enacted into law.

(g) Such amounts as may be necessary for continuing activities which were conducted in fiscal year 1982, for which provision was made in the Energy and Water Development Act, 1982, at the current rate of operations: *Provided*, That no appropriation, fund or authority made available by this joint resolution or any other Act may be used directly or indirectly to significantly alter, modify, dismantle, or otherwise change the normal operation and maintenance required for any civil works project under Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Operation and Maintenance, General, and the operation and maintenance activities funded in Flood Control, Mississippi River and Tributaries: *Provided further*, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1982 without prior approval of the Committees on Appropriations: *Provided further*, That no appropriation, fund or authority made available to the Department of Energy by this joint resolution or any other Act, shall be used for any action which would result in a significant reduction of the employment levels for any program or activity below the employment levels in effect on September 30, 1982.

95 Stat. 1135.

Funding availability.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1982, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) December 17, 1982, whichever first occurs.

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

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

SEC. 105. Any appropriation for the fiscal year 1983 required to be apportioned pursuant to subchapter II of chapter 15 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each

Ante, p. 928.

such appropriation shall otherwise be subject to the requirements of subchapter II of chapter 15 of title 31, United States Code.

Ante, p. 928.

SEC. 106. In accordance with Public Law 97-257 of September 10, 1982, not to exceed an annual rate of $13,500,000 from the fees collected and credited to the "Salaries and Expenses" appropriation of the Federal Bureau of Investigation to process fingerprint identification records for noncriminal employment and licensing services, shall be available for salaries and other expenses incurred in providing such services.

Ante, p. 818.

SEC. 107. Notwithstanding any other provision of this joint resolution, the New England Division of the United States Army Corps of Engineers shall be maintained as a Division with all of the duties and functions of a Division retained and shall not be redesignated a District or any other type office, other than Division.

SEC. 108. Of amounts appropriated for the Water Resources Council, Water Resources Planning, for preparation of assessments and plans, in Public Law 97-88, not more than $195,000 shall remain available until expended and shall be available to pay for work performed prior to fiscal year 1982 in support of the Columbia River Estuary Data Development Program, if such work is accepted by the Water Resources Council.

95 Stat. 1148.

SEC. 109. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending September 30, 1983, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or an employee covered by section 5348 of that title, in an amount which exceeds—

5 USC 5343 note.

5 USC 5348.

(1) for the period from October 1, 1982, until the next applicable wage survey adjustment becomes effective, the rate which was payable for the applicable grade and step to such employee under the applicable wage schedule that was in effect and payable on September 30, 1982; and

(2) for the period consisting of the remainder of the fiscal year ending September 30, 1983, a rate which exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1983.

(b) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of the Civil Service Reform Act of 1978, the provisions of subsection (a) of this section shall apply (in such manner as the Office of Personnel Management shall prescribe) to prevailing rate employees to whom such section 9(b) applies, except that the provisions of subsection (a) may not apply to any increase in a wage schedule or rate which is required by the terms of a contract entered into before the date of enactment of this Act.

5 USC 5343 note.

(c) For the purposes of subsection (a) of this section, the rate payable to any employee who is covered by this section and who is paid from a schedule which was not in existence on September 30, 1982, shall be determined under regulations prescribed by the President.

Regulations.

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

(e) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or

contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

Space and services rental.

SEC. 110. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted: *Provided,* That no part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year 1982: *Provided further,* That the limitations of this section shall terminate on December 17, 1982.

40 USC 490.

Federal lands, disposal.

SEC. 111. Except as expressly provided for by law, none of the funds provided in this joint resolution shall be obligated to dispose, except by exchange, of any Federal land tract or lands with national environmental or economic value until such time as the General Services Administration, the Property Review Board, or other agencies as required under Executive Order 12348 has specifically identified them as no longer being needed by the Federal Government; inventoried them as to their public benefit values; provided opportunity for public review and discussion of the property proposed for disposal; and provided 30 days advance notice of the property proposed for disposal and of the plans for carrying out such disposal to the congressional delegation of the State or States in which the tract proposed for sale is located and to the appropriate congressional committees for immediate printing in the Congressional Record: *Provided,* That neither the Act of July 31, 1958 as amended (72 Stat. 438, as amended; 7 U.S.C. 1012a; 16 U.S.C. 478a) nor the Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.) shall be subject to the provisions of this section.

47 FR 8547.

SEC. 112. Notwithstanding any other provision of this joint resolution except section 102, moneys deposited into the National Defense Stockpile Transaction Fund under section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) are hereby made available, subject to such limitations as may be provided in appropriation Acts and in section 5(a)(1) of such Act, until expended for the acquisition of strategic and critical materials under section 6(a)(1) of such Act (and for transportation and other incidental expenses related to such acquisition). This paragraph applies without fiscal year limitation to moneys deposited into the fund before, on, or after October 1, 1982: *Provided,* That during the fiscal year ending on September 30, 1983, not more than $120,000,000 in addition to amounts previously appropriated, of which not to exceed $85,000,000 shall be available only until the termination of this joint resolution for the purchase of domestic copper mined and smelted in the United States after September 30, 1982, may be obligated from amounts in the National Defense Stockpile Transaction Fund for

50 USC 98d.

50 USC 98e.

the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition.

SEC. 113. Notwithstanding any other provision of this joint resolution, funds available to the Federal Building Fund within the General Services Administration may be used to initiate new construction, purchase, advance design, and repairs and alteration line-item projects which are included in the Treasury, Postal Service and General Government Appropriation Act, 1983, as reported to the House or the Senate.

SEC. 114. (a)(1) Funds provided by this joint resolution for costs to continue the implementation of provisions contained in the District of Columbia Statehood Constitutional Convention Initiative (D.C. Law 3-171) shall be applied first toward ensuring voter education on the proposed constitution by (A) printing, by the Statehood Commission, of the proposed constitution together with objective statements both for and against its provisions as expressed by the Convention delegates taking such positions, (B) mailing of this information to the registered voters of the District of Columbia by October 22, 1982, and (C) preparing for publication as a public document a comprehensive legislative history of the proposed constitution.

(2) None of the funds provided by this joint resolution may be used to pay for the publication of any information or materials by the Statehood Commission which fail to present objective arguments for and against the provisions of the proposed constitution.

(b) Notwithstanding section 102, the paragraph under the heading "LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND" in the District of Columbia Appropriation Act, 1982 (Public Law 97-91; 95 Stat. 1175) is amended— 95 Stat. 1174.

(1) in the second proviso, by striking out "payments of prizes" and inserting in lieu thereof "payment of fees to ticket agents, fees to contractors supplying gambling paraphernalia or services, and prizes";

(2) in the third proviso, by striking out "payments of prizes" and inserting in lieu thereof "payment of such fees and prizes";

(3) in the fourth proviso, by striking out "prizes and administration of the Board shall not exceed resources available to the Board from appropriated authority or revenues" and inserting in lieu thereof "administration of the Board shall not exceed resources available to the Board from appropriated authority: *Provided further,* That the annual expenses for fees and prizes shall not exceed revenues"; and

(4) in the fifth proviso, by striking out "for prize money" and inserting in lieu thereof "for fees and prize money".

(c) Notwithstanding any other provision of this resolution, the Superior Court of the District of Columbia may continue to operate the Volunteer Attorney Program and the Community Workers Program, and may implement the hearing commissioner program, from existing resources and position authority. Upon passage of the fiscal year 1983 appropriation Act, full year program funding will be available to pay, retroactively, for program services performed on or after October 1, 1982.

(d) The Washington Convention Center may proceed at an annual rate of operation which does not exceed $5,275,000.

SEC. 115. Notwithstanding any other provision of this joint resolution except section 102, there are appropriated to the Postal Service

Fund sufficient amounts so that postal rates for all preferred-rate mailers covered by section 3626 of title 39, United States Code, shall be continued at the rates in effect on July 28, 1982 (step 13): *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That six-day delivery and rural delivery of mail shall continue at the 1982 level.

Ante, pp. 837, 838.

SEC. 116. Funds appropriated in Public Law 97-257 to the United States Fish and Wildlife Service for "Construction and anadromous fish" and to the Office of Surface Mining Reclamation and Enforcement for "Abandoned Mine Reclamation Fund" shall remain available until expended.

SEC. 117. Notwithstanding section 101(a)(3) of this joint resolution, funds shall be available for the United States Court of Appeals for the Federal Circuit at an annual rate not to exceed $4,146,000.

SEC. 118. Notwithstanding any other provision of law or of this joint resolution, AID/afr-C-1414, Agency for International Development, shall be extended for an additional three years.

SEC. 119. Notwithstanding any other provision of this joint resolution, there is appropriated $36,500,000, to remain available until expended, for Smithsonian Institution "Construction" to carry out the provisions of Public Law 97-203 to construct a building for the Museum of African Art and a gallery for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building, including not to exceed $100,000 for services as authorized by 5 U.S.C. 3109: *Provided,* That except for funds obligated or expended for planning, administration, and management expenses, and architectural or other consulting services, no funds herein appropriated shall be available for obligation or expenditure until such time as the Chancellor, acting on behalf of the Board of Regents of the Smithsonian Institution, certifies that all required matching funds are actually on hand or available through legally binding pledges.

Ante, p. 129.

SEC. 120. Notwithstanding any other provision of this joint resolution, there is appropriated $242,118,000, to remain available until expended, for Department of Energy "Strategic Petroleum Reserve" to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163).

42 USC 6231-6246.

SEC. 121. Notwithstanding section 101(a)(3) of this joint resolution, of the funds provided for the Salaries and Expenses appropriation of the Small Business Administration under this joint resolution, an annual rate of $14,000,000 shall be available only for grants for Small Business Development Centers as authorized by section 20(a) of the Small Business Act, as amended.

15 USC 631 note.

SEC. 122. Notwithstanding section 101(a)(3) of this joint resolution, none of the funds provided by this joint resolution for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to section 4 (a), (b), and (c); section 5; and section 11 of H.R. 3480, as passed the House of Representatives on June 18, 1981: *Provided,* That none of the funds appropriated under this joint resolution for the Legal Services Corporation shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United States and is—

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

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one

years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

8 USC 1101 note.

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

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

An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007(b)(11) of the Legal Services Corporation Act, to be an alien described in subparagraph (C) of such section: *Provided further,* That none of the funds provided by this joint resolution for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (a) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (b) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: *Provided further,* That none of the funds appropriated under this joint resolution for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government except in accordance with policies or regulations adopted by the Board of Directors of the Legal Services Corporation.

42 USC 2996f.

SEC. 123. No provision in any appropriation Act for the fiscal year 1983 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 124. Notwithstanding any other provision of this joint resolution, in the case of any employee of the Federal Government who is indebted to the United States, as determined by a court of the United States in an action or suit brought against such employee by the United States, the amount of the indebtedness may be collected in monthly installments, or at officially established regular pay period intervals, by deduction in reasonable amounts from the current pay account of the individual. The deductions may be made only from basic pay, special pay, incentive pay, or, in the case of an individual not entitled to basic pay, other authorized pay. Collection shall be made over a period not greater than the anticipated period

5 USC 5514 note.

of employment. The amount deducted for any period may not exceed one-fourth of the pay from which the deduction is made, unless the deduction of a greater amount is necessary to make the collection within the period of anticipated employment. If the individual retires or resigns, or if his employment otherwise ends, before collection of the amount of the indebtedness is completed, deduction shall be made from later payments of any nature due to the individual from the United States Treasury.

Termination of employment, debt collection.

SEC. 125. Of the $77,042,000 available at an annual rate under this joint resolution for the exchange programs of the United States Information Agency, $67,301,000 shall be available for the Fulbright and International Visitor Programs, $2,620,000 shall be available for the Humphrey Fellowship Program and $7,121,000 shall be available for the Private Sector Programs.

SEC. 126. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 4(d)(1) of Public Law 96-312 and section 603 of Public Law 94-579, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statewide or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, none of the funds provided in this joint resolution shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oilshale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas.

16 USC 1132 notes.
94 Stat. 949.
43 USC 1782.

SEC. 127. No reduction in the amount payable to any State under title IV of the Social Security Act with respect to any of the fiscal years 1977 through 1982 shall be made prior to the date on which this resolution expires on account of the provisions of section 403(h) of such Act.

42 USC 603 note.
42 USC 601.
42 USC 603.

SEC. 128. Notwithstanding any other provision of this joint resolution except section 102, funds shall be available for the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), at the rate and under the terms and conditions provided for in title III of H.R. 7072 as passed the Senate on September 28, 1982.

SEC. 129. Notwithstanding any other provision of law or this joint resolution, except section 102, an amount for those International Financial Institutions referred to in title I of Public Law 97-121, the Foreign Assistance and Related Program Appropriations Act, 1982, as is equal to the total for such institutions in that title, may be allocated by the President among those institutions in a manner which does not exceed the limits established in authorizing legislation.

95 Stat. 1647.

SEC. 130. Notwithstanding any other provision of this joint resolution, except section 102, and notwithstanding any other provision of law for payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389),

49 USC 1376a note.

as is payable by the Board, $48,400,000 is appropriated to remain available until expended, and such amounts as may be necessary to liquidate obligations incurred prior to September 30, 1982, under 49 U.S.C. 1376 and 1389: *Provided,* That, notwithstanding any other provision of law, none of the funds hereafter appropriated by this joint resolution or any other Act shall be expended under section 406 (49 U.S.C. 1376) for services provided after September 30, 1982: *Provided further*, That, notwithstanding any other provision of law or of the previous provision of this paragraph, payments shall be made from funds appropriated herein and in accordance with the provisions of this paragraph to carriers providing, as of September 30, 1982, services covered by rates fixed under section 406 of the Federal Aviation Act (excluding services covered by payments under section 419(a)(7) and services in the State of Alaska): *Provided further*, That, notwithstanding any other provision of law, such payments shall be based upon rate orders applicable to such carriers as of July 1, 1982, but shall not exceed $13,500,000 in the aggregate: *Provided further*, That, notwithstanding any other provision of law, to the extent necessary to meet this limitation, such payments shall be reduced by a percentage which is the same for all carriers eligible for such payments: *Provided further*, That nothing in this joint resolution shall be deemed to prevent the Board from granting an application under section 419(a)(11)(A) (49 U.S.C. 1389) pertaining to a carrier receiving compensation under this joint resolution, in which event the standards and procedures set forth in section 419(a)(11)(A) shall apply.

49 USC 1376.
49 USC 1389.

SEC. 131. Sections 308(g) and 308a(c) of title 35, United States Code, are amended by striking out "September 30, 1982" and inserting in lieu thereof "December 17, 1982".

37 USC 308, 308a.

SEC. 132. Notwithstanding any other provision of this joint resolution, there are appropriated $39,000,000 for fiscal year 1983 to carry out section 317(j)(1) of the Public Health Service Act, relating to preventive health service programs to immunize children against immunizable diseases.

42 USC 247b.

SEC. 133. (a) In accordance with section 101(b) of this joint resolution, activities under title XV of the Public Health Service Act shall be continued at a rate to maintain current operating levels.

42 USC 300k-1.

(b) Notwithstanding any other provision of law, no funds appropriated by this joint resolution or any other Act for fiscal year 1983 for any allotment, grant, loan, or loan guarantee under the Public Health Service Act or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 shall be subject to reduction under section 1521(d)(2) of the Public Health Service Act during the period beginning on October 1, 1982, and ending on the date specified in clause (c) of section 102.

42 USC 201 note.
42 USC 4541 note.
42 USC 300m.

SEC. 134. Notwithstanding any other provision of this joint resolution, there are appropriated $34,000,000 to carry out section 786 of the Public Health Service Act.

42 USC 295g-6.

SEC. 135. Notwithstanding any other provision of this joint resolution, such amounts as may be necessary shall be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds to support an annual operating level for Medicare claims processing activities of $800,000,000, including $45,000,000 for this purpose which is currently available under section 118 of Public Law 97-248.

Funds, transfer.
Ante, p. 355.

SEC. 136. Notwithstanding the decision of the United States Court of Appeals for the District of Columbia Circuit in Connecticut

42 USC 1395h note.

against Schweiker (No. 81-2090, July 27, 1982), section 306 of Public Law 96-272, or section 1132 of the Social Security Act, no payment shall be made, in or with respect to any fiscal year prior to fiscal year 1984, under this or any other Act, and no court shall award or enforce any payment (whether or not pursuant to such decision) from amounts appropriated by this or any other Act, to reimburse State or local expenditures made prior to October 1, 1978, under title I, IV, X, XIV, XVI, XIX, or XX of the Social Security Act, unless a request for reimbursement had been officially transmitted to the Federal Government by the State within one year after the fiscal year in which the expenditure occurred. After fiscal year 1983, any payment made to reimburse such State or local expenditures required to be reimbursed by a court decision in any case filed prior to September 30, 1982 shall be made in accordance with a schedule, to be established under the Social Security Act, over fiscal years 1984 through 1986.

42 USC 1320b-2 and note.

42 USC 301, 601, 1201, 1351, 1381, 1396, 1397.

42 USC 1305.

SEC. 137. Notwithstanding any other provision of this joint resolution, there are appropriated $18,000,000 for fiscal year 1983 to carry out the Runaway and Homeless Youth Act.

SEC. 138. Notwithstanding any other provision of law, of the funds appropriated for fiscal year 1983 to carry out the Community Services Block Grant Act of 1981, not more than 10 per centum of the funds allotted to each State under section 674 of such Act shall be used for purposes other than to make grants to eligible entities as defined in section 673(1) of such Act or to organizations serving seasonal and migrant farmworkers or to designated limited purpose agencies which meet the requirements of section 673(1) of such Act.

95 Stat. 511.
42 USC 9901 note.
95 Stat. 512.
42 USC 9903.
95 Stat. 511.
42 USC 9902.

SEC. 139. Notwithstanding any other provision of this joint resolution, unobligated funds from fiscal year 1982 appropriations provided for closeout activities of the Community Services Administration are to remain available through September 30, 1983.

Community Services Administration closeout expenses.

SEC. 140. Notwithstanding section 5(b)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress), not later than thirty days after the beginning of the fiscal year, the Secretary of Education shall, on the basis of any application for preliminary payment from any local educational agency which was eligible for a payment during the preceding fiscal year on the basis of entitlements established under section 2 or 3 of such Act, make to such agency a payment of not less than—

20 USC 240 note.
20 USC 240.

20 USC 237, 238.

(1) in the case of a local educational agency described in section 3(d)(1)(A) of such Act, 75 per centum of the amount that such agency received during such preceding fiscal year; and

(2) in the case of any other local educational agency, 50 per centum of the amount that such agency received during such preceding fiscal year.

SEC. 141 Notwithstanding any other provision of this joint resolution or section 512(b) of the Omnibus Budget Reconciliation Act of 1981, there are appropriated $9,000,000 for fiscal year 1983 to carry out subpart 2 of part H of title XIII of the Education Amendments of 1980 and section 528(5) of the Omnibus Budget Reconciliation Act of 1981, which shall remain available for obligation until September 30, 1988.

95 Stat. 444.
94 Stat. 1502.
95 Stat. 450.

SEC. 142. Notwithstanding any other provision of this joint resolution, there is hereby appropriated $5,000,000 under title III of the United States Public Health Service Act for Nursing Research activities.

42 USC 241.

SEC. 143. Section 93 of title 14, United States Code, is amended by (1) striking out "and" at the end of subsection (p); (2) striking out the period at the end of subsection (q) and inserting in lieu thereof "; and"; and (3) adding at the end thereof the following new subsection: "(r) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities.".

SEC. 144. Notwithstanding any other provision of this joint resolution, except section 102, funds shall be available for the United States Travel and Tourism Administration at an annual rate of $7,600,000.

Loan guarantee.

SEC. 145. Notwithstanding any other provision of this joint resolution, the head of any department or agency of the Federal Government in carrying out any loan guarantee or insurance program shall enter into commitments to guarantee or insure loans pursuant to such program in the full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) limitations contained in appropriation Acts.

Proposed regulations, review and comment.
Ante, p. 375.

SEC. 146. Notwithstanding any other provision of law or this joint resolution, no change in the regulations subject to the moratorium required by section 135 of Public Law 97-248 shall be promulgated in final form until one hundred and twenty days after the expiration of the moratorium, during which period the Department of Health and Human Services shall seek public review and comment on any such proposed regulations and consult with the appropriate Committees of Congress.

SEC. 147. Notwithstanding any other provision of this joint resolution or any other provision of law, appropriations for urban and nonurban formula grants authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) shall be apportioned and allocated using data from the 1970 decennial census for one-quarter of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census.

SEC. 148. Notwithstanding any other provision of this joint resolution, for necessary expenses for the National Oceanic and Atmospheric Administration (NOAA) to operate the civilian land remote sensing satellite system (LANDSAT), $13,555,000 above the rate provided by section 101(a) of this joint resolution, shall remain available until expended.

Peacekeeping activities. Report to Congress.

SEC. 149. Of the amounts appropriated to the Department of State for the purposes of "Contributions for International Peacekeeping Activities" not more than $50,000,000 shall be available for expenses necessary for contributions to a United Nations Transition Assistance Group, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 or any other provision of law: *Provided*, That none of these funds shall be obligated or expended for contributions to the United Nations Transition Assistance Group unless the President determines and reports to the Congress that an internationally acceptable agreement has been achieved among the parties to the Namibia dispute concerning implementation of United Nations Security Council Resolution 435 for the independence of Namibia.

22 USC 2680.

Effective date.

SEC. 150. Notwithstanding any other provisions of this joint resolution, $365,000 shall be made available for the National Security Council, effective October 1, 1982, for the operations of the President's Foreign Intelligence Advisory Board and the President's Intelligence Oversight Board.

Funds, transfer.

95 Stat. 1413.

20 USC 956.

SEC. 151. $5,200,000 of the funds appropriated to the National Endowment for the Humanities for "Salaries and expenses" in Public Law 97-100 are hereby transferred to "Matching Grants" for the purposes of section 7(h) of the National Foundation on the Arts and the Humanities Act of 1965, as amended. Such funds shall remain available until September 30, 1984.

SEC. 151. (a) Section 4109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (a)(1) of this section, the Administrator, Federal Aviation Administration, may pay an individual training to be an air traffic controller of such Administration, during the period of such training, at the applicable rate of basic pay for the hours of training officially ordered or approved in excess of forty hours in an administrative workweek.".

(b) Section 5532 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Notwithstanding any other provision of law, the retired or retainer pay of a former member of a uniformed service shall not be reduced while such former member is temporarily employed, during the period described in paragraph (2) or any portion thereof, under the administrative authority of the Administrator, Federal Aviation Administration, to perform duties in the operation of the air traffic control system or to train others to perform such duties.

Effective date.

"(2) The provisions of paragraph (1) of this subsection shall be in effect for any period ending not later than December 31, 1984, during which the Administrator, Federal Aviation Administration, determines that there is an unusual shortage of air traffic controllers performing duties under the administrative authority of such Administrator.".

(c)(1) Chapter 55 of title 5, United States Code, is amended by inserting after section 5546 the following new section:

5 USC 5546a.

"§ 5546a. Differential pay for certain employees of the Federal Aviation Administration

"(a) The Administrator of the Federal Aviation Administration (hereafter in this section referred to as the 'Administrator') may pay premium pay at the rate of 5 per centum of the applicable rate of basic pay to—

"(1) any employee of the Federal Aviation Administration who is—

"(A) occupying a position in the air traffic controller series classified not lower than GS-9 and located in an air traffic control center or terminal or in a flight service station;

"(B) assigned to a position classified not lower than GS-09 or WG-10 located in an airway facilities sector; or

"(C) assigned to a flight inspection crew-member position classified not lower than GS-11 located in a flight inspection field office,

the duties of whose position are determined by the Administrator to be directly involved in or responsible for the operation and maintenance of the air traffic control system; and

"(2) any employee of the Federal Aviation Administration who is assigned to a flight test pilot position classified not lower than GS-12 located in a region or center, the duties of whose position are determined by the Administrator to be unusually

taxing, physically or mentally, and to be critical to the advancement of aviation safety.

"(b) The premium pay payable under any subsection of this section is in addition to basic pay and to premium pay payable under any other subsection of this section and any other provision of this subchapter.".

(2) The analysis of chapter 55 of such title is amended by inserting after the item relating to section 5546 the following new item:

"5546a. Differential pay for certain employees of the Federal Aviation Administration.".

(d) Section 5546a of title 5, United States Code (as added by section 152(c) of this joint resolution), is amended by adding at the end thereof the following new subsections:

"(c)(1) The Administrator may pay premium pay to any employee of the Federal Aviation Administration who— Premium pay.

"(A) is an air traffic controller located in an air traffic control center or terminal;

"(B) is not required as a condition of employment to be certified by the Administrator as proficient and medically qualified to perform duties including the separation and control of air traffic; and

"(C) is so certified.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 1.6 per centum of the applicable rate of basic pay for so long as such employee is so certified.

"(d)(1) The Administrator may pay premium pay to any air traffic controller of the Federal Aviation Administration who is assigned by the Administrator to provide on-the-job training to another air traffic controller while such other air traffic controller is directly involved in the separation and control of live air traffic.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 10 per centum of the applicable hourly rate of basic pay times the number of hours and portion of an hour during which the air traffic controller of the Federal Aviation Administration provides on-the-job training.

"(e)(1) The Administrator may pay premium pay to any air traffic controller or flight service station specialist of the Federal Aviation Administration who, while working a regularly scheduled eight-hour period of service, is required by his supervisor to work during the fourth through sixth hour of such period without a break of thirty minutes for a meal.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 50 per centum of one-half of the applicable hourly rate of basic pay.

"(f)(1) The Administrator shall prescribe standards for determining which air traffic controllers and other employees of the Federal Aviation Administration are to be paid premium pay under this section.

"(2) The Administrator may prescribe such rules as he determines are necessary to carry out the provisions of this section.".

(e) Section 5547 of title 5, United States Code, is amended by adding at the end thereof the following: "The first sentence of this section shall not apply to any employee of the Federal Aviation Administration who is paid premium pay under section 5546a of this title.". *Ante*, p. 1200.

(f) Section 8339(e) of title 5, United States Code, is amended by inserting before the period "unless such employee has received, pursuant to section 8342 of this title, payment of the lump-sum credit attributable to deductions under section 8334(a) of this title during any period of employment as an air traffic controller and such employee has not deposited in the Fund the amount received, with interest, pursuant to section 8334(d) of this title".

5 USC 8342.
5 USC 8334.

(g) Section 8344 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Subject to paragraph (2) of this subsection, subsections (a), (b), (c), and (d) of this section shall not apply to any annuitant receiving an annuity from the Fund while such annuitant is employed, during any period described in section 5532(f)(2) of this title or any portion thereof, under the administrative authority of the Administrator, Federal Aviation Administration, to perform duties in the operation of the air traffic control system or to train other individuals to perform such duties.

Ante, p. 1200.

"(2) Paragraph (1) of this subsection shall apply only in the case of any annuitant receiving an annuity from the Fund who, before August 3, 1981, applied for retirement or separated from the service while being entitled to an annuity under this chapter.".

Effective dates.
5 USC 5546a note.

(h)(1) The amendments made by subsections 152(b), (c), (e), and (g) of this joint resolution shall take effect at 5 o'clock ante meridian eastern daylight time, August 3, 1981.

5 USC 5546a note.

(2) The amendments made by subsection 152(a) and subsection 152(d) of this joint resolution shall take effect on the first day of the first applicable pay period beginning after the date of the enactment of this joint resolution.

5 USC 8339 note.

(3) The amendment made by subsection 152(f) of this joint resolution shall take effect on the date of the enactment of this joint resolution.

SEC. 152. Notwithstanding any other provision of this joint resolution, there is appropriated $190,000, to remain available until expended, for necessary expenses to carry out section 301 of the Native Hawaiians Study Commission Act, Public Law 96-565.

42 USC 2991a note.

SEC. 153. Title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.) is amended by adding after section 625 the following new section:

Export license.
19 USC 1626.

"SEC. 626. (a) In order to monitor and enforce export measures required by a foreign government or customs union, pursuant to an international arrangement with the United States, the Secretary of the Treasury may, upon receipt of a request by the President of the United States and by a foreign government or customs union, require the presentation of a valid export license or other documents issued by such foreign government or customs union as a condition for entry into the United States of steel mill products specified in the request. The Secretary may provide by regulation for the terms and conditions under which such merchandise attempted to be entered without an accompanying valid export license or other documents may be denied entry into the United States.

"(b) This section applies only to requests received by the Secretary of the Treasury prior to January 1, 1983, and for the duration of the arrangements.".

SEC. 154. (a) Subpart J of part I of schedule 5 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 522.51 the following new item:

19 USC 1202 note.

"	522.53	Steam	Free	Free ".

(b) The amendment made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date which is fifteen days after the date of enactment of this joint resolution.

SEC. 155. For the purposes of the Immigration and Nationality Act, Tessie and Enrique Marfori shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this joint resolution, upon payment of the required visa fee. Upon the granting of permanent residence to such aliens as provided for in this joint resolution, the Secretary of State shall instruct the proper officer to reduce by the required number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

Alien admittance. 8 USC 1101 note.

8 USC 1153.

8 USC 1152.

SEC. 156. Notwithstanding any other provision of this joint resolution, there is appropriated $518,000,000, to remain available until expended, for Department of Transportation Interstate Transfer grants—Highways, and $365,000,000, to remain available until expended, for Department of Transportation Interstate Transfer grants—Transit: *Provided,* That allocations of these funds shall be distributed in accordance with House Report 97-783 or Senate Report 97-567, whichever is higher.

SEC. 157-158. Since the United States Congress established the Social Security system in 1935 to provide for the general welfare by establishing a system of Federal old-age benefits; and

Medicare.

Since Medicare was made part of the Social Security system by Act of Congress in 1965 to provide for the general welfare through a system of health benefits for the aged; and

Since medicare is an insurance program in which working Americans contribute their Social Security payroll taxes and in which the elderly and disabled pay health insurance premiums in order to receive health benefits promised under this insurance plan; and

Since proposals to limit eligibility for Medicare health benefits to lower-income persons would profoundly alter the character of health insurance for the aged and disabled by removing the insurance principle from the Medicare program.

It is the sense of the Senate that the Congress should reject any proposal to impose a "means test" on eligibility for the Medicare program or benefits provided by the Medicare program.

SEC. 159. Any amount remaining on September 30, 1982, from the contract authority and budget authority made available for use as provided in the third proviso under the heading, "Annual Contributions for Assisted Housing (Rescission)", in the Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216), shall remain available for obligation in accordance with the terms of such proviso, 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 January 1,

Ante, p. 183.

1983: *Provided,* That none of the amounts available for obligation in accordance with the foregoing 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).

SEC. 160. 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. 161. Section 2 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356k) is amended by striking out "October 1, 1982" and inserting in lieu thereof "the expiration of this joint resolution".

SEC. 162. Notwithstanding any other provisions of this joint resolution, except section 102, amounts which are available by section 101 for continuing activities conducted in 1982 under the Comprehensive Employment and Training Act of 1973, as amended, are hereby also made available to continue those activities under the provisions of S. 2036 as reported by the Committee of Conference.

29 USC 801 note.

Restrictions.

SEC. 163. None of the funds provided in this joint resolution shall be used to implement an apportionment and staffing plan to specifically phase down the Public Health Service Commissioned Corps.

SEC. 164. Notwithstanding section 1804 of the Public Health Service Act, funds provided for the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research by the Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216) shall remain available until December 31, 1982.

42 USC 300v-3.

Ante, p. 182.

Telephone service, payment.

SEC. 165. Notwithstanding any other provision of law, effective for the calendar year ending December 31, 1982, the Sergeant at Arms and Doorkeeper of the Senate is authorized to pay, from funds available to him in the account (within the contingent fund of the Senate) for "Miscellaneous Items", the increase in the mileage tariff rates imposed, effective October 1981, by the General Services Administration for telephone service provided through its Federal Telecommunications System during such calendar year to Senators in the States they represent. If and to the extent that there has been paid, from the Official Office Expense Account of any Senator, an amount which is authorized to be paid under the preceding sentence, then the Sergeant at Arms and Doorkeeper of the Senate shall reimburse such Expense Account of such Senator by a sum equal to such amount, upon certification and documentation (consisting of appropriate data supplied by the General Services Administration) by such Senator. Payments made under this section shall be made upon vouchers approved by the Sergeant at Arms and Doorkeeper of the Senate.

Restrictions.

SEC. 166. None of the funds appropriated under this joint resolution or any other provisions of law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government.

Ante, p. 681.
49 USC 2207.

SEC. 167. Section 508 of the Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new subsection:

"(e) USE OF CERTAIN APPORTIONED FUNDS FOR DISCRETIONARY PURPOSES.—(1) Subject to paragraphs (2) and (3), if the Secretary determines, based upon notice provided under section 509(e), or otherwise that any of the amounts apportioned under section 507(a) will not be obligated during a fiscal year, the Secretary may obligate during such fiscal year an amount equal to such amounts at his discretion for any of the purposes for which funds are made available under section 505.

Ante, p. 682.
49 USC 2208.

Ante, p. 676.
49 USC 2204.

"(2) The Secretary may make obligations in accordance with paragraph (1) only if the Secretary determines that the total of obligations for such fiscal year for purposes of section 505 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that sufficient amounts are authorized under section 505(a) for later fiscal years for obligation for such apportioned amounts which were not obligated during such fiscal year and which remain available under section 508(a).

Ante, p. 681.
49 USC 2207.

"(3) For the purposes of carrying out this subsection—

"(A) None of the funds provided in the joint resolution providing continuing appropriations for the fiscal year 1983 shall be available for the planning or execution of programs the commitments for which are in excess of $1,050,000,000 for the two fiscal years ending prior to October 1, 1983, for grants-in-aid for airport planning, noise compatibility planning and programs, and development; and

"(B) Section 506(e)(4) of this Act shall not in any manner whatsoever impair the limitation established by this paragraph."

Ante, p. 677.
49 USC 2205.

Approved October 2, 1982.

LEGISLATIVE HISTORY—H.J. Res. 599:

HOUSE REPORTS: No. 97-834 (Comm. on Appropriations) and No. 97-914 (Comm. of Conference).
SENATE REPORT No. 97-581 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 22, considered and passed House.
Sept. 28, 29, considered and passed Senate, amended.
Oct. 1, House agreed to conference report; concurred in certain Senate amendments, and in others with amendments. Senate agreed to conference report; concurred in House amendments.