

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555



CHAIRMAN

APR 26 1982

FYI  
J. Becher  
Dorian

The Honorable Alan Simpson, Chairman  
Subcommittee on Nuclear Regulation  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

The Commission has had an opportunity to review both S. 1207 and H.R. 2330, the Senate and House versions of the Nuclear Regulatory Commission (NRC) authorization bill for fiscal years 1982 and 1983. We are pleased that both versions provide spending authority for a two-year period. This improvement over past single-year authorizations will significantly enhance our ability to plan for the future. Prior to resolution of differences between the two bills in conference, the Commission would like to make the following observations with respect to specific provisions:

- (1) Both bills authorize spending at levels above the amount appropriated to NRC for FY 1982 by P.L. 97-88. Although either level is acceptable, the Commission would prefer the Senate authorization levels (\$495.7M in FY 1982 and \$530M in FY 1983) as assuring us the maximum degree of flexibility.
- (2) We recommend deleting Section 105 of S. 1207, which would require the NRC to fund 20 man-years of effort in FY 1982 and 20 man-years in FY 1983 to review results of the Loss of Fluid Test (LOFT) experiments and apply them to revision of Appendix K. We do not believe that we can effectively use 20 man-years for this purpose in either FY 1982 or FY 1983. Furthermore, our budget request does not include funding for this effort, which, if required would necessitate a reduction in funding for other research activities.

Commissioner Ahearne endorses the position proposed by the NRC Office of Research:

We recognize the usefulness of the information generated by the Loss of Fluid Test Facility (LOFT) and the related programs at the Semiscale and Power Burst Facilities to improve accident diagnostics, code development, code verification, transient analysis and also as a basis for revisions to Appendix K. We, therefore, believe the Senate bill should also recognize the broad applications of these programs rather than focusing on one issue. This could be done, for example, by replacing the following sentence in Section 105, which states: "The technical review and analysis shall be for the purpose of developing and recommending to the Commission appropriate revisions to Appendix K to Part 50 of the Commission's regulations

in accordance with the Loss of Fluid Test research results," with the following revision: "The technical review and analysis shall provide a basis as appropriate for changes to the Commission's regulations." We believe we can effectively use the information for those programs with INEL support with a resource commitment of less than 20 man-years per year for FY 1982 and 1983 over our current programs. Accordingly, we recommend either deleting this provision or, in the alternative, incorporating the example wording for Section 105 given and changing the provision to read "up to" rather than "not less than" twenty man-years in each fiscal year.

- (3) Section 2 of H.R. 2330 and Section 102 of S. 1207, relating to funds received for the cooperative nuclear research programs, are substantially identical except that the House version omits reference to monies retained for the material access authorization program. The Commission supports the provision as stated in the Senate version so that the NRC would not have to receive appropriated funds to pay for the security clearances of licensee employees.
- (4) Section 7 of the House bill is intended to give support to Commission efforts to consolidate NRC headquarters staff on an interim basis until permanent quarters can be found or constructed. Although the Senate bill contains no comparable provision, the Senate Committee on Environment and Public Works has always strongly supported NRC consolidation efforts. Whatever explicit statement of support for this much needed action can be provided by the Conferees would be greatly appreciated.
- (5) Section 9 of H.R. 2330 calls for the establishment of a safety goal by the Commission no later than December 31, 1981. That deadline has long since passed. The Commission has made considerable progress toward developing such a goal and has given its establishment a high priority. We prefer the Senate language (Section 106) calling for expeditious establishment of the Safety Goal without fixing a definite date. However, if a statutory mandate is desired, we suggest a revised deadline of December 31, 1982.
- (6) Both Section 11 of H.R. 2330 and Sections 202 and 301 of S. 1207 respond to concerns arising out of the U.S. Court of Appeals decision in the Sholly case by allowing the NRC to issue immediately effective amendments to certain licenses under specific conditions, including a "no significant hazards consideration" determination by the NRC. Both bills provide for some form of consultation with the States. S. 1207 would provide permanent authority by amending Section 189 of the Atomic Energy Act of 1954, as amended, while the authority under H.R. 2330 would expire with the FY 1983 authorization. The authority under the House version would take effect immediately, while that provided by S. 1207 would require promulgation of regulations by the Commission first. Overall, the House bill permits the NRC somewhat greater procedural flexibility. (With respect to Section 11(b), it should be noted the NRC already either



prenotices or postnotices amendments--see 10 CFR 2.106.) On balance, the Commission prefers an approach that combines the two provisions to preserve the best features of both. We suggest that a new section be substituted for both provisions and that the new section amend Section 189 of the Atomic Energy Act to provide NRC with permanent authority along the following lines:

Section 189 of the Atomic Energy Act of 1954, as amended, is amended by adding the following at the end of subsection a. thereof:

"The Commission is authorized to issue and to make immediately effective an amendment to a facility license upon a determination by the Commission that the amendment involves no significant hazards consideration, notwithstanding the pendency before it of a request for a hearing from any person. In determining under this subsection whether an amendment involves no significant hazards consideration, the Commission shall consult with the State in which the facility is located, when practicable, before issuance of the amendment: Provided, that such consultation shall not be construed to delay the effective date of any amendment issued as provided in this section. In all other respects the amendment shall meet the requirements of the Atomic Energy Act of 1954. The Commission shall promulgate, within ninety days from the effective date of this act, standards for determining whether an amendment to a license involves no significant hazards consideration and applicable procedures for processing such amendments, including procedures for consultation with the State in which the facility is located."

- (7) Section 13 of H.R. 2330 authorizes the establishment of an independent, temporary Advisory Panel to evaluate the licensing process for nuclear power plants. The Senate bill contains no comparable provision. Since passage of H.R. 2330 last year, the Commission has taken the initiative to establish a Regulatory Reform Task Force within NRC to review the many studies on nuclear licensing which have already been done and to make administrative and legislative recommendations. Recently, the Commission appointed an Ad Hoc Committee, composed of experts from outside the agency, to review and evaluate the findings and recommendations of the Task Force. This ad hoc review group is scheduled to begin work in early May. In view of these occurrences, we believe that the provision in H.R. 2330 to create an Advisory Panel would merely duplicate efforts already underway or completed and is no longer necessary or desirable.
- (8) Section 14 of H.R. 2330 would prohibit the use of authorized funds "to approve any willful release of radioactive water resulting from the accident" at Three Mile Island Unit 2 into the Susquehanna River or its watershed. There is no comparable Senate provision. The Commission suggests deleting this section, which we believe to be ambiguous, unrec-

essary and subject to possible harmful misinterpretation. The section does not define "radioactive water resulting from the accident." Taken literally, the section would be impossible to enforce because it is not physically possible to avoid release of some small amounts of radioactivity from the accident via water discharge paths or evaporation. It is unnecessary because no decision on disposition of the processed water is expected through FY 1983. Finally, the section could be misinterpreted so as to preclude important, ongoing staff studies of various processed accident water disposition alternatives.

- (9) Section 205 of S. 1207 would authorize the NRC to reimburse resident inspectors for relocation and commuting costs. The Commission strongly supports this provision, which is needed to effectively implement and maintain the resident inspector program. Section 205 is substantially identical to legislation proposed by the Commission subsequent to the passage of H.R. 2330 by the House. The Commission urges incorporating this provision for the reasons outlined in the Chairman's letter of December 10, 1981.
- (10) Section 206 of S. 1207 contains amendments to Uranium Mill Tailings Radiation Control Act of 1978, as amended (UMTRCA). There is no comparable House provision. The individual Commissioners differ in their views with respect to these amendments.

Commissioners Gilinsky and Ahearne oppose the amendments to UMTRCA, which they believe would seriously undermine the objectives of that Act. They object to the amendments on the following grounds:

The amendments would permit the States which currently regulate uranium milling (the NRC Agreement States) to adopt weaker measures for the control of uranium milling and disposal of uranium mill tailings. They would present the potential for delaying indefinitely the NRC's promulgation of uranium mill requirements. Finally, they would require the NRC to apply cost-benefit analysis in a field of regulation where scientific uncertainties in the evaluation of health efforts associated with mill tailings make such an analysis inherently arbitrary and, therefore, virtually useless as a guide to sound regulatory policy.

Commissioner Roberts and I do not oppose the amendments. However, we are concerned that the amendments may weaken the intended effect of UMTRCA which assured a consistent national regulatory regime for uranium mill tailings. If Congress pursues this course of action, we would recommend the following technical and clarifying modifications to assure minimally acceptable national consistency in regulation:

- a. Subsection 206(a)(6), amending subsection 275d of the Atomic Energy Act of 1954, as amended (AEA), should include in the provision at the end a reference to subsection 161b in order to avoid any question about the legal ability of NRC to proceed by order in individual cases to protect the public health and safety.

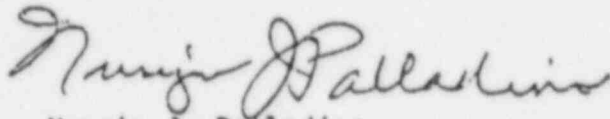
- b. Subsection 206(d)(1), amending subsection 84a(1) of the AEA, should be amended to delete the phrase "all relevant factors" as the factors which the sponsors of the amendment want NRC to consider are already spelled out.
- c. Subsection 206(f), amending Subsection 274o of the AEA, should require the Agreement States to draw the same distinction between currently operating sites and future sites in their regulation as the NRC must under Section 84 of the AEA.
- d. Subsections 206(f) and (g), amending subsections 274o and 274d of the AEA, should be revised to change the term "Federal requirements" to "Commission regulations" wherever it appears so as to ensure that the Environmental Protection Agency final standards are as binding on the Agreement States as on the NRC.
- e. Subsection 206(g), amending subsection 274d of the AEA, should be amended to delete the phrase "after reasonable notice and an opportunity for hearing (as provided in subsection j; of this section)." This provision appears inconsistent with the requirements of the proposed amendment to subsection 204(h)(1) of UMTRCA that a state develop a program compatible with the Commission's program within 6 months of NRC's promulgation of conforming regulations. Under proposed subsection 274d, even if a state fails to develop a compatible program within 6 months, the Commission may not enforce federal requirements until after it provides for a notice and opportunity for hearing. Thus, subsection 274d could be read to extend the 6 month period during which states are to develop a compatible program.

Commissioners Gilinsky and Ahearne agree with recommendations a and e above.

- (11) Section 206(e) would require the Commission to make judgments concerning the economic impact of uranium imports on the domestic nuclear industry which go well beyond the NRC frame-of-reference for making common defense and security determinations. This area of concern and resulting import control does not fit within the NRC's mission. The Commission believes the NRC should not assume this responsibility.
- (12) We understand that the intention of Section 303 is to give the Department of Energy, rather than the NRC, authority to take remedial action at designated locations in and around the Tennessee Valley Authority uranium mill site at Edgemont, South Dakota. This intention was clearly and repeatedly stated during Senate floor debate. However, the language in S. 1207 itself is somewhat vague. The Commission believes that it would be useful to modify the language in the final act to insure that DOE is the program manager. The NRC does not have experience (nor is it staffed at an appropriate level) to be the program manager. The Conference Report should contain an explicit statement of the intention to vest DOE with the responsibility for conducting a remedial program at Edgemont.

The Commission appreciates any consideration which may be given to its comments and recommendations and would be happy to answer any questions related to them.

Sincerely,

A handwritten signature in cursive script, reading "Nunzio J. Palladino".

Nunzio J. Palladino

Enclosure:  
As stated

cc: Senator Gary Hart





1 provided for in this joint resolution) which were conducted in  
2 the fiscal year 1982 and for which appropriations, funds, or  
3 other authority would be available in the following appropri-  
4 ations **(1)** *Acts Act*:

5 **(2)** *Agriculture, Rural Development and Related*  
6 *Agencies Appropriation Act, 1983;*

7 **(3)** *District of Columbia Appropriation Act,*  
8 *1983;*

9 **(4)** *Department of Interior and Related Agencies*  
10 *Appropriation Act, 1983; Provided, That no programs*  
11 *or facilities funded therein may be terminated unless*  
12 *such termination is specifically approved in the appro-*  
13 *priations process, including reprogramming;*

14 **(5)** *Department of Transportation and Related*  
15 *Agencies Appropriation Act, 1983, except as previous-*  
16 *ly provided for in section 456 of Public Law 97-276;*  
17 *and*

18 *Treasury, Postal Service, and General Government*  
19 *Appropriation Act, 1983.*

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

23 (3) Whenever the amount which would be made availa-  
24 ble or the authority which would be granted under an Act  
25 listed in this subsection as passed the House as of December

1 17, 1982, is different from that which would be available or  
2 granted under such Act as passed by the Senate as of De-  
3 cember 17, 1982, the pertinent project or activity shall be  
4 continued under the lesser amount or the more restrictive  
5 authority: *Provided*, That where an item is included in only  
6 one version of an Act as passed by both Houses as of Decem-  
7 ber 17, 1982, the pertinent project or activity shall be contin-  
8 ued under the appropriation, fund, or authority granted by  
9 the one House, but at a rate for operations of the current rate  
10 or the rate permitted by the action of the one House, which-  
11 ever is lower, and under the authority and conditions pro-  
12 vided in applicable appropriation Acts for the fiscal year  
13 1982: *Provided further*, That for the purposes of this joint  
14 resolution, when an Act listed in this subsection has been  
15 reported to the House or the Senate but not passed by that  
16 House as of December 17, 1982, it shall be deemed as  
17 having been passed by that House.

18 (4) Whenever an Act listed in this subsection has been  
19 passed by only the House as of December 17, 1982, the per-  
20 tinent project or activity shall be continued under the appro-  
21 priation, fund, or authority granted by the House, but at a  
22 rate for operations of the current rate or the rate permitted  
23 by the action of the House, whichever is lower, and under  
24 the authority and conditions provided in applicable appropri-  
25 ation Acts for the fiscal year 1982.

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

9 (b) ~~(6)~~ ~~(4)~~ Such amounts as may be necessary for con-  
10 tinuing the activities of the Foreign Assistance Appropria-  
11 tions Act of 1982, Public Law 97-121, under the terms and  
12 conditions, and at the rate, provided for in the Act, notwith-  
13 standing section 10 of Public Law 91-672, and section 15(a)  
14 of the State Department Basic Authorities Act of  
15 1956 ~~(7)~~,—or any other provision of law or this joint resolu-  
16 tion, except that the rate for the United Nations Develop-  
17 ment Program shall be \$134,000,000: *Provided*, That  
18 amounts allocated to each country under this paragraph shall  
19 not exceed those provided in fiscal year 1982 and new coun-  
20 try programs shall not be initiated unless submitted through  
21 the regular reprogramming procedures of the Committees on  
22 Appropriations: *Provided further*, ~~(8)~~ That notwithstanding  
23 any other provision of law, authority for the Export-Import  
24 Bank for direct and guaranteed loans shall be that as pro-  
25 posed in the budget estimates and in addition, in order to



1 create additional jobs in the United States through the sale of  
2 United States products abroad; such unused authority as nec-  
3 essary from fiscal year 1982 shall be carried forward into  
4 fiscal year 1983 in order to maintain the fiscal year 1982  
5 level: *Provided further,* That such additional sums and au-  
6 thority as are necessary to provide for increases for economic  
7 and military assistance for Israel and Egypt in furtherance of  
8 the Camp David peace process as authorized in H.R. 6370  
9 as reported to the House of Representatives; and in addition  
10 \$25,000,000 for Egypt in Foreign Military Direct Credit  
11 Sales: *Provided further,* That sums for migration and refugee  
12 assistance; peacekeeping operations; and trade and develop-  
13 ment shall be at the rate provided in the budget requests:  
14 *Provided further,* That of the amount of funds available under  
15 this subsection to carry out the provisions of section 403 of  
16 the Foreign Assistance Act of 1961, funds up to the amount  
17 requested in the budget may be used for payment to the In-  
18 ternational Fund for Agricultural Development: *Provided*  
19 *further,* That notwithstanding any other provision of this  
20 joint resolution or any other Act, none of the funds provided  
21 in this joint resolution shall be made available to Honduras  
22 until that country meets the terms of the binding arbitration  
23 award established by the Inter-American Commercial Arbi-  
24 tration Commission in Tegucigalpa on November 7, 1981.

1       (2) Notwithstanding section 102 of this joint resolution,  
2 chapter 1 of part I of the Foreign Assistance Act of 1961 is  
3 amended by adding at the end thereof the following new sec-  
4 tion:

5       "SEC. 128. TARGETING ASSISTANCE FOR THOSE  
6 LIVING IN ABSOLUTE POVERTY.—In carrying out this chap-  
7 ter, the President—

8             “(1) in fiscal year 1983, shall attempt to use not  
9 less than 40 per centum of the funds made available to  
10 carry out this chapter, and

11            “(2) in fiscal year 1984 and each fiscal year  
12 thereafter, shall use not less than 50 per centum of the  
13 funds made available to carry out this chapter,  
14 to finance productive facilities, goods, and services which will  
15 expeditiously and directly benefit those living in absolute  
16 poverty (as determined under the standards for absolute pov-  
17 erty adopted by the International Bank for Reconstruction  
18 and Development and the International Development Associ-  
19 ation). Such facilities, goods, and services may include, for  
20 example, irrigation facilities, extension services, credit for  
21 small farmers, roads, safe drinking water supplies, and health  
22 services. Such facilities, goods, and services may not include  
23 studies, reports, technical advice, consulting services, or any  
24 other items unless (A) they are used primarily by those living  
25 in absolute poverty themselves, or (B) they constitute re-

1 search which produces or aims to produce techniques, seeds,  
2 or other items to be primarily used by those living in absolute  
3 poverty. Research shall not constitute the major part of such  
4 facilities, goods, and services." That, notwithstanding the  
5 provisions of this paragraph making amounts available or  
6 otherwise providing for levels of program authority, the fol-  
7 lowing amounts only shall be available and the following  
8 levels of authority only shall be provided for the following  
9 accounts or under the following headings: \$237,423,437 for  
10 payment to the "Inter-American Development Bank" and  
11 not to exceed \$828,137,742 in callable capital subscriptions;  
12 \$126,041,553 for payment to the "International Bank for  
13 Reconstruction and Development" and not to exceed  
14 \$1,530,275,913 in callable capital subscriptions;  
15 \$800,000,000 for payment to the "International Develop-  
16 ment Association"; \$131,882,575 for payment to the "Asian  
17 Development Bank" and not to exceed \$2,243,811 in callable  
18 capital subscriptions; \$40,000,000 for payment to the "Afri-  
19 can Development Fund"; \$217,450,000 for "International  
20 Organizations and Programs", including the provisions of  
21 section 103(g) of the Foreign Assistance Act of 1961, of  
22 which not less than \$140,000,000 shall be available for the  
23 United Nations Development Program, not more than  
24 \$37,000,000 shall be available for the United Nations Chil-  
25 dren's Fund, and not more than \$7,500,000 shall be availa-

1 ble for the United Nations Environment Program;  
2 \$697,000,000 for "Agriculture, rural development and nutri-  
3 tion, Development Assistance"; \$206,100,000 for "Popula-  
4 tion, Development Assistance"; \$123,512,000 for "Health,  
5 Development Assistance"; \$25,000,000 for "International  
6 disaster assistance"; \$77,000,000 for "Sahel development  
7 program"; \$35,403,000 for "Payment to the Foreign Service  
8 Retirement and Disability Fund"; \$1,450,000 in foreign  
9 currencies for "Overseas training and special development  
10 activities (foreign currency program)"; \$2,886,000,000 for  
11 the "Economic Support Fund" (without applying prior year  
12 earmarking of funds for Sudan and Polana), of which not  
13 less than \$910,000,000 shall be available for Israel and not  
14 less than \$750,000,000 shall be available for Egypt;  
15 \$31,100,000 for "Peacekeeping operations"; \$10,500,000 for  
16 "Trade and development"; \$109,000,000 for the "Peace  
17 Corps"; \$395,000,000 for "Migration and Refugee Assist-  
18 ance" (without applying prior year earmarking of funds);  
19 \$5,000,000 for necessary expenses to carry out the provisions  
20 of title II of S. 2608, as reported; \$367,000,000 for neces-  
21 sary expenses to carry out the provisions of section 503 of the  
22 Foreign Assistance Act of 1961 and the provisions of title I  
23 S. 2608, as reported; \$53,700,000 for "International Mili-  
24 tary Education and Training"; \$1,300,000,000 for neces-  
25 sary expenses to carry out sections 23 and 24 of the Arms



1 *Export Control Act and the provisions of title I of S. 2608,*  
2 *as reported, of which not less than \$850,000,000 shall be*  
3 *allocated to Israel (\$1,700,000,000 of the amount provided*  
4 *for the total aggregate credit sale ceiling during the current*  
5 *fiscal year shall be allocated only to Israel), not less than*  
6 *\$50,000,000 shall be allocated to Sudan, and not less than*  
7 *\$400,000,000 shall be allocated to Egypt; \$3,973,300,000 of*  
8 *contingent liability for total commitments to guarantee loans*  
9 *under "Foreign Military Credit Sales"; not to exceed*  
10 *\$200,000,000 are authorized to be made available for the*  
11 *"Special Defense Acquisition Fund"; and not to exceed*  
12 *\$4,400,000,000 of gross obligations for the principal amount*  
13 *of direct loans and \$9,000,000,000 of total commitments to*  
14 *guarantee loans under "Export-Import Bank of the United*  
15 *States": Provided further, That none of the funds available*  
16 *under this paragraph may be made available for payment to*  
17 *the "International Finance Corporation".*

18 (c)(9) Such amounts as may be necessary for pro-  
19 grams, projects, or activities provided for in the Department  
20 of Defense Appropriation Act, 1983 (H.R. 7355), at a rate of  
21 operations, and to the extent and in the manner provided for  
22 in such Act as passed by the House of Representatives on  
23 December 8, 1982, as if such Act had been enacted into law.  
24 Notwithstanding any other provision of this joint resolution,  
25 such amounts as may be necessary for programs, projects, or

1 activities provided for in the Department of Defense Appro-  
2 priation Bil, 1983 (S. 2951), at a rate of operations, and to  
3 the extent and in the manner and under the authority pro-  
4 vided for in such bill as reported to the Senate on September  
5 23, 1982, as if such bill had been enacted into law (10):  
6 Provided, That expenditure for the following program for the  
7 fiscal year 1983 shall not exceed the amounts specified for  
8 such programs below:

9           Aircraft Procurement, Navy—funds for C-2 air-  
10       craft, \$203,600,000;

11           Aircraft Procurement, Air Force—funds for A-10  
12       aircraft, \$29,000,000;

13           Aircraft Procurement, Air Force—funds for F-16  
14       aircraft, \$2,016,900,000;

15           Missile Procurement, Air Force—funds for  
16       AGM-88A HARM missile, \$112,500,000;

17           Weapons Procurement, Navy—funds for AGM-  
18       88A HARM missile, \$127,000,000;

19           Research, Development, Test and Evaluation, Air  
20       Force—funds for C-17 aircraft, \$100,000,000:

21 Provided further, That the amounts available for obligation  
22 and expenditure for the following accounts in the Department  
23 of Defense Appropriations Act, 1983. (S. 2951) shall not  
24 exceed the amounts specified for such accounts below:

25           Aircraft Procurement, Navy, \$10,585,900,000;

1           Aircraft Procurement, Air Force,  
 2       \$17,329,200,000;  
 3           Missile Procurement, Air Force, \$5,926,500,000;  
 4           Weapons Procurement, Navy, \$3,537,500,000;  
 5           Research Development, Test and Evaluation, Air  
 6       Force, \$10,735,468,000:

7       *Provided further, That funds made available by this joint*  
 8       *resolution for operation and maintenance, Navy, shall be*  
 9       *available in such amount as may be necessary, not in excess*  
 10      *of \$29,000,000 for the operation of five additional naval ves-*  
 11      *sels of the Landing Ship Dock (LSD)-28 class of ships*  
 12      **(11):** *Provided, That none of the funds made available for*  
 13      *the procurement of the MX missile or for the institution of*  
 14      *any permanent basing mode for the MX missile shall be obli-*  
 15      *gated or expended until such basing mode is approved by both*  
 16      *Houses of Congress in a concurrent resolution as specified in*  
 17      *subsection (1) hereof.*

18       *None of the funds appropriated in this resolution may*  
 19      *be obligated or expended to initiate full scale engineering de-*  
 20      *velopment of a basing mode for the MX missile, until such*  
 21      *basing mode is approved by both Houses of Congress in a*  
 22      *concurrent resolution, as specified in subsection (1) hereof.*

23       *(1) For the purposes of this section, the term, "concur-*  
 24      *rent resolution" means only a resolution introduced in either*  
 25      *House of Congress, the matter after the resolving clause of*





1       (4) *When the committee has reported a resolution or*  
2 *been discharged under subsection (3) hereof it is at any time*  
3 *thereafter in order (even though a previous motion to the*  
4 *same effect has been disagreed to) to move to proceed to the*  
5 *consideration of the resolution. The motion is highly privi-*  
6 *leged in the House and is privileged in the Senate and is not*  
7 *debatable. The motion is not subject to amendment, or to a*  
8 *motion to postpone, or to a motion to proceed to the considera-*  
9 *tion of other business. A motion to reconsider the vote by*  
10 *which the motion is agreed to or disagreed to shall not be in*  
11 *order.*

12       (5)(A) *Debate on the resolution shall be limited to not*  
13 *more than fifty hours, which shall be divided equally between*  
14 *those favoring and those opposing the resolution. A motion*  
15 *further to limit debate is not debatable. An amendment to, or*  
16 *motion to recommit, the resolution is not in order. A motion*  
17 *to reconsider the vote by which the resolution is agreed to or*  
18 *disagreed to is not in order.*

19       (B) *Motions to postpone and motions to proceed to the*  
20 *consideration of other business shall be decided without*  
21 *debate.*

22       (C) *Appeals from the decisions of the Chair relating to*  
23 *the application of the rules of the Senate or the House of*  
24 *Representatives, as the case may be, to the procedure relating*  
25 *to a resolution shall be decided without debate.*

1       (6) Subsections (1) through (5) are enacted by the Con-  
2 gress—

3           (A) as an exercise of the rulemaking power of the  
4 Senate and the House of Representatives, respectively,  
5 and as such they are deemed a part of the rules of each  
6 House, respectively, but applicable only with respect to  
7 the procedure to be followed in that House in the case  
8 of resolutions described in subsection (b), and they su-  
9 persede other rules only to the extent that they are in-  
10 consistent therewith; and

11           (B) with full recognition of the constitutional  
12 right of either House to change the rules (so far as re-  
13 lating to the procedures of that House) at any time, in  
14 the same manner and to the same extent as in the case  
15 of any other rule of that House.

16       (7)(A) The President shall submit a report to the Com-  
17 mittees on Armed Services of the Senate and the House of  
18 Representatives, not earlier than March 1, 1983, containing:

19           (i) a detailed technical assessment of the closely  
20 spaced basing system transmitted by the President to  
21 Congress on November 22, 1982, or such modifications  
22 thereto as the President determines to be advisable;

23           (ii) a detailed technical assessment of other MX  
24 basing systems that might serve as alternatives to the

1       *closely spaced basing system transmitted by the Presi-*  
2       *dent to Congress on November 22, 1982;*

3               (iii) *a detailed technical assessment of different*  
4       *types of intercontinental ballistic missiles that might*  
5       *serve as alternatives to the MX missile; and*

6               (iv) *a comparative detailed technical assessment of*  
7       *alternative programs including acceleration of the Tri-*  
8       *dent II program to provide target coverage equivalent*  
9       *to that of the MX missile system, enhancements and*  
10       *improvements to the Minuteman missile force, and de-*  
11       *velopment and deployment of a land-based missile*  
12       *system in deep underground basing, multiple protective*  
13       *shelters and closely spaced basing incorporating mobil-*  
14       *ity and deception, a road mobile missile smaller than*  
15       *the MX and a common missile for land and sea de-*  
16       *ployment.*

17               (v) *a reaffirmation by the President of his selec-*  
18       *tion of the MX missile basing plan transmitted to Con-*  
19       *gress on November 22, 1982, or a proposal for an al-*  
20       *ternative basing plan.*

21       (B) *The President shall also include in the report sub-*  
22       *mitted pursuant to paragraph (A) an assessment of the mili-*  
23       *tary capability of each alternative system or missile; an as-*  
24       *essment of the survivability of each such system or missile*  
25       *against current and projected Soviet threats; an assessment*

1 of the projected cost of each such system or missile and possi-  
2 ble upgrades thereof; an assessment of the impact each such  
3 system or missile might have on present and future arms  
4 control negotiations; an assessment of the geographic, geologi-  
5 cal, and other qualifications a site for each such system or  
6 missile would likely require; an assessment of the environ-  
7 mental impact each such system or missile would likely have;  
8 and the identification of possible sites for each such system or  
9 missile.

10 (C) The report required under this subsection shall not  
11 be subject to the requirements of section 102(2)(C) of the Na-  
12 tional Environmental Policy Act of 1969, relating to envi-  
13 ronmental impact statements. This proviso shall in no way  
14 affect the Research, Development, Test and Evaluation funds  
15 for the MX missile or for any and all basing modes (12):  
16 Provided further, That the first proviso in section 723 of such  
17 Act (S. 2951) shall be deemed to read as follows: "Provided,  
18 That to the extent necessary to comply with agreements with  
19 foreign governments, except in the case of specialty metals  
20 containing nickel from Cuba, nothing in this section shall  
21 preclude the procurement of (1) foreign produced specialty  
22 metals used in the production of defense items, or parts or  
23 components of defense items, which items, parts or compo-  
24 nents are manufactured outside the United States, or (2)

1 *chemical warfare protective clothing produced outside the*  
 2 *United States:".*

3       **(13)**(d) Such amounts as may be necessary for pro-  
 4 grams, projects, and activities provided for in the Depart-  
 5 ments of Commerce, Justice, and State, the Judiciary, and  
 6 Related Agencies Appropriation Act, 1983 (H.R. 6957), at a  
 7 rate for operations and to the extent and in the manner pro-  
 8 vided for in such Act as passed the House of Representatives  
 9 as if such Act had been enacted into law: *Provided*, That  
 10 sections 106, 125, and 149 of Public Law 97-276 shall be  
 11 effective until the termination date set forth in section 102(e)  
 12 of this joint resolution.

13       **(13)**(d) *Notwithstanding any other provision of this*  
 14 *joint resolution, such amounts as may be necessary for pro-*  
 15 *grams, projects, and activities provided for in the Depart-*  
 16 *ments of Commerce, Justice, and State, the Judiciary, and*  
 17 *Related Agencies Appropriation Act, 1983 (S. 2956), at a*  
 18 *rate provided for operations and to the extent and in the*  
 19 *manner provided for in such Act as reported in the Senate on*  
 20 *September 24, 1982 (Senate Report 97-584), as if such Act*  
 21 *had been enacted into law, except that the following appropri-*  
 22 *ations shall be as follows:*

23               *Department of Commerce: Bureau of the Census:*  
 24               *"Periodic censuses and programs", \$93,744,000, of*  
 25               *which \$150,000 shall be available together with*



1       \$50,000 from non-Federal sources for a new combined  
2       monthly survey of men's and women's apparel.

3           *Economic Development Administration: Provided,*  
4       *That immediately after "amended" on page 3, line 10*  
5       *of S. 2956 as reported by the Senate Committee on*  
6       *Appropriations there shall be inserted "and Public*  
7       *Law 91-304, and such laws that were in effect imme-*  
8       *diately before September 30, 1982, "Economic Devel-*  
9       *opment Revolving Fund" (Limitation on Loan Guar-*  
10       *antees): During fiscal year 1983, total commitments to*  
11       *guarantee loans to steel companies shall not exceed*  
12       *\$20,000,000 of contingent liability for loan principal.*

13           *International Trade Administration: "Operations*  
14       *and Administration", \$166,426,000: Provided, That*  
15       *"1982" on lines 13 and 16 on page 5 of the Senate*  
16       *reported bill (S. 2956) shall be "1983".*

17           *United States Travel and Tourism Administra-*  
18       *tion: "Salaries and Expenses", \$8,100,000, of which*  
19       *\$500,000 shall be used only to provide direct financial*  
20       *assistance to the State of Hawaii (which has been de-*  
21       *clared as a major disaster area by the President) and*  
22       *that such funds: (1) shall be used to supplement and*  
23       *increase rather than replace funds that normally would*  
24       *be used to promote travel by foreign visitors to Hawaii;*  
25       *(2) shall be obligated and expended within sixty days*

1       of the date of enactment of this Act; and (3) shall not  
2       be used to pay the administrative costs of the United  
3       States Travel and Tourism Administration or any  
4       other unit of the Federal Government.

5                Science and Technical Research: "Scientific and  
6       Technical Services": Provided, That of the funds ap-  
7       propriated \$475,000 shall be for robotics research and  
8       \$700,000 shall be for work in materials science related  
9       metals processing.

10              National Telecommunications and Information  
11       Administration: "Salaries and Expenses",  
12       \$12,667,000, of which \$502,911 of prior year unobli-  
13       gated balances in the appropriation "Public telecom-  
14       munications facilities planning and construction" shall  
15       be transferred to this appropriation.

16              Small Business Administration: "Salaries and  
17       Expenses" (including transfer of funds), for necessary  
18       expenses, not otherwise provided for, of the Small  
19       Business Administration, including hire of passenger  
20       motor vehicles and not to exceed \$1,500 for official re-  
21       ception and representation expenses, \$202,178,000 and  
22       for grants for Small Business Development Centers as  
23       authorized by section 21(a) of the Small Business Act,  
24       as amended \$12,000,000. In addition, \$31,600,000 for  
25       disaster loan making activities, including loan servic-

1       ing, shall be transferred to this appropriation from the  
2       "Disaster loan fund".

3             Department of Justice: General Administration:  
4       "Salaries and Expenses", \$56,741,000.

5             Legal Activities: "Support of United States Pris-  
6       oners", \$34,254,000: Provided, That not to exceed  
7       \$4,050,000 shall be available for the purpose of ren-  
8       ovating, constructing, and equipping State and local  
9       jail facilities that confine Federal prisoners under the  
10       Cooperative Agreement Program: Provided further,  
11       That amounts made available for constructing any  
12       local jail facility shall not exceed the cost of construct-  
13       ing space for the average Federal prisoner population  
14       for that facility as projected by the Attorney General:  
15       Provided further, That following agreement on or com-  
16       pletion of any federally assisted jail construction, the  
17       availability of such space shall be assured and the per  
18       diem rate charged for housing Federal prisoners at that  
19       facility shall not exceed direct operating costs for the  
20       period of time specified in the cooperative agreement;  
21       and "Fees and Expenses", \$35,700,000.

22             Interagency Law Enforcement: "Organized  
23       Crime Drug Enforcement", for expenses necessary for  
24       the detection, investigation, prosecution, and incarcer-  
25       ation of individuals involved in organized criminal

1 drug trafficking not otherwise provided for,  
2 \$127,500,000, of which \$18,000,000 is to remain  
3 available until expended for construction of new facili-  
4 ties and constucting, remodeling, and equipping build-  
5 ings and facilities at existing detention and correction-  
6 al institutions.

7 Federal Bureau of Investigation: "Salaries and  
8 Expenses", \$825,154,000: Provided, That passenger  
9 motor vehicles for police-type use may be purchased  
10 without regard to the general purchase price limitation  
11 for the current fiscal year.

12 Immigration and Naturalization Service: "Sala-  
13 ries and Expenses", \$482,917,000.

14 Drug Enforcement Administration: "Salaries and  
15 Expenses", \$248,162,000.

16 General Provision: Provided, That notwithstand-  
17 ing any regulation, guideline, or rule of the Corpora-  
18 tion, the funds provided by this joint resolution for the  
19 Legal Services Corporation shall be used by the Cor-  
20 poration in making grants or entering into contracts  
21 under sections 1006(a) (1) and (3) so as to insure that  
22 funding for each such current grantee and contractor is  
23 maintained in 1983 at the annualized level at which  
24 each such grantee and contractor was funded in 1982,  
25 or in the same proportion which total appropriations to

1        *the Corporation in fiscal year 1983 bear to the total*  
2        *appropriations to the Corporation in fiscal year 1982,*  
3        *until action is taken by directors of the Corporation*  
4        *who have been confirmed in accordance with section*  
5        *1004(a) of the Legal Services Corporation Act: Pro-*  
6        *vided further, That no member of the Board of Direc-*  
7        *tors of the Corporation shall be compensated for his*  
8        *services to the Corporation except for the payment of*  
9        *an attendance fee at meetings of the Board at a rate*  
10       *not-to-exceed the highest daily rate for grade fifteen of*  
11       *the General Schedule and necessary travel expenses to*  
12       *attend Board meetings in accordance with the Stand-*  
13       *ard Government Travel Regulations: Provided further,*  
14       *That no officer or employee of the Corporation or a re-*  
15       *ipient program shall be reimbursed for membership in*  
16       *a private club, or be paid severance pay in excess of*  
17       *what would be paid a Federal employee for comparable*  
18       *service:*

19       *Provided further, That none of the funds available*  
20       *under this joint resolution shall be used to sell to private*  
21       *interests except with the consent of the borrower or contract*  
22       *with private interests to sell or administer, any loans made*  
23       *under the Public Works and Economic Development Act of*  
24       *1965 or any loans made under section 254 of the Trade of*  
25       *1974: Provided further, That sections 106 and 149 of Public*



1 *Lcw 97-276, and this subsection in its entirety shall be ef-*  
 2 *fective through September 30, 1983.*

3 (e)(1) Such amounts as may be necessary for projects or  
 4 activities provided for in the Departments of Labor, Health  
 5 and Human Services, and Education and Related Agencies  
 6 Appropriation Act, 1983, at a rate for operations and to the  
 7 extent and in the manner provided for in **(14)** House Report  
 8 97-894 and in H.R. 7205 as passed the House of Repre-  
 9 sentatives on December 4, 1982, as if such Act had been  
 10 enacted into law; except as previously provided for in sec-  
 11 tions 132, 134, 135, 136, 137, 138, 139, 140, 141, 142, and  
 12 146 of Public Law 97-276 **(15)**:—*Provided*, That of the  
 13 funds appropriated for “Higher and continuing education”;  
 14 \$2,000,000 shall be available until expended for the Carl  
 15 Albert Congressional Research and Studies Center  
 16 **(16)** H.R. 7205 as reported to the Senate on December 8,  
 17 1982, as if such Act had been enacted into law (but exclud-  
 18 ing, on page 46, lines 12 and 13 of that bill, the words “H.R.  
 19 3598 as passed the House on November 4, 1981;”).

20 **(17)**(2) For refugee and entrant assistance activities  
 21 administered by the Department of Health and Human Serv-  
 22 ices, \$532,152,000 of which \$16,600,000 shall be for grants  
 23 to school districts under section 311 of the Refugee Act of  
 24 1980 as amended, \$25,000,000 shall be for targeted assist-  
 25 ance for refugees and entrants and \$68,000,000 shall be for

1 social services for refugees and entrants: *Provided, That such*  
 2 *funds may be expended for individuals who would meet the*  
 3 *definition of "Cuban and Haitian entrant" under section*  
 4 *501(e) of the Refugee Education Assistance Act, 94 Stat.*  
 5 *1810, but for the application of paragraph (2)(B) thereof.*

6       **(18)**(3) Notwithstanding any other provision of this  
 7 joint resolution, except section 102, there are appropriated  
 8 such amounts as may be necessary, not to exceed  
 9 \$5,411,000,000 for Department of Labor, Employment and  
 10 Training Administration, "Advances to the Unemployment  
 11 Trust Fund and Other Funds".

12       **(19)**(4) (2) Such amounts as may be necessary for  
 13 carrying out the following activities, not otherwise provided  
 14 for, at the current rate:

15           health planning activities authorized by the Public  
 16 Health Service Act: *Provided, (20) That That, not-*  
 17 *withstanding section 102 of this joint resolution, no*  
 18 *penalty shall be applied nor any State or agency agree-*  
 19 *ment terminated pursuant to sections 1512, 1515 or*  
 20 *1521 of the Public Health Service Act during fiscal*  
 21 *year 1983;*

22           **(21)**utilization and quality control peer review  
 23 activities authorized by Public Law 97-248;

24           **(22)**activities under the Refugee Act of 1980  
 25 and subsections (a) and (b) of the Refugee Education

1       *Assistance Act of 1980: Provided, That of the amounts*  
2       *so made available, there shall be obligated for the pur-*  
3       *poses of section 412(c) of the Immigration and Nation-*  
4       *ality Act the amount that would be derived from an*  
5       *annual appropriation for such purposes of*  
6       *\$120,000,000;*

7           activities under the Comprehensive Employment  
8       and Training Act as authorized by section 181 of the  
9       Job Training Partnership Act, Public Law 97-300;  
10      sections 236, 237, and 238 of the Trade Act of 1974,  
11      as amended; section 51 of the Internal Revenue Code  
12      of 1954, as amended; and sections 210, 211, and 212  
13      of Public Law 95-250; and

14           activities under the Department of Labor, Em-  
15      ployment and Training Administration, for "Program  
16      Administration".

17       **(23)** ~~(5)~~ Notwithstanding any other provision of this  
18      joint resolution, neither the restriction contained in the provi-  
19      so under the heading "OCCUPATIONAL SAFETY AND  
20      HEALTH ADMINISTRATION: SALARIES AND EXPENSES" in  
21      Public Law 97-257 (96 Stat. 844) nor any similar or compa-  
22      rable provision of any other law shall apply or have any con-  
23      tinuing effect during fiscal year 1983 or any succeeding fiscal  
24      year.

1 (f) Such amounts as may be necessary for continuing  
2 activities which were conducted in fiscal year 1982, for  
3 which provision was made in the Energy and Water Devel-  
4 opment Act, 1982, at the current rate of operations:  
5 **(24)** *Provided, That no funds under this heading shall be*  
6 *used for further study or construction or in any fashion for a*  
7 *federally funded waterway which extends the Tennessee*  
8 *Tombigbee project south from the city of Demopolis, Ala-*  
9 *bama: Provided, That no appropriation, fund, or authority*  
10 *made available by this joint resolution or any other Act may*  
11 *be used directly or indirectly to significantly alter, modify,*  
12 *dismantle, or otherwise change the normal operation and*  
13 *maintenance required for any civil works project under De-*  
14 *partment of Defense-Civil, Department of the Army, Corps*  
15 *of Engineers-Civil, Operation and Maintenance, General, and*  
16 *the operation and maintenance activities funded in Flood*  
17 *Control, Mississippi River and Tributaries: **(25)** *Provided**  
18 *further, That of such amount, \$100,000,000 shall be availa-*  
19 *ble only to provide for a wider navigation opening at the*  
20 *Franklin Ferry Bridge, Jefferson County, Alabama: Pro-*  
21 *vided further, That no appropriation or fund made available*  
22 *or authority granted pursuant to this paragraph shall be used*  
23 *to initiate or resume any project or activity for which appro-*  
24 *priations, funds, or other authority were not available during*  
25 *the fiscal year 1982 without prior approval of the Commit-*

tees on Appropriations: (26) *Provided further, That Department of Energy, Atomic Energy Defense Activities, shall be funded at not to exceed an annual rate for new obligational authority of \$5,700,000,000, of which not more than \$938,700,000 shall be available for operating expenses—materials production; of which not more than \$375,350,000 shall be available for plant and capital equipment—materials production; of which not more than \$2,710,900,000 shall be available for operating expenses—weapons activities; of which not more than \$611,150,000 shall be available for plant and capital equipment—weapons activities, except that no funds shall be available for Project 82-D-109: 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 (27) ~~—Provided further, That no funds made available by this joint resolution shall be obligated or expended for research and development, design, or construction of the Clinch River Breeder Reactor project: Provides further, That appropriations made available in this joint resolution for the Clinch River Breeder Reactor project shall be available for the termination of contractual instruments for that project previously entered into pursuant to~~*



1 section 106 of Public Law 91-273 as amended (28): *Pro-*  
 2 *vided further,* That none of the funds appropriated by this  
 3 joint resolution, or by any other Act, shall be available for  
 4 any activity relative to the construction of the O'Neill Irriga-  
 5 tion Unit in the State of Nebraska (29): *Provided further,*  
 6 That no appropriation, fund, or authority made available by  
 7 this joint resolution or any other Act shall be used for con-  
 8 struction of the Garrison Diversion Unit in North Dakota.

9 (g) Notwithstanding section 102(c) of this joint resolu-  
 10 tion, the following amounts are provided for fiscal year 1983:

11 DEPARTMENT OF HOUSING AND URBAN

12 DEVELOPMENT

13 HOUSING PROGRAMS

14 ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

15 (30) The amount of contracts for annual contributions;  
 16 not otherwise provided for, as authorized by section 5 of the  
 17 United States Housing Act of 1937, as amended (42 U.S.C.  
 18 1437e), and heretofore approved in appropriation Acts, is in-  
 19 creased by \$485,114,257, of which \$6,460,000 shall be for  
 20 assistance in financing the development or acquisition cost of  
 21 low-income housing for Indian families as authorized by sec-  
 22 tion 5(e) of the aforementioned Act and of which  
 23 \$125,000,000 shall be for the modernization of existing low-  
 24 income housing projects: *Provided,* That budget authority ob-  
 25 ligated under such contracts shall be increased above

1 amounts heretofore provided in appropriation Acts by  
2 \$9,186,630,000: *Provided further*, That of the budget au-  
3 thority provided herein, \$1,775,130,000 shall be allocated  
4 for public housing new construction other than for low-  
5 income housing for Indian families: *Provided further*, That  
6 any balances of authorities made available prior to enactment  
7 of this Act which are, or become available for obligation in  
8 fiscal year 1983, shall be added to and merged with the au-  
9 thority provided herein, and such merged amounts shall be  
10 made subject only to terms and conditions of law applicable  
11 to authorizations becoming available in fiscal year 1983: *Pro-*  
12 *vided further*, That the \$89,321,727 of budget authority de-  
13 ferred and to be made available in accordance with the provi-  
14 sos under the heading Annual Contributions for Assisted  
15 Housing in Chapter VII of the Supplemental Appropriations  
16 Act, 1982 (Public Law 97-257), shall be made available for  
17 the modernization of five thousand and seventy-three vacant  
18 uninhabitable public housing units, pursuant to section 14 of  
19 the United States Housing Act of 1937, as amended, other  
20 than section 14(f) of such Act: *Provided further*, That none of  
21 the merged amounts available for obligation in 1983 shall be  
22 subject to the provisions of section 5(c) (2) and (3) and the  
23 fourth sentence of section 5(c)(1) of the United States Hous-  
24 ing Act of 1937, as amended (42 U.S.C. 1437e), and section  
25 213(d) of the Housing and Community Development Act of

1 1974, as amended (42 U.S.C. 1439): *Provided further*, That  
2 with respect to newly constructed and substantially rehabili-  
3 tated projects under section 8 of the United States Housing  
4 Act of 1937, as amended, during 1983, the Secretary shall  
5 not impose a percentage or other arbitrary limitation on the  
6 cost and rent increases resulting from increased construction  
7 cost in exercising the authority to approve cost and rent in-  
8 creases set forth in section 8(1) of such Act.

9       *The amount of contracts for annual contributions, not*  
10 *otherwise provided for, as authorized by section 5 of the*  
11 *United States Housing Act of 1937, as amended (42 U.S.C.*  
12 *1437c), and heretofore approved in appropriation Acts, is in-*  
13 *creased by \$313,477,865: Provided, That the budget authori-*  
14 *ty obligated under such contracts shall be increased above*  
15 *amounts heretofore provided in appropriation Acts by*  
16 *\$5,732,355,689: Provided further, That of the budget author-*  
17 *ity provided herein, \$542,640,000 shall be for assistance in*  
18 *financing the development or acquisition cost of public hous-*  
19 *ing for Indian families, \$2,096,000,000 shall be for assist-*  
20 *ance for projects developed for the elderly or handicapped*  
21 *under section 202 of the Housing Act of 1959, as amended*  
22 *(12 U.S.C. 1701q), and \$1,000,000,000 shall be for the*  
23 *modernization of existing public housing projects pursuant to*  
24 *section 14 of the United States Housing Act of 1937, as*  
25 *amended (42 U.S.C. 1437l): Provided further, That of the*

1 amounts of contract authority and budget authority author-  
2 ized by such Act, and heretofore approved in appropriation  
3 Acts, any amount of budget authority up to \$1,000,000,000  
4 which was obligated for assistance in financing the develop-  
5 ment or acquisition cost of low-income public housing in a  
6 year prior to 1983 and becomes available for obligation in  
7 1983 shall be made available for modernization of existing  
8 public housing projects pursuant to section 14 of such Act  
9 and of any amount of such budget authority equal to or in  
10 excess of \$1,000,000,000 but not exceeding \$3,000,000,000  
11 30 per centum of such budget authority shall also be made  
12 available for modernization of existing public housing proj-  
13 ects and 70 per centum of such amount of such budget au-  
14 thority shall be made available for annual contributions con-  
15 tracts under the section 8 existing housing program (42  
16 U.S.C. 1437f): Provided further, That any balances of au-  
17 thorities made available prior to the enactment of this Act  
18 which are or become available for obligation in fiscal year  
19 1983, shall be added to and merged with the authority ap-  
20 proved herein, and such merged amounts shall be made sub-  
21 ject only to terms and conditions of law applicable to authori-  
22 zations becoming available in fiscal year 1983: Provided fur-  
23 ther, That the \$89,321,727 of budget authority deferred and  
24 made available in accordance with the provisos under the  
25 heading "Annual Contributions for Assisted Housing" in





1 *est rate which does not exceed 9<sup>1</sup>/<sub>4</sub> per centum, including the*  
 2 *allowance adequate in the judgment of the Secretary to cover*  
 3 *administrative costs and probable losses under the program."*

4 RENT SUPPLEMENT

5 (RESCISSION)

6 The limitation otherwise applicable to the maximum  
 7 payments that may be required in any fiscal year by all con-  
 8 tracts entered into under section 101 of the Housing and  
 9 Urban Development Act of 1965 (12 U.S.C. 1701s), is re-  
 10 duced in fiscal year 1983 by not more than \$105,160,000 in  
 11 uncommitted balances of authorizations provided for this pur-  
 12 pose in appropriation Acts.

13 **(32)** FEDERAL HOUSING ADMINISTRATION FUND

14 *For an additional amount for commitments to guarantee*  
 15 *loans to carry out the purposes of the National Housing Act,*  
 16 *as amended, \$6,100,000,000: Provided, That section*  
 17 *207(c)(3), the second proviso of section 213(b)(2), section*  
 18 *220(d)(3)(B)(iii), section 221(d)(3)(ii), section 221(d)(4)(ii),*  
 19 *section 231(c)(2), and section 234(e)(3) of the National*  
 20 *Housing Act are each amended by inserting "(but not to*  
 21 *exceed 140 per centum where the Secretary determines that a*  
 22 *mortgage other than one purchased or to be purchased under*  
 23 *section 305 of this Act by the Government National Mort-*

1 gage Association in implementing its special assistance func-  
 2 tions is involved)" after "90 per centum".

3 ~~(33)~~ *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*

4 ~~SPECIAL ASSISTANCE FUNCTIONS FUND~~

5 During 1983, within the resources and authority availa-  
 6 ble, gross obligations for the principal amounts of direct loans  
 7 made pursuant to section 305 of the National Housing Act,  
 8 as amended (12 U.S.C. 1720), shall not exceed  
 9 \$500,000,000, which may be financed with collections re-  
 10 ceived in 1983, and additional obligations are authorized in  
 11 such amounts as are necessary for increases to prior year  
 12 commitments.

13 **(34)** *(h) Notwithstanding any other provision of this*  
 14 *joint resolution such sums as may be necessary for programs,*  
 15 *projects, or activities provided for in the Department of the*  
 16 *Interior and Related Agencies Appropriations Act, 1983*  
 17 *(H.R. 7356), to the extent and in the manner provided for in*  
 18 *the conference report and joint explanatory statement of the*  
 19 *Committee of Conference (House Report Number 97-978),*  
 20 *filed in the House of Representatives on December 17, 1982,*  
 21 *as if such Act had been enacted into law.*

22 **(35)** *(i) Notwithstanding any other provisions of this*  
 23 *joint resolution such sums as may be necessary for programs,*  
 24 *projects, or activities provided for in the Department of Agri-*  
 25 *culture, Rural Development and Related Agencies Appropri-*

1 *ation Act, 1983 (H.R. 7072), to the extent and in the*  
2 *manner provided for in the conference report and joint ex-*  
3 *planatory statement of the Committee of Conference (House*  
4 *Report Number 97-957), filed in the House of Representa-*  
5 *tives on December 10, 1982, as if such Act had been enacted*  
6 *into law.*

7       **(36)** *(j) Notwithstanding any other provisions of this*  
8 *joint resolution such sums as may be necessary for programs,*  
9 *projects, or activities provided for in the District of Columbia*  
10 *Appropriation Act, 1983 (H.R. 7144), to the extent and in*  
11 *the manner provided for in the conference report and joint*  
12 *explanatory statement of the Committee of Conference*  
13 *(House Report Number 97-972), filed in the House of Rep-*  
14 *resentatives on December 15, 1982, as if such Act had been*  
15 *enacted into law.*

16       **(37)** *(k) Notwithstanding any other provisions of this*  
17 *joint resolution such sums as may be necessary for programs,*  
18 *projects, or activities provided for in the Department of*  
19 *Transportation and Related Agencies Appropriation Act,*  
20 *1983 (H.R. 7019), to the extent and in the manner provided*  
21 *for in the conference report and joint explanatory statement*  
22 *of the Committee of Conference (House Report Number 97-*  
23 *960), filed in the House of Representatives on December 13,*  
24 *1982, as if such Act had been enacted into law.*

1        SEC. 102. Appropriations and funds made available and  
2 authority granted pursuant to this joint resolution shall be  
3 available from December 17, 1982, and shall remain availa-  
4 ble until (a) enactment into law of an appropriation for any  
5 project or activity provided for in this joint resolution, or (b)  
6 enactment of the applicable appropriation Act by both  
7 Houses without any provision for such project or activity, or  
8 (c) **(38)** ~~March 15~~, *September 30*, 1983, whichever first  
9 occurs.

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

15        SEC. 104. Expenditures made pursuant to this joint res-  
16 olution shall be charged to the applicable appropriation, fund,  
17 or authorization whenever a bill in which such applicable ap-  
18 propriation, fund, or authorization is contained is enacted into  
19 law.

20        SEC. 105. All obligations incurred in anticipation of the  
21 appropriations and authority provided in this joint resolution  
22 for the purposes of maintaining the minimum level of essen-  
23 tial activities necessary to protect life and property and  
24 bringing about orderly termination of other functions are

1 hereby ratified and confirmed if otherwise in accordance with  
2 the provisions of this joint resolution.

3       SEC. 106. No provision in any appropriation Act for the  
4 fiscal year 1983 that makes the availability of any appropri-  
5 ation provided therein dependent upon the enactment of addi-  
6 tional authorizing or other legislation shall be effective before  
7 the date set forth in section 102(c) of this joint resolution.

8       SEC. 107. (a) Notwithstanding any other provision of  
9 law, no part of any of the funds appropriated for the fiscal  
10 year ending September 30, 1983, by this Act or any other  
11 Act, may be used to pay any prevailing rate employee de-  
12 scribed in section 5342(a)(2)(A) of title 5, United States  
13 Code, or an employee covered by section 5348 of that title,  
14 in an amount which exceeds—

15           (1) for the period from October 1, 1982, until the  
16 next applicable wage survey adjustment becomes effec-  
17 tive, the rate which was payable for the applicable  
18 grade and step to such employee under the applicable  
19 wage schedule that was in effect and payable on Sep-  
20 tember 30, 1982; and

21           (2) for the period consisting of the remainder of  
22 the fiscal year ending September 30, 1983, a rate  
23 which exceeds, as a result of a wage survey adjust-  
24 ment, the rate payable under paragraph (1) of this sub-  
25 section by more than the overall average percentage of

1 the adjustment in the General Schedule during the  
2 fiscal year ending September 30, 1983.

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

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

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

20 (e) For the purpose of administering any provision of  
21 law, rule, or regulation which provides premium pay, retire-  
22 ment, life insurance, or any other employee benefit, which  
23 requires any deduction or contribution, or which imposes any  
24 requirement or limitation, on the basis of a rate of salary or  
25 basic pay, the rate of salary or basic pay payable after the



1 application of this section shall be treated as the rate of  
2 salary or basic pay.

3       **(39)** *(f) Notwithstanding the limitations imposed on*  
4 *prevailing rate pay pursuant to subsection (a) of this section*  
5 *and section 109 of Public Law 97-276, an Act to make con-*  
6 *tinuing appropriations for the fiscal year 1983, such limita-*  
7 *tions shall not apply to wage adjustments for prevailing rate*  
8 *supervisors provided by the supervisory pay plan published*  
9 *in the Federal Register on May 21, 1982. (47FR22100).*

10       SEC. 108. No part of any appropriation contained in, or  
11 funds made available by this or any other Act, shall be avail-  
12 able for any agency to pay to the Administrator of the Gener-  
13 al Services Administration a higher rate per square foot for  
14 rental of space and services (established pursuant to section  
15 210(j) of the Federal Property and Administrative Services  
16 Act of 1949, as amended) than the rate per square foot estab-  
17 lished for the space and services by the General Services  
18 Administration for the current fiscal year and for which ap-  
19 propriations were granted: *Provided*, That no part of any ap-  
20 propriation contained in, or funds made available by this or  
21 any other Act, shall be available for any agency to pay to the  
22 Administrator of the General Services Administration a  
23 higher rate per square foot for rental space and services (es-  
24 tablished pursuant to section 210(j) of the Federal Property  
25 and Administrative Services Act of 1949, as amended) than

1 the rate per square foot established for the space and services  
2 by the General Services Administration for the fiscal year  
3 1982.

4                   **(40) (INCLUDING TRANSFER OF FUNDS)**

5           **SEC. 109.** Notwithstanding any other provision of this  
6 joint resolution, the following administrative provision shall  
7 apply to the Veterans Administration: The \$35,000,000 limi-  
8 tation on Veterans Administration medical automatic data  
9 processing services carried in the Department of Housing and  
10 Urban Development-Independent Agencies Appropriation  
11 Act, 1983 (Public Law 97-272), is hereby repealed: *Pro-*  
12 *vided*, That none of the funds which are made available by  
13 this or any other Act shall be used to further develop, imple-  
14 ment, install, administer, operate, or maintain the computer-  
15 ized medical information support system (COMISS) as de-  
16 scribed in the VA ADP and Telecommunications Plan, fiscal  
17 years 1984-1987, dated September 1982, except to adminis-  
18 ter, operate and maintain the currently operational outpatient  
19 automated pharmacy, prescription, labeling, and editing  
20 system (APPLES) at locations where such system is current-  
21 ly operating: *Provided further*, That fifty-two of the full-time  
22 equivalent employment (FTEE) ceiling assigned to the Office  
23 of Data Management and Telecommunications for the devel-  
24 opment of COMISS shall immediately be transferred to the  
25 Department of Medicine and Surgery to support the decen-

1 tralized hospital computer program: *Provided further*, That  
2 the FTEE ceiling for the Office of Data Management and  
3 Telecommunications in fiscal year 1983 shall not exceed one  
4 thousand nine hundred and thirty-four, including not to  
5 exceed one FTEE located in the Central Office to support  
6 APPLES: *Provided further*, That \$1,000,000 of the amount  
7 appropriated to the "General operating expenses" account in  
8 the Department of Housing and Urban Development-Inde-  
9 pendent Agencies Appropriation Act, 1983 (Public Law 97-  
10 272), is hereby transferred to the "Medical care" account to  
11 support the transferred FTEE.

12       SEC. (41) 109. Notwithstanding any other provi-  
13 sion of this joint resolution, moneys deposited into the Na-  
14 tional Defense Stockpile Transaction Fund under section 9(b)  
15 of the Strategic and Critical Materials Stock Piling Act (50  
16 U.S.C. 98h(b)) are hereby made available, subject to such  
17 limitations as may be provided in appropriation Acts and in  
18 section 5(a)(1) of such Act, until expended for the acquisition  
19 of strategic and critical materials under section 6(a)(1) of such  
20 Act (and for transportation and other incidental expenses re-  
21 lated to such acquisition). This paragraph applies without  
22 fiscal year limitation to moneys deposited into the fund  
23 before, on, or after October 1, 1982: *Provided*, That during  
24 the fiscal year ending on September 30, 1983, not more than  
25 \$120,000,000 in addition to amounts previously appropriated

1 in prior years, may be obligated from amounts in the Nation-  
2 al Defense Stockpile Transaction Fund for the acquisition of  
3 strategic and critical materials under section 6(a)(1) of the  
4 Strategic and Critical Materials Stock Piling Act (50 U.S.C.  
5 98e(a)(1)) and for transportation and other incidental ex-  
6 penses related to such acquisition.

7       SEC. ~~(42)~~ 110. Notwithstanding section 102(c) of  
8 this joint resolution, subsection (c) of section 4 of the Com-  
9 mission on Wartime Relocation and Internment of Civilians  
10 Act (50 U.S.C. App. 1981 note) is amended by striking out  
11 "shall submit" and all that follows through the end of the  
12 subsection and inserting in lieu thereof "may make available  
13 to the public such interim findings and other information as it  
14 deems appropriate and shall submit a written report of its  
15 findings and recommendations to Congress not later than  
16 June 30, 1983."

17       SEC. ~~(43)~~ 111. Notwithstanding any other provi-  
18 sion of this joint resolution the Postal Service shall continue  
19 six-day delivery of mail and rural delivery of mail shall con-  
20 tinue at the 1982 level.

21       ~~(44)~~ ~~Sec.~~ 112. *Notwithstanding any other provision of*  
22 *this joint resolution, except section 102(c), there are appro-*  
23 *priated to the Postal Service Fund sufficient amounts so that*  
24 *postal rates for all preferred-rate mailers covered by section*

1 3626 of title 39, United States Code, shall be maintained at  
2 Step 14.

3       (45) SEC. 113. Notwithstanding any other provision of  
4 this joint resolution, except for lands described by sections  
5 105 and 106 of Public Law 96-560, section 103 of Public  
6 Law 96-550, section 4(d)(1) of Public Law 96-312 and sec-  
7 tion 603 of Public Law 94-579, and except for land in the  
8 State of Alaska, and lands in the national forest system re-  
9 leased to management for any use the Secretary of Agricul-  
10 ture deems appropriate through the land management plan-  
11 ning process by any statement or other Act of Congress des-  
12 ignating components of the National Wilderness Preservation  
13 System now in effect or hereinafter enacted, none of the  
14 funds provided in this joint resolution shall be obligated for  
15 any aspect of the processing or issuance of permits or leases  
16 pertaining to exploration for or development of coal, oil, gas,  
17 oil shale, phosphate, potassium, sulphur, gilsonite, or geo-  
18 thermal resources on Federal lands within any component of  
19 the National Wilderness Preservation System or within any  
20 Forest Service RARE II areas recommended for wilderness  
21 designation or allocated to further planning in Executive  
22 Communication 1504, Ninety-Sixth Congress (House Docu-  
23 ment numbered 96-119); or within any lands designated by  
24 Congress as wilderness study areas: *Provided*, That nothing  
25 in this section shall prohibit the expenditure of funds for any

1 aspect of the processing or issuance of permits pertaining to  
2 exploration for or development of the mineral resources de-  
3 scribed in this section; within any Forest Service RARE II  
4 areas recommended for wilderness designation or allocated to  
5 further planning or within any lands designated by Congress  
6 as wilderness study areas; under leases validly issued in ac-  
7 cordance with all applicable Federal, State, and local laws or  
8 valid mineral rights in existence prior to October 1, 1982.

9       SEC. (46) 114 113. No reduction in the amount pay-  
10 able to any State under title IV of the Social Security Act  
11 with respect to any of the fiscal years 1977 through 1983  
12 shall be made prior to the date on which this resolution ex-  
13 pires on account of the provisions of section 403(h) of such  
14 Act.

15       (47) SEC. 115. Notwithstanding any other provision of  
16 law or this joint resolution, except section 102, an amount for  
17 those International Financial Institutions referred to in title I  
18 of Public Law 97-121, the Foreign Assistance and Related  
19 Program Appropriations Act, 1982, as is equal to the total  
20 for such institutions in that title, may be allocated by the  
21 President among those institutions in a manner which does  
22 not exceed the limits established in authorizing legislation.

23       SEC. (48) 116 114. Notwithstanding any other provi-  
24 sion of this joint resolution or any other provision of law,  
25 none of the funds made available under this resolution or any



1 other law shall be used for the purposes of conducting any  
2 studies relating or leading to the possibility of changing from  
3 the currently required "at cost" to a "market rate" or any  
4 other non-cost-based method for the pricing of hydroelectric  
5 power by the six Federal public power authorities, or other  
6 agencies or authorities of the Federal Government, except as  
7 may be specifically authorized by Act of Congress hereafter  
8 enacted.

9       **(49)** *SEC. 115. Notwithstanding any other provision*  
10 *of this joint resolution, except section 102, expenditures from*  
11 *the Bonneville Power Administration Fund, established pur-*  
12 *suant to Public Law 93-454, are approved for construction*  
13 *of Boundary Integration and Colville Valley Support; offi-*  
14 *cial reception and representation expenses in an amount not*  
15 *to exceed \$2,500; and for the purposes of providing funds for*  
16 *conservation and renewable resource loans and grants as*  
17 *specified in the Pacific Northwest Electric Power Planning*  
18 *and Conservation Act (Public Law 96-501),*  
19 *\$1,250,000,000 borrowing authority is made available to*  
20 *remain outstanding at any given time: Provided, That the*  
21 *obligation of such additional borrowing authority not exceed*  
22 *\$276,000,000 in fiscal year 1983.*

23       **SEC. (50)** ~~117~~ *116. Notwithstanding any other provi-*  
24 *sion of this joint resolution, there is appropriated to the De-*  
25 *partment of the Treasury \$248,000,000 for "Salaries and*

1 expenses", Bureau of Government Financial Operations;  
2 **(51)** \$170,510,000 for "Salaries and Expenses", Internal  
3 Revenue Service; **(52)** \$1,009,409,000 for "Examinations  
4 and Appeals", Internal Revenue Service;  
5 **(53)** \$1,000,778,000 for "Taxpayer Service and Returns  
6 Processing", Internal Revenue Service; \$553,700,000 for  
7 "Salaries and expenses", United States Customs Serv-  
8 ice **(54)**: Provided, That none of these funds shall be availa-  
9 ble to close or relocate Customs offices in Duluth, Minneso-  
10 ta/Superior, Wisconsin; Milwaukee, Wisconsin; Bridgeport,  
11 Connecticut; Hartford, Connecticut; Portland, Oregon;  
12 Miami, Florida; Saint Albans, Vermont; or Anchorage,  
13 Alaska; or to consolidate or reduce personnel, programs or  
14 functions of these offices; and \$235,000,000 for "Salaries  
15 and expenses", **(55)** (including the hire of 200 new special  
16 agents) United States Secret Service.

17 **(56)** SEC. 117. None of the funds contained in this  
18 resolution shall be available for the implementation and en-  
19 forcement of any Internal Revenue Ruling relating to the  
20 application of sections 511, 512, and 513 of the Internal  
21 Revenue Code to revenues generated as a result of North  
22 Dakota Century Code chapter 53-06.

23 **(57)** SEC. 118. Such amounts as may be necessary for  
24 continuing activities conducted pursuant to section 1467 of the  
25 Energy Policy and Conservation Act of 1975 (Public Law

1 04-163), as amended, which were conducted in the fiscal  
2 year 1982, under the terms and conditions and at a rate to  
3 maintain current operating levels.

4 (58) SEC. 118. (a) *The Congress finds that—*

5 (1) *during the decade of the seventies the Con-*  
6 *gress, with broad bipartisan support and in concert*  
7 *with Republican and Democratic administrations, es-*  
8 *tablished and improved programs to help handicapped*  
9 *Americans to become as productive and independent as*  
10 *possible and have the opportunities for participation in*  
11 *our society that should be each citizen's due.*

12 (2) *these programs have made much progress*  
13 *toward ensuring that handicapped children receive free*  
14 *appropriate public education; toward making adequate*  
15 *vocational rehabilitation services available to meet the*  
16 *needs of handicapped persons; toward eliminating ar-*  
17 *chitectural and transportation barriers which exclude*  
18 *handicapped persons from many employment, educa-*  
19 *tional, recreational, social, and other opportunities that*  
20 *other Americans enjoy and from full participation in*  
21 *our society's institutions; and toward protecting handi-*  
22 *capped persons from unfair discrimination;*

23 (3) *various proposals have been made to repeal*  
24 *major laws establishing disability programs, to reduce*  
25 *substantially Federal funding for and certain benefits*

1        *in such programs, and to weaken regulations imple-*  
2        *menting such laws;*

3            *(4) the social security disability insurance bene-*  
4        *fits of thousands of disabled persons have been precipi-*  
5        *tously terminated; and*

6            *(5) these proposals and actions are particularly*  
7        *burdensome for handicapped persons already suffering*  
8        *hardship as a result of cutbacks in major health, nutri-*  
9        *tion, and social programs.*

10        *(b) In view of the findings in subsection (a), it is the*  
11        *sense of the Congress that—*

12            *(1) Federal programs designed to ensure that dis-*  
13        *abled Americans are provided with the opportunities*  
14        *for the educational and rehabilitation services and the*  
15        *access to public facilities and services they need to*  
16        *achieve their full human potential and live as indepen-*  
17        *dently and productively as possible should be main-*  
18        *tained and funded at not less than current program-*  
19        *matic levels and should be enhanced where cost-effec-*  
20        *tive restoration, growth, or expansion would be*  
21        *achieved;*

22            *(2) changes in permanent regulations implement-*  
23        *ing Federal laws relating to the education and civil*  
24        *rights of handicapped individuals should be limited to*  
25        *changes that are necessary to conform to authoritative*

1       *judicial decisions interpreting those laws and to im-*  
2       *prove program efficiency and effectiveness without di-*  
3       *luting the individual rights and protections provided*  
4       *under current regulations;*

5               *(3) the reviews of the continued eligibility of dis-*  
6       *abled recipients of social security disability insurance*  
7       *benefits should be conducted in a manner ensuring that*  
8       *each recipient is apprised of the nature and purpose of*  
9       *the review; that determinations of ineligibility do not*  
10       *occur as the result of erroneous interpretations of law*  
11       *or of failures to give full and fair consideration to all*  
12       *pertinent evidence, including the recipient's medical*  
13       *history and evidence available from the treating physi-*  
14       *cian or other licensed practitioner, and that mentally*  
15       *impaired recipients are provided the assistance needed*  
16       *to respond to the administrative requirements of such*  
17       *reviews and to exercise their rights in connection there-*  
18       *with; and*

19               *(4) the level of veterans' disability compensation*  
20       *benefits for service-connected conditions should be*  
21       *maintained.*

22       **(59)** *SEC. 119. Notwithstanding any other provision*  
23       *of this joint resolution, \$770,000,000 shall be available for*  
24       *rental of space within the Federal Buildings Fund of the*  
25       *General Services Administration.*

1           **(60) SEC. 119.** None of the funds provided by this  
2 joint resolution may be expended by the Department of the  
3 Interior for the procurement, leasing, bidding, exploration, or  
4 development of lands within the Department of the Interior  
5 Central and Northern California Planning Area which lie  
6 north of the line between the row of blocks numbered N808  
7 and the row of blocks numbered N809 of the Universal  
8 Transverse Mercator Grid System.

9           **SEC. 120.** Notwithstanding any other provision of this  
10 joint resolution, none of the funds made available by this Act  
11 shall be used to reduce the number of positions allocated to  
12 taxpayer service activities below fiscal year 1982 levels or to  
13 reduce the number of positions allocated to any other direct  
14 taxpayer assistance functions below fiscal year 1982 levels,  
15 including, but not limited to toll free telephone tax law assist-  
16 ance and Internal Revenue Service walk-in assistance availa-  
17 ble at Internal Revenue Service field offices.

18           **(61) SEC. 121.** Notwithstanding any other provision of  
19 this joint resolution, none of the funds made available to the  
20 General Services Administration under this Act shall be obli-  
21 gated or expended after date of enactment of this Act for the  
22 procurement by contract of any service which, before such  
23 date, was performed by individuals in their capacity as em-  
24 ployees of the General Services Administration in any posi-  
25 tion described in section 3340 of title 5, United States Code.



1        *SEC. 121. None of the funds available to the General*  
2 *Services Administration under this Act shall be obligated or*  
3 *expended for the procurement by contract of any service*  
4 *which before such date was performed by employees of the*  
5 *General Services Administration if 50 per centum or more of*  
6 *such employees engaged in performing such service were pref-*  
7 *erence eligibles as defined in section 2108 of title 5, United*  
8 *States Code.*

9        *SEC. 122. Notwithstanding any other provision of this*  
10 *joint resolution, funds available to the Federal Building Fund*  
11 *within the General Services Administration may be used to*  
12 *initiate new construction, purchase, advance design, and re-*  
13 *pairs and alteration line-item projects which are included in*  
14 *the Treasury, Postal Service and General Government Ap-*  
15 *propriation Act, 1983, as passed by the House or (62) as*  
16 *reported to the Senate.*

17        *(63) SEC. 123. Section 2 of Reorganization Plan*  
18 *Numbered 3 of 1979 (93 Stat. 1382, 5 U.S.C. Appendix) is*  
19 *amended by adding thereto a new subsection (e) as follows:*

20        *"(e) There shall be in the Department of Commerce a*  
21 *Director General of the United States and Foreign Commer-*  
22 *cial Services who shall be appointed by the President, by and*  
23 *with the advice and consent of the Senate, and shall receive*  
24 *compensation at the rate prescribed by law for level IV of the*  
25 *Executive Schedule."*

1           **(64)** SEC. 124. Section 5314 of title V, United States  
2 Code, is amended by adding the following at the end thereof:  
3 “Executive Director Property Review Board.”

4           SEC. ~~(65)~~ 125. Section 305(b) of Public Law 97-  
5 253 is amended by inserting before the period the following:  
6 “, except for those individuals who serve three days or less in  
7 the month of retirement”.

8           SEC. ~~(66)~~ 126. No funds appropriated by this joint  
9 resolution or any other Act may be used to enter into a re-  
10 structured contract of the National Aeronautics and Space  
11 Administration for tracking and data relay satellite services if  
12 the estimated impact on total program cost of such restruc-  
13 tured contract exceeds \$216,000,000, or if the estimated  
14 total cost of the restructured tracking and data relay satellite  
15 services program exceeds \$2,704,000,000, unless the Com-  
16 mittees on Appropriations, having been apprised of higher  
17 estimates by the Administrator of the National Aeronautics  
18 and Space Administration, approve entering into such con-  
19 tract: *Provided*, That if at any time the Administrator of the  
20 National Aeronautics and Space Administration estimates  
21 that the total cost of the tracking and data relay satellite  
22 services program will exceed \$2,704,000,000, or that the  
23 impact on total cost of restructuring the contract for such  
24 services will exceed \$216,000,000, he shall promptly notify  
25 the Committees on Appropriations and shall take no actions

1 that would cause such costs to increase without the approval  
2 of the Committees on Appropriations.

3       **(67) SEC. 125.** Of the funds made available to the De-  
4 partment of Defense by this joint resolution, \$200,000 shall  
5 be transferred to the Department of Education which shall  
6 grant such sum to the Board of Education of the Highland  
7 Falls-Fort Montgomery, New York central school district.  
8 The funds transferred by this section shall be in addition to  
9 any assistance to which the Board may be entitled under  
10 subchapter 4, chapter 13 of title 20 United States Code.

11       **SEC. (68) 126 127.** The provisions of H. Re. 611,  
12 Ninety-seventh Congress, approved November 30, 1982, re-  
13 lating to the House of Representatives Page Board, shall be  
14 the permanent law with respect thereto.

15       **(69) SEC. 127.** (a)(1) Except as provided by paragraph  
16 (2), no Member may, in any calendar year beginning after  
17 December 31, 1982, have outside earned income attributable  
18 to such calendar year which is in excess of 30 per centum of  
19 the aggregate salary as a Member paid to the Member during  
20 such calendar year.

21       (2) In the case of any individual who becomes a Member  
22 during any calendar year beginning after December 31,  
23 1982, such Member may not have outside earned income at-  
24 tributable to the portion of that calendar year which occurs  
25 after such individual becomes a Member which is in excess of

1 30 per centum of the aggregate salary as a Member paid to  
2 the Member during such calendar year.

3 (b) For purposes of subsection (a), honoraria shall be  
4 attributable to the calendar year in which payment is re-  
5 ceived.

6 (c) For the purposes of this section—

7 (1) "Member" means a United States Senator, a  
8 Representative in Congress, a Delegate to Congress,  
9 or the Resident Commissioner from Puerto Rico;

10 (2) "honorarium" means a payment of money or  
11 anything of value to a Member for an appearance,  
12 speech, or article, by the Member; but there shall not  
13 be taken into account for purposes of this paragraph  
14 any actual and necessary travel expenses incurred by  
15 the Member to the extent that such expenses are paid  
16 or reimbursed by any other person; and the amount  
17 otherwise determined shall be reduced by the amount  
18 of any such expenses to the extent that they are not  
19 paid or reimbursed;

20 (3) "travel expenses" means, with respect to a  
21 Member, the cost of transportation; and the cost of  
22 lodging and meals while away from his residence or  
23 the Greater Washington, District of Columbia, metro-  
24 politan area; and

1           (4) "outside earned income" means, with respect  
2 to a Member, wages, salaries, professional fees, hono-  
3 rariums, and other amounts (other than copyright roy-  
4 alties) received or to be received as compensation for  
5 personal services actually rendered but does not  
6 include—

7           (A) the salary of such Member as a Member;

8           (B) any compensation derived by such  
9 Member for personal services actually rendered  
10 prior to the effective date of this section or be-  
11 coming such a Member, whichever occurs later;

12           (C) any amount paid by, or on behalf of, a  
13 Member to a tax-qualified pension, profit-sharing,  
14 or stock bonus plan and received by such Member  
15 from such a plan; and

16           (D) in the case of a Member engaged in a  
17 trade or business in which the Member or his  
18 family holds a controlling interest and in which  
19 both personal services and capital are income-pro-  
20 ducing factors, any amount received by such  
21 Member so long as the personal services actually  
22 rendered by the Member in the trade or business  
23 do not generate a significant amount of income.

24           Outside earned income shall be determined without  
25 regard to any community property law.

1           (d) This section shall take effect on the date of the en-  
2 actment of this Act.

3           **(70) SEC. 428.** No funds provided under this joint res-  
4 olution shall be used to deny or reduce supplemental security  
5 income benefits because of assistance provided by a private  
6 nonprofit organization, or any entity whose revenues are pri-  
7 marily derived on a rate-of-return basis regulated by a State  
8 or Federal governmental body, if the appropriate State  
9 agency has certified that such assistance was based on need  
10 as determined by such organization or entity.

11           **(71) SEC. 429.** (a) Section 404(e) of Public Law 97-  
12 276 is amended by striking out "December 17, 1982," and  
13 inserting "September 30, 1983,".

14           (b) In lieu of payment of salary increases of up to 27.2  
15 per centum as authorized by law for senior executive, judi-  
16 cial, and legislative positions (including Members of Con-  
17 gress), it is the purpose of this section to limit such increases  
18 to 45 per centum. Notwithstanding the provisions of section  
19 306 of S. 2939 made applicable by subsection (a) of this sec-  
20 tion, nothing in subsection (a) shall (or shall be construed to)  
21 require that the rate of salary or pay payable to any individu-  
22 al for or on account of services performed after December 17,  
23 1982, be limited to an amount less than the rate (or maxi-  
24 mum rate, if higher) of salary or pay payable as of such date



1 for the position involved increased by 15 per centum and  
2 rounded in accordance with 5 U.S.C. 5318.

3 (e) Nothing in this section shall be construed as specifi-  
4 cally authorizing the obligation or expenditure of funds for  
5 salary increases for positions subject to section 140 of Public  
6 Law 97-92.

7 *SEC. 128. Section 101(e) of Public Law 97-276, an*  
8 *Act making continuing appropriations for fiscal year 1983,*  
9 *is amended by striking "December 17, 1982" and inserting*  
10 *"September 30, 1983".*

11 **(72)** *SEC. 129. Notwithstanding any other provision*  
12 *of this joint resolution, there is appropriated to the "Federal*  
13 *Labor Relations Authority", \$15,500,000.*

14 **(73)** *SEC. 130. Notwithstanding any other provision*  
15 *of this joint resolution, \$275,000,000 of the direct loans allo-*  
16 *cated to Israel under the Foreign Military Credit Sales pro-*  
17 *gram shall not be available for disbursement before October*  
18 *1, 1983, and \$100,000,000 of the amount authorized for*  
19 *direct loans for the Export-Import Bank of the United States*  
20 *shall not be available for obligation or disbursement before*  
21 *October 1, 1983.*

22 **(74)** *SEC. 131. Notwithstanding any other provision*  
23 *of this joint resolution, the Secretary of the Treasury shall*  
24 *instruct the United States Executive Directors of the Inter-*  
25 *national Bank for Reconstruction and Development, the In-*

1 *ternational Development Association, the International Fi-*  
2 *nance Corporation, the Inter-American Development Bank,*  
3 *the International Monetary Fund, the Asian Development*  
4 *Bank, the African Development Bank, and the African De-*  
5 *velopment Fund to use the voice and vote of the United*  
6 *States to oppose any assistance by these institutions, using*  
7 *funds appropriated or made available pursuant to this or any*  
8 *other Act, for the production of any commodity for export, if*  
9 *it is in surplus or world markets and if the assistance will*  
10 *cause substantial injury to United States producers of the*  
11 *same, similar, or competing commodity.*

12       **(75)** *SEC. 132. Notwithstanding any other provision*  
13 *of this joint resolution, none of the funds appropriated or*  
14 *made available (other than funds for "Operating expenses of*  
15 *the Agency for International Development") pursuant to this*  
16 *Act for carrying out the Foreign Assistance Act of 1961, may*  
17 *be used to finance the operating expenses for the Agency for*  
18 *International Development.*

19       **(76)** *SEC. 133. Notwithstanding any other provision*  
20 *of this joint resolution, none of the funds appropriated under*  
21 *section 101(b) of this joint resolution may be available for*  
22 *any country during any three-month period beginning on or*  
23 *after October 1, 1982, immediately following the certification*  
24 *of the President to the Congress that such country is not*  
25 *taking adequate steps to cooperate with the United States to*

1 *prevent narcotic drugs and other controlled substances (as*  
2 *listed in the schedules in section 202 of the Comprehensive*  
3 *Drug Abuse and Prevention Control Act of 1971 (21 U.S.C.*  
4 *812)) which are produced, processed, or transported in such*  
5 *country from entering the United States unlawfully.*

6       **(77)** SEC. 134. *Notwithstanding any other provision*  
7 *of this joint resolution, of the new obligational authority ap-*  
8 *propriated under section 101(b) to carry out the provisions of*  
9 *sections 103 through 106 of the Foreign Assistance Act of*  
10 *1961, not less than 30 per centum shall be available for loans*  
11 *for the fiscal year 1983 (funds for such loans shall remain*  
12 *available for obligation until September 30, 1984): Provided,*  
13 *That loans made pursuant to this authority to countries*  
14 *whose annual per capita gross national product is greater*  
15 *than \$795 but less than \$1,285 shall be repayable within*  
16 *twenty-five years following the date on which funds are ini-*  
17 *tially made available under such loans and loans to countries*  
18 *whose annual per capita gross national product is greater*  
19 *than or equal to \$1,285 shall be repayable within twenty*  
20 *years following the date on which funds are initially made*  
21 *available under such loans.*

22       **(78)** SEC. 135. *Payments required by section 4 of*  
23 *Public Law 97-346 with respect to the Vice President, Sena-*  
24 *tors, and officers and employees of the Senate shall be paid*

1 from the contingent fund of the Senate out of the account in  
2 such fund for "Miscellaneous Items".

3       **(79)** SEC. 136. Any commuter authority operating  
4 commuter service transferred from the Consolidated Rail  
5 Corporation under part 2 of the Northeast Rail Service Act  
6 of 1981 shall be subject to applicable laws with respect to  
7 such service, including, but not limited to the Railroad Labor  
8 Act, the Railroad Retirement Act of 1974 (45 U.S.C. 231 et  
9 seq.), the Railroad Retirement Tax Act (26 U.S.C. 3201 et  
10 seq.), and the Railroad Unemployment Insurance Act (45  
11 U.S.C. 351 et seq.).

12       **(80)** SEC. 137. Conrail employees who are deprived of  
13 employment by assumption or discontinuance of intercity  
14 passenger service by Amtrak shall hereafter be eligible for  
15 employee protection benefits under section 701 of the Region-  
16 al Rail Reorganization Act of 1973 (45 U.S.C. 797), not-  
17 withstanding any other provision of law, agreement, or ar-  
18 rangement, and notwithstanding the inability of such em-  
19 ployees otherwise to meet the eligibility requirements of such  
20 section. Such protection shall be the exclusive protection ap-  
21 plicable to Conrail employees deprived of employment or ad-  
22 versely affected by any such assumption or discontinuance.

23       **(81)** SEC. 138. Notwithstanding any other provision  
24 of this joint resolution (a) For fiscal year 1983, any head of  
25 an agency or his designee may enter into a contract pursuant

1 to the provisions of section 3(f) of the Federal Claims Collec-  
2 tion Act of 1966, as amended by the Debt Collection Act of  
3 1982 (Public Law 97-365). Of the net amounts collected, a  
4 maximum of 40 per centum may be credited to an agency  
5 account from which funds are available for debt collection  
6 activities, and the balance shall be covered into the Treasury  
7 as miscellaneous receipts, unless otherwise provided by law.

8 (b) Paragraph (1) of section 3(f) of the Federal Claims  
9 Collection Act of 1966, as amended by the Debt Collection  
10 Act of 1982 (Public Law 97-365), is amended by adding at  
11 the end thereof the following new sentence: "All contracts  
12 under this subsection shall be subject to the requirements of  
13 section 303 of the Federal Property and Administrative  
14 Services Act of 1949 (41 U.S.C. 253).".

15 (c) Notwithstanding any other provision of law, the  
16 Comptroller General and the Attorney General shall prepare  
17 and publish within thirty days of the enactment of this joint  
18 resolution proposed regulations to carry out the provisions of  
19 and amendments made by the Debt Collection Act of 1982  
20 (Public law 97-365) and shall issue final regulations within  
21 sixty days of the enactment of this joint resolution.

22 **(82)** SEC. 139. (a) Section 4109(c) of title 5, United  
23 States Code, is amended by inserting "or the Secretary of  
24 Defense" after "Administrator, Federal Aviation Adminis-

1 tration," and by inserting "or the Department of Defense"  
2 after "of such Administration".

3 (b) Section 5532(f) of title 5, United States Code, is  
4 amended—

5 (1) in paragraph (1) by inserting "or the Secre-  
6 tary of Defense" after "Administrator, Federal Avi-  
7 ation Administration"; and

8 (2) in paragraph (2) by inserting "or the Secre-  
9 tary of Defense" after "Administrator, Federal Avi-  
10 ation Administration" and by inserting "or such Sec-  
11 retary" immediately before the period.

12 (c) The analysis of chapter 55 of title 5, United States  
13 Code, is amended by inserting immediately before the period  
14 in the item relating to section 5546a "and the Department of  
15 Defense".

16 (d) The section heading of section 5546a of title 5,  
17 United States Code, is amended by inserting at the end  
18 thereof "and the Department of Defense".

19 (e) Subsection (a) of section 5546a of title 5, United  
20 States Code, is amended—

21 (1) in the first sentence of such subsection by in-  
22 serting "or the Secretary of Defense (hereafter in this  
23 section referred to as the 'Secretary')" after "referred  
24 to as the 'Administrator'";

1           (2) in paragraph (1) of such subsection by insert-  
2           ing "or the Department of Defense" after "Federal  
3           Aviation Administration" and by inserting "or the  
4           Secretary" after "by the Administrator"; and

5           (3) in paragraph (2) of such subsection by insert-  
6           ing "or the Department of Defense" after "Federal  
7           Aviation Administration" and by inserting "or the  
8           Secretary" after "determined by the Administrator".

9           (f) Section 5546a of title 5, United States Code, is  
10          amended—

11           (1) in subsection (c)—

12                   (A) in the first sentence of paragraph (1) by  
13                   inserting "or the Secretary" after "Administra-  
14                   tor" and by inserting "or the Department of De-  
15                   fense" after "Federal Aviation Administration";  
16                   and

17                   (B) in paragraph (1)(B) of such subsection  
18                   by inserting "or the Secretary" after "Adminis-  
19                   trator";

20           (2) in subsection (d)—

21                   (A) in paragraph (1) by inserting "or the  
22                   Department of Defense" after "Federal Aviation  
23                   Administration" and by inserting "or the Secre-  
24                   tary" after "Administrator" both times it appears;  
25                   and



1           (B) in paragraph (2) by inserting "or the  
2           Department of Defense" after "Federal Aviation  
3           Administration";

4           (3) in subsection (e) of such section by inserting  
5           "or the Secretary" after "Administrator" and by in-  
6           serting "or the Department of Defense" after "Federal  
7           Aviation Administration"; and

8           (4) in subsection (f)—

9           (A) in paragraph (1) by inserting "or the  
10           Secretary" after "Administrator" and by insert-  
11           ing "or the Department of Defense" after "Feder-  
12           al Aviation Administration"; and

13           (B) in paragraph (2) by inserting "or the  
14           Secretary" after "Administrator".

15           (g) Section 5547 of title 5, United States Code, is  
16           amended by inserting "or the Department of Defense" after  
17           "Federal Aviation Administration".

18           (h) Section 8344(h)(1) of title 5, United States Code, is  
19           amended by inserting "or the Secretary of Defense" after  
20           "Administrator, Federal Aviation Administration,".

21           (i)(1) The amendments made by subsections (b), (c),  
22           (d), (e), (g), and (h) of this section shall take effect at 5  
23           o'clock ante meridian eastern daylight time, August 3, 1981.

24           (2) The amendments made by subsections (a) and (f) of  
25           this section shall take effect on the first day of the first appli-

1 cable pay period beginning after the date of the enactment of  
2 this joint resolution.

3       **(83) SEC. 140. ESTABLISHMENT OF CAPITAL CON-**  
4 **STRUCTION FUNDS FOR FISHERY FACILITIES.**—*Subsec-*  
5 *tion (a) of section 607 of the Merchant Marine Act, 1936 (46*  
6 *U.S.C. 1177), is amended to read as follows:*

7       “(a) **AGREEMENT RULES.**—(1) Any citizen of the  
8 United States owning or leasing one or more eligible vessels  
9 (as defined in subsection (k)(1)), or one or more eligible fish-  
10 ery facilities (as defined in subsection (k)(9)), may enter into  
11 an agreement with the Secretary of Commerce under, and as  
12 provided in, this section to establish a capital construction  
13 fund (hereinafter in this section referred to as the ‘fund’)  
14 with respect to any or all of such vessels or facilities. Any  
15 agreement entered into under this section—

16               “(A) shall be for the purpose of providing—

17                       “(i) replacement vessels, additional vessels,  
18 or reconstructed vessels, built in the United States  
19 and documented under the laws of the United  
20 States for operation in the United States foreign,  
21 Great Lakes, or noncontiguous domestic trade,

22                       “(ii) replacement fishing vessels, additional  
23 fishing vessels, or reconstructed fishing vessels,  
24 built in the United States, American Samoa, the  
25 Virgin Islands of the United States, Guam, the

1           *Northern Mariana Islands, or any other common-*  
2           *wealth, territory, or possession of the United*  
3           *States and documented under the laws of the*  
4           *United States for operation in the fisheries of the*  
5           *United States, or*

6           “(iii) *replacement fishery facilities, addition-*  
7           *al fishery facilities, or reconstructed fishery facili-*  
8           *ties located in the United States, American*  
9           *Samoa, the Virgin Islands of the United States,*  
10          *Guam, the Northern Mariana Islands, or any*  
11          *other commonwealth, territory, or possession of the*  
12          *United States, and*

13          “(B) *shall provide for the deposit in the fund of*  
14          *the amounts agreed upon as necessary or appropriate*  
15          *to provide for qualified withdrawals under subsection*  
16          *(f).*

17          “(2) *In applying paragraph (1)(A) (ii) or (iii)—*

18                 “(A) *no withdrawal may be made from a capital*  
19                 *construction fund for a replacement or addition pur-*  
20                 *pose involving a used fishing vessel or a used fishery*  
21                 *facility unless that vessel or facility will be used in the*  
22                 *harvesting of fish from, or for a function described in*  
23                 *subsection (k)(12) with respect to, an underutilized*  
24                 *fishery;*

1           “(B) withdrawals may be made from a capital  
2       construction fund for the purchase of a used fishery  
3       vessel or a used fishery facility for any reconstruction  
4       purpose, if such reconstruction will contribute to the  
5       development of the United States fishing industry;

6           “(C) nothing in this section shall be construed as  
7       prohibiting the establishment and use of a capital con-  
8       struction fund—

9                   “(i) with respect to fishing vessels for pur-  
10       poses of acquiring fishery facilities,

11                   “(ii) with respect to fishery facilities for pur-  
12       poses of acquiring fishing vessels, or

13                   “(iii) for fishing vessels and fishery facili-  
14       ties; and

15           “(D) nationals of the United States and citizens  
16       of the Northern Mariana Islands shall be treated as  
17       citizens of the United States.

18           “(3) The deposits in the fund, and all withdrawals from  
19       the fund, whether qualified or nonqualified, shall be subject  
20       to such conditions and requirements as the Secretary of  
21       Commerce may by regulation prescribe or are set forth in  
22       such agreement; except that the Secretary of Commerce may  
23       not require any person to deposit in the fund for any taxable  
24       year more than 50 per centum of the sum of (A) that portion  
25       of such person's taxable income for such year which is attrib-

1 *utable to the operation of the agreement vessels, or (B) that*  
2 *portion of such person's taxable income for such year which*  
3 *is attributable to the operation of the agreement fishery facili-*  
4 *ties. For purposes of the preceding sentence, taxable income*  
5 *shall be computed in the manner provided in subsection*  
6 *(b)(1)(A).*

7       “(4) Notwithstanding any other provision of law, any  
8 agreement for any of the purposes set forth in paragraph  
9 (1)(A) (ii) or (iii) may be amended in order to—

10               “(A) allow for the withdrawal of moneys from the  
11 fund established by that agreement and the subsequent  
12 deposit of those moneys in a fund established, whether  
13 by the same or different persons, under another exist-  
14 ing agreement, or a new agreement, entered into for  
15 any such purpose or purposes; or

16               “(B) provide that one or more other persons may  
17 be permitted to become parties thereto and deposit  
18 moneys into the fund established by such agreement;  
19 whether or not any of the moneys for deposit are with-  
20 drawn pursuant to an agreement amended under sub-  
21 paragraph (A).

22       “(5) The Secretary may not require, in the case of any  
23 agreement entered into for the purpose of reconstructing a  
24 fishing vessel or fishery facility, that a minimum withdrawal  
25 be made from the fund. For purposes of this section, the re-

1 construction or reconditioning of a fishing vessel or fishery  
2 facility does not include the routine minor repair or mainte-  
3 nance of the vessel or facility.”

4 (b) DEFINITIONS.—Subsection (k) of section 607 of the  
5 Merchant Marine Act, 1936, is amended by adding at the  
6 end thereof the following new paragraphs:

7 “(9) The term ‘eligible fishery facility’ means any fish-  
8 ery facility which is located in the United States.

9 “(10) The term ‘qualified fishery facility’ means any  
10 fishery facility—

11 “(A) which is located in the United States, and

12 “(B) which the person maintaining the fund  
13 agrees with the Secretary of Commerce will be used for  
14 one or more of the functions described in paragraph  
15 (12).

16 For purposes of this paragraph, paragraphs (1), (2), and (3)  
17 insofar as they relate to a fishing vessel, and paragraph (9),  
18 the term ‘United States’ includes American Samoa, the  
19 Virgin Islands of the United States, the Northern Mariana  
20 Islands, Guam, and any other commonwealth, territory, or  
21 possession of the United States; and, when applied with re-  
22 spect to a fishery facility described in paragraph (12)(B),  
23 includes the fishery conservation zone established by section  
24 101 of the Fishery Conservation and Management Act of  
25 1976 (16 U.S.C. 1811).

1       “(11) The term ‘agreement fishery facility’ means any  
2 eligible fishery facility or qualified fishery facility which is  
3 subject to an agreement entered into under this section.”.

4       (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—

5 (1)(A) Subparagraph (A) of section 607(b)(1) of the Mer-  
6 chant Marine Act, 1936, is amended by inserting “(i)” after  
7 “(A)”, and by inserting “, or (ii) that portion of the taxable  
8 income of the owner or lessee for such year (as so computed)  
9 which is attributable to the operation of the agreement fishery  
10 facilities,” after “the fisheries of the United States”.

11       (B) Subparagraph (B) of such section 607(b)(1)  
12 is amended by inserting “or the agreement fishery facilities”  
13 after “the agreement vessels”.

14       (C) Subparagraph (C) of such section 607(b)(1)  
15 is amended by inserting “or agreement fishery facility” after  
16 “any agreement vessel” each place it appears.

17       (D) Paragraph (2) of section 607(b) of such Act is  
18 amended by inserting “or an agreement fishery facility”  
19 after “an agreement vessel” and by inserting “or such facili-  
20 ty (as the case may be)” after “such vessel”.

21       (2)(A) Subparagraph (A) of section 607(f)(1) of such  
22 Act is amended by inserting “or a qualified fishery facility”  
23 after “a qualified vessel”.

24       (B) Subparagraph (C) of section 607(f)(1) of such Act  
25 is amended to read as follows:



1           “(C) the payment of the principal on indebtedness  
2 incurred in connection with the acquisition, construc-  
3 tion, or reconstruction of—

4                   “(i) a qualified vessel,

5                   “(ii) a qualified fishery facility, or

6                   “(iii) a barge or container which is part of  
7 the complement of the qualified vessel.”.

8           (3)(A) Paragraphs (2) and (3) of section 607(g) of such  
9 Act is amended by inserting “fishery facility,” after “vessel,”  
10 each place it appears.

11           (B) Paragraph (4) of section 607(g) of such Act is  
12 amended by inserting “fishery facilities,” after “vessels,”.

13           (4) The terms “fishery facility” and “citizen of the  
14 Northern Marianas” as used in this title shall have the  
15 meanings given in title XI of the Merchant Marine Act of  
16 1936 (46 U.S.C. 1271-1280).

17           (d) *EFFECTIVE DATE.*—The amendments made by this  
18 section shall be effective upon enactment of this joint resolu-  
19 tion.

20           **(84)** *SEC. 141.* None of the funds appropriated by this  
21 joint resolution shall be used by the Federal Trade Commis-  
22 sion to exercise its authority under section 5 or section 18 of  
23 the Federal Trade Commission Act to invalidate any State  
24 laws or part thereof, which establishes training, education or  
25 experience requirements for the licensure of professionals

1 (persons who, in the performance of their occupation, are sub-  
2 ject to licensure or certification under State law and, as a  
3 prerequisite for such licensure or certification under State  
4 law, have received a degree from an accredited institution of  
5 higher learning or successfully completed a course of special-  
6 ized training at an accredited education or training facility  
7 for health professions personnel operated as an integral part  
8 of a hospital) or the permissible tasks and duties which may  
9 be performed by professionals.

10       **(85)** SEC. 142. Notwithstanding any other provision  
11 of this joint resolution, the provisions of section 616 of H.R.  
12 7158, the Treasury, Postal Service, and General Govern-  
13 ment Appropriation Act, 1983, and section 614 of S. 2916,  
14 the Treasury, Postal Service and General Government Ap-  
15 propriation Bill, 1983, shall not apply to funds appropriated  
16 or otherwise made available by this joint resolution.

17       **(86)** SEC. 143. Notwithstanding any other provision  
18 of this joint resolution, no funds made available by this Act  
19 shall be used to develop or procure the Viper light anti-tank  
20 weapon.

21       **(87)** SEC. 144. Section 308(g) and 308a(c) of title 37,  
22 United States Code, are amended by striking out "December  
23 17, 1982" and inserting in lieu thereof "September 30,  
24 1983".

1       **(88)** *SEC. 145. Funds available under this Act may*  
2 *be used by the Department of Defense to enter into purchases*  
3 *of or commitments to purchase metals, minerals or other ma-*  
4 *terials under section 303 of the Defense Production Act of*  
5 *1950, as amended, (50 U.S.C. 2093): Provided, That the*  
6 *total funds under this Act for such purchases or commitments*  
7 *to purchase shall not exceed \$50,000,000.*

8       **(89)** *SEC. 146. None of the funds appropriated in this*  
9 *Act may be obligated or expended in any way for the purpose*  
10 *of the sale, lease or rental of any portion of land currently*  
11 *identified as Ft. DeRussy, Honolulu, Hawaii.*

12       **(90)** *SEC. 147. Notwithstanding any other provision*  
13 *of this joint resolution, none of the funds made available by*  
14 *this Act may be used to support active United States military*  
15 *personnel stationed on shore in Europe at the end of fiscal*  
16 *year 1983 in excess of the planned number of such personnel*  
17 *stationed on shore in Europe at the end of fiscal year 1982*  
18 *(315,600): Provided, That this limitation may be waived by*  
19 *the President upon a declaration to Congress of overriding*  
20 *national security requirements.*

21       **(91)** *SEC. 148. Notwithstanding any other provision*  
22 *of this joint resolution, \$422,100,000 shall be available only*  
23 *for the purchase of the Multiple Launch Rocket System*  
24 *under a multiyear contract.*

1       **(92)** *SEC. 149. The authorization for the water project*  
2 *on Bradley Lake, near Cook Inlet, Alaska described in the*  
3 *plans recommended in the report of the Chief of Engineers*  
4 *contained in House Document Numbered 455, 87th Con-*  
5 *gress, which plan was adopted and authorized by the Flood*  
6 *Control Act of 1962 (76 Stat. 1180, 1193), is hereby termi-*  
7 *nated.*

8       **(93)** *SEC. 150. Notwithstanding section 102 of this*  
9 *joint resolution, there are appropriated \$7,000,000 for carry-*  
10 *ing out the Runaway and Homeless Youth Act, which is in*  
11 *addition to amounts otherwise available under section 137 of*  
12 *Public Law 97-276 and under this joint resolution for car-*  
13 *rying out such Act.*

14       **(94)** *SEC. 151. For payment to the Alaska Railroad*  
15 *Revolving Fund for capitol improvements, replacements, op-*  
16 *erations, and maintenance, \$7,600,000, to remain available*  
17 *until expended.*

18       **(95)** *SEC. 152. Notwithstanding any other provisions*  
19 *of law, during the pendency of any appeal or review in any*  
20 *court of competent jurisdiction of the decision or decisions*  
21 *that are the subject of this section, no funds appropriated by*  
22 *this joint resolution or any other Act of Congress which pro-*  
23 *vides funds for the Library of Congress and the Copyright*  
24 *Royalty Tribunal for fiscal year 1983 shall be expended to*  
25 *implement, enforce, award, or collect royalty fees under, and*

1 *no obligation or liability for copyright royalty fees shall*  
2 *accrue pursuant to, the decision announced by the Copyright*  
3 *Royalty Tribunal on October 20, 1982, Docket Numbered*  
4 *81-2, and any subsequent decision, order, memorandum, or*  
5 *opinion issued by the Tribunal in such docket or relating to*  
6 *the subject matter of such docket, insofar as such decision*  
7 *and any subsequent decision, order, memorandum, or opin-*  
8 *ion relate to the establishment of a royalty rate of 3.75 per*  
9 *centum of the gross receipts of certain cable systems for the*  
10 *carriage of certain distant signal equivalents. Nothing in this*  
11 *section shall be construed as barring the Copyright Royalty*  
12 *Tribunal from expending funds to decide, and to issue writ-*  
13 *ten materials with regard to its Docket Numbered 81-2, and*  
14 *to defend in court or elsewhere its decisions, orders, memo-*  
15 *randa, or opinions in such docket or relating to the subject*  
16 *matter of such docket.*

17       **(96)** *SEC. 153. Notwithstanding any provision of this*  
18 *joint resolution or any other law or regulation payments for*  
19 *local educational agencies under the Act of September 30,*  
20 *1950 (Public Law 874, Eighty-first Congress) in Montana*  
21 *for fiscal year 1983 shall be computed from corrected 1981*  
22 *financial data. The provisions of this section shall not apply*  
23 *unless the following conditions are met:*

24               *(1) No such payments shall be made until an*  
25               *audit is conducted.*

1           (2) *No such payments shall be made prior to*  
2           *March 30, 1983.*

3           (3) *The total amount of the increase in payments*  
4           *made by reason of this section shall not exceed*  
5           *\$3,000,000.*

6           (4) *No such payments shall be made unless prior*  
7           *approval is obtained from the Committee on Appropri-*  
8           *ations of the Senate and of the House of Representa-*  
9           *tives.*

10        **(97)** *SEC. 154. Authorities contained in Public Law*  
11        *96-132, "Department of Justice Appropriations Authoriza-*  
12        *tion Act, Fiscal Year 1980", are in effect for the remainder*  
13        *of the fiscal year.*

14        **(98)** *SEC. 155. None of the funds appropriated under*  
15        *this joint resolution or any other Act to any executive depart-*  
16        *ment or agency may be expended for the transportation of*  
17        *any officer or employee of such department or agency resid-*  
18        *ing in the United States between his domicile and his place*  
19        *of employment, with the exception of the secretaries of the*  
20        *executive departments enumerated in 5 U.S.C. 101.*

21        **(99)** *SEC. 156. Notwithstanding any other provision*  
22        *of this joint resolution, section 5546a(a) of title 5, United*  
23        *States Code, is amended (1) by deleting the period at the end*  
24        *of paragraph (2) of subsection (a) and inserting in lieu thereof a*  
25        *semicolon and the word "and", and (2) by inserting immedi-*

1 *ately after paragraph (2) of subsection (a) the following new*  
2 *paragraph:*

3           “(3) *any employee of the Federal Aviation Ad-*  
4           *ministration who occupies a position at the Federal*  
5           *Aviation Administration Academy, Oklahoma City,*  
6           *Oklahoma, the duties of which are determined by the*  
7           *Administrator to require the individual to be actively*  
8           *engaged in or responsible for training employees to be*  
9           *air traffic controllers, and who, immediately prior to*  
10           *assuming such position at such Academy, occupied or*  
11           *was assigned to a position referred to in subparagraph*  
12           *(A), (B), or (C) of paragraph (1) of this subsection.”.*

13           **(100)** *SEC. 157. No funds, including funds provided*  
14           *in this joint resolution or in the account entitled “Expenses,*  
15           *Disposal of Surplus Real and Related Personal Property”*  
16           *(Account No. 47-5254-0-2-804), may be expended by the*  
17           *General Services Administration to proceed with any sale or*  
18           *disposal of real property and improvements known as the*  
19           *Naval and Marine Corps Reserve Center at Beavertail*  
20           *Point, Jamestown, Rhode Island, containing 6.81 acres,*  
21           *more or less, and identified by General Services Administra-*  
22           *tion control number N-RI-482A.*

23           **(101)** *SEC. 158. Section 1618 of the Social Security*  
24           *Act is amended by adding the following new subsection:*



1           “(c) The Secretary shall not find that a State has failed  
2 to meet the requirements imposed by paragraph (4) of subsec-  
3 tion (a) with respect to the levels of its supplementary pay-  
4 ments for any portion of the period July 1, 1980 through  
5 June 30, 1981, if the State’s expenditures for such payments  
6 in that twelve-month period were not less than its expendi-  
7 tures for such payments for the period July 1, 1976 through  
8 June 30, 1977 (or, if the State made no supplementary pay-  
9 ments in the period July 1, 1976, through June 30, 1977, the  
10 expenditures for the first twelve-month period extending from  
11 July 1 through June 30 in which the State made such pay-  
12 ments).”.

13           **(102)** SEC. 159. There is appropriated \$25,000,000  
14 for carrying out title XXVI of the Omnibus Budget Recon-  
15 ciliation Act of 1981, relating to low income home energy  
16 assistance, which is in addition to amounts otherwise availa-  
17 ble for such title XXVI under this joint resolution.

18           **(103)** SEC. 160. (a) Notwithstanding the first sen-  
19 tence of section 103(e)(4) of title 23, United States Code, the  
20 Secretary of Transportation shall approve the withdrawal  
21 from the Interstate System the route of Interstate Route 95  
22 and Interstate Route 695 from the intersection with Inter-  
23 state Route 295 in Hopewell Township, Mercer County, New  
24 Jersey, to the proposed intersection with Interstate Route 287  
25 in Franklin Township, Somerset County, New Jersey.

1           (b) Notwithstanding any other provision of law, the  
2 Secretary of Transportation is authorized and directed, pur-  
3 suant to section 103 of such title, to designate as part of the  
4 Interstate Highway System the New Jersey Turnpike from  
5 exit 10 to the interchange with the Pennsylvania Turnpike  
6 and the Pennsylvania Turnpike from such interchange to  
7 and including the proposed interchange with Interstate Route  
8 95 in Bucks County, Pennsylvania.

9           (c) The Secretary of Transportation is further author-  
10 ized and directed to designate Interstate Route 95 and assure  
11 through proper sign designations the orderly connection of  
12 Interstate Route 95 pursuant to this section.

13           **(104)** SEC. 161. Within 60 days of receipt of a com-  
14 plete abandoned mine reclamation fund grant application  
15 from any eligible State under the provisions of the Surface  
16 Mining Control and Reclamation Act (91 Stat. 460) the  
17 Secretary of the Interior shall grant to such State any and  
18 all funds available for such purposes in the applicable appro-  
19 priations Act.

20           **(105)** SEC. 162. Notwithstanding Public Law 95-  
21 622, funds made available to the President's Commission for  
22 the Study of Ethical Problems in Medicine and Biomedical  
23 and Behavioral Research under Public Law 97-216 shall  
24 remain available until March 31, 1983.

1           **(106)** *SEC. 163. Section 10526(a) of title 49, United*  
2 *States Code, is amended—*

3           (1) *by striking “or” at the end of paragraph (12);*

4           (2) *by striking the period at the end of paragraph*  
5 *(13), and inserting in lieu thereof “; or”; and*

6           (3) *by adding at the end thereof the following:*

7           “(14) *transportation of broken, crushed, or pow-*  
8 *dered glass.”.*

9           **(107)** *SEC. 164. None of the funds appropriated in*  
10 *this joint resolution or Public Law 97-276 shall be used for*  
11 *the development, initiation, or implementation of plans,*  
12 *drawings, architectural engineering work, design work, site*  
13 *preparation or acquisition for, or the construction of, any*  
14 *new Senate office buildings or additions to existing Senate*  
15 *office buildings. This provision does not apply to planning,*  
16 *construction, or completion for the Philip A. Hart Senate*  
17 *Office Building.*

18           **(108)** *SEC. 165. Notwithstanding any other provision*  
19 *of law or this joint resolution, none of the funds provided for*  
20 *“International Organizations and Programs” under section*  
21 *101(b) of this joint resolution shall be available for the*  
22 *United States proportionate share for any programs for the*  
23 *Palestine Liberation Organization, the Southwest Africa*  
24 *Peoples Organization, or Cuba.*

1       **(109)** *SEC. 166. Notwithstanding any other provision*  
2 *of law the provisions of sections 10, 11(b), 18, 20, and 21 of*  
3 *the Federal Trade Commission Improvements Act of 1980*  
4 *(Public Law 96-252; 94 Stat. 374) are hereby extended*  
5 *until September 30, 1983, notwithstanding subsections 10(e)*  
6 *and 21(i) of such Act.*

7       **(110)** *SEC. 167. (a) From the amounts held in escrow*  
8 *on the date of the enactment of this Act as a result of alleged*  
9 *petroleum pricing and allocation violations, the Secretary of*  
10 *Energy is directed to exercise his remedial authority under*  
11 *the Emergency Petroleum Allocation Act of 1973 to disburse*  
12 *immediately \$200,000,000 to the Governors or Chief Execu-*  
13 *tive Officers of the States.*

14       *(b) The Secretary of Energy shall make disbursements*  
15 *under this section based on the ratio, calculated by the Secre-*  
16 *tary, which—*

17             *(1) the consumption within each State of price-*  
18 *controlled refined petroleum products (other than refin-*  
19 *ery feedstocks) during the period from September 1,*  
20 *1973, until January 28, 1981, bears to*

21             *(2) the consumption within all States of such*  
22 *products during that period.*

23       *(c) The disbursements made under this section shall be*  
24 *available for energy programs of the States, including, but*

1 *not limited to, low-income energy assistance and related*  
2 *weatherization activities.*

3       *(d) As used in this section, the term "States" means the*  
4 *several States, the District of Columbia, Puerto Rico, and*  
5 *the territories and possessions of the United States.*

6       *(e) In addition, the Secretary of Energy shall distribute*  
7 *to the Governors or chief executive officers of the States as*  
8 *promptly as is practicably feasible, all other amounts collect-*  
9 *ed or hereafter collected as a result of alleged petroleum pric-*  
10 *ing and allocation violations, which are attributable to direct*  
11 *or indirect injuries to ultimate consumers or to otherwise uni-*  
12 *dentifiable parties, and which are not necessary to satisfy the*  
13 *claims of identifiable injured claimants who can demonstrate*  
14 *specific injury.*

15       **(111)** *SEC. 168. (a)(1) The head of the agency shall*  
16 *pay each month an amount determined under paragraph (2)*  
17 *to a person—*

18           *(A) who is the surviving spouse of a member or*  
19 *former member of the Armed Forces described in sub-*  
20 *section (c);*

21           *(B) who has in such person's care a child of such*  
22 *member of former member who has attained sixteen*  
23 *years of age but not eighteen years of age and is enti-*  
24 *tled to a child's insurance benefit under section 202(d)*

1       of the Social Security Act (42 U.S.C. 402(d)) for  
2       such month; and

3               (C) who is not entitled for such month to a moth-  
4       er's insurance benefit under section 202(g) of the  
5       Social Security Act (42 U.S.C. 402(g)) by reason of  
6       having such child (or any other child of such member  
7       or former member) in her care.

8       (2) A payment under paragraph (1) for any month shall  
9       be in the amount of the mother's insurance benefit, if any,  
10      that such person would receive for such month under section  
11      202(g) of the Social Security Act if such child were under  
12      sixteen years of age, disregarding any adjustments made  
13      under section 215(i) of the Social Security Act after August  
14      1981. However, if such person is entitled for such month to a  
15      mother's insurance benefit under section 202(g) of such Act  
16      by reason of having the child of a person other than such  
17      member or former member of the Armed Forces in such per-  
18      son's care, the amount of the payment under the preceding  
19      sentence for such month shall be reduced (but not below zero)  
20      by the amount of the benefit payable by reason of having such  
21      child in such person's care.

22           (b)(1) The head of the agency shall pay each month an  
23      amount determined under paragraph (2) to a person—

1           (A) who is the child of a member or former  
2           member of the Armed Forces described in subsection  
3           (c);

4           (B) who has attained eighteen years of age but  
5           not twenty-two years of age and is not under a disabili-  
6           ty as defined in section 223(d) of the Social Security  
7           Act (42 U.S.C. 4239(d));

8           (C) who is a full-time student as a postsecondary  
9           school, college, or university that is an educational in-  
10          stitution (as such terms were defined in section  
11          202(d)(7) (A) and (C) of the Social Security Act as in  
12          effect before the amendments made by section 2210(a)  
13          of the Omnibus Budget Reconciliation Act of 1981  
14          (Public Law 97-35; 95 Stat. 841)); and

15          (D) who is not entitled for such month to a child's  
16          insurance benefit under section 202(d) of the Social  
17          Security Act (42 U.S.C. 402(d)) or is entitled for  
18          such month to such benefit only by reason of section  
19          2210(c) of the Omnibus Budget Reconciliation Act of  
20          1981 (95 Stat. 842).

21          (2) A payment under paragraph (1) for any month shall  
22          be in the amount that the person concerned would have been  
23          entitled to receive for such month as a child's insurance bene-  
24          fit under section 202(d) of the Social Security Act (as in  
25          effect before the amendments made by section 2210(a) of the



1 *Omnibus Budget Reconciliation Act of 1981 (95 Stat. 841)),*  
2 *disregarding any adjustments made under section 215(i) of*  
3 *the Social Security Act after August 1981, but reduced for*  
4 *any month by any amount payable to such person for such*  
5 *month under section 2210(c) of the Omnibus Budget Recon-*  
6 *ciliation Act of 1981 (95 Stat. 842).*

7 (c) *A member or former member of the Armed Forces*  
8 *referred to in subsection (a) or (b) as described in this subsec-*  
9 *tion is a member or former member of the Armed Forces who*  
10 *died on active duty before August 13, 1981, or died from a*  
11 *service-connected disability incurred or aggravated before*  
12 *such date.*

13 (d)(1) *The Secretary of Health and Human Services*  
14 *shall provide to the head of the agency such information as*  
15 *the head of the agency may require to carry out this section.*

16 (2) *The head of the agency shall carry out this section*  
17 *under regulations which the head of the agency shall pre-*  
18 *scribe. Such regulations shall be prescribed not later than*  
19 *ninety days after the date of the enactment of this section.*

20 (e)(1) *Unless otherwise provided by law—*

21 (A) *each time after December 31, 1981, that an*  
22 *increase is made by law in the dependency and indem-*  
23 *nity compensation paid under section 411 of title 38,*  
24 *United States Code, the head of the agency shall, at*  
25 *the same time and effective as of the same date on*

1        *which such increase takes effect, increase the benefits*  
2        *paid under subsection (a) by a percentage that is equal*  
3        *to the overall average (rounded to the nearest one-tenth*  
4        *of 1 per centum) of the percentage by which each of the*  
5        *dependency and indemnity compensation rates under*  
6        *section 411 of such title are increased above the rates*  
7        *as in effect immediately before such increase; and*

8                *(B) each time after December 31, 1981, that an*  
9        *increase is made by law in the rates of educational as-*  
10        *istance allowances provided for under section 1731(b)*  
11        *of title 38, United States Code, the head of the agency*  
12        *shall, at the same time and effective as of the same*  
13        *date on which such increase takes effect, increase the*  
14        *benefits paid under subsection (b) by a percentage that*  
15        *is equal to the overall average (rounded to the nearest*  
16        *one-tenth of 1 per centum) of the percentages by which*  
17        *each of the educational assistance allowance rates pro-*  
18        *vided for under section 1731(b) of such title are in-*  
19        *creased above the rates as in effect immediately before*  
20        *such increase.*

21        *(2) The amount of the benefit payable to any person*  
22        *under subsection (a) or (b) and the amount of any increase in*  
23        *any such benefit made pursuant to clause (1) or (2) of this*  
24        *subsection, if not a multiple of \$1, shall be rounded to the*  
25        *next lower multiple of \$1.*

1       (f) Payments under subsections (a) and (b) shall be  
2 made only for months after the month in which this section is  
3 enacted.

4       (g)(1) During fiscal year 1983 the Secretary of Defense  
5 shall transfer from time to time from the "Retired Pay, De-  
6 fense" account of the Department of Defense to the head of  
7 the agency such amounts as the head of the agency deter-  
8 mines to be necessary to pay the benefits provided for under  
9 subsections (a) and (b) during such fiscal year and to pay the  
10 administrative expenses incurred in paying such benefits  
11 during such fiscal year. The Secretary of Defense may trans-  
12 fer funds under this subsection in advance of the payment of  
13 benefits and expenses by the head of the agency.

14       (2) The head of the agency shall establish on the books  
15 of the agency over which he exercises jurisdiction a new ac-  
16 count to be used for the payment of benefits under subsections  
17 (a) and (b) and shall credit to such account all funds trans-  
18 ferred to him for such purpose by the Secretary of Defense.

19       (h) The head of the agency and the Secretary of Health  
20 and Human Services may enter into an agreement to provide  
21 for the payment by the Secretary or the head of the agency of  
22 benefits provided for under subsection (a) and benefits pro-  
23 vided for under section 202(g) of the Social Security Act (42  
24 U.S.C. 402(g)) in a single monthly payment and for the  
25 payment by the Secretary or the head of the agency of bene-

1 *fits provided for under subsection (b) and benefits provided*  
2 *for under section 202(d) of the Social Security Act (42*  
3 *U.S.C. 402(d)) in a single monthly payment, if the head of*  
4 *the agency and the Secretary agree that such action would be*  
5 *practicable and cost effective to the Government.*

6 (i) *For the purposes of this section:*

7 (1) *The term "head of the agency" means the*  
8 *head of such department or agency of the Government*  
9 *as the President shall designate to administer the pro-*  
10 *visions of this section.*

11 (2) *The terms "active military, naval, or air serv-*  
12 *ice" and "service-connected" have the meanings given*  
13 *those terms in paragraphs (24) and (16), respectively,*  
14 *of section 101 of title 38, United States Code, except*  
15 *that for the purposes of this section such terms do not*  
16 *apply to any service in the commissioned corps of the*  
17 *Public Health Service or the National Oceanic and*  
18 *Atmospheric Administration.*

19 **(112)** *SEC. 169. Notwithstanding any other provision*  
20 *of this joint resolution, section 775 of the Department of De-*  
21 *fense Appropriation Bill, 1983 (S. 2951) shall be deemed to*  
22 *read as follows:*

23 *"SEC. 775. Such amounts as may be necessary, but not*  
24 *to exceed \$49,300,000 shall be available out of funds appro-*  
25 *priated in this Act for Operations and Maintenance, Army,*

1 *Operations and Maintenance, Air Force, Other Procurement,*  
2 *Army, and Other Procurement, Air Force (1) to fulfill the*  
3 *obligations of the United States under the executive agree-*  
4 *ment of April 15, 1982, between the United States and the*  
5 *Federal Republic of Germany concerning Wartime Host*  
6 *Nation Support, and (2) to fulfill the international obliga-*  
7 *tions incurred by the United States under that part of the*  
8 *Long-Term Defense Program of the North Atlantic Treaty*  
9 *Organization that provides for the rapid reinforcement of*  
10 *Europe by the prepositioning in Belgium and the Nether-*  
11 *lands of United States Army Division Sets 5 and 6.”*

12       **(113)** *SEC. 170. Notwithstanding any other provision*  
13 *of this joint resolution, no initial flight test of the MX missile*  
14 *may be conducted until after both Houses of Congress have*  
15 *agreed, in accordance with the provisions of section 101(c), to*  
16 *a concurrent resolution approving the obligation and expendi-*  
17 *tures of funds for the procurement and full-scale engineering*  
18 *development of a basing mode for such missile.*

19       **(114)** *SEC. 171. Notwithstanding any other provision*  
20 *of this joint resolution, not more than \$700,000,000 shall be*  
21 *appropriated for the International Development Association.*

22       **(115)** *SEC. 172. Notwithstanding the restriction con-*  
23 *tained in section 792 of the Department of Defense Appropri-*  
24 *ation Act, 1983 (S. 2951), funds appropriated by this joint*  
25 *resolution for use by the Department of Defense may be used*

1 *to establish or operate the Rapid Deployment Joint Task*  
2 *Force as a unified command.”.*

3       **(116)** *SEC. 173. Of the amount available under this*  
4 *joint resolution for programs of the National Institute on*  
5 *Aging, no less than \$6,500,000 shall be made available for*  
6 *research on Alzheimer’s disease.*

7       **(117)** *SEC. 174. Upon request of the city of Tacoma,*  
8 *Washington, the Secretary of Commerce shall authorize such*  
9 *city to sell or lease to any person the Pantages Centre for the*  
10 *Performing Arts building, without affecting the Federal as-*  
11 *sistance provided under the Public Works and Economic De-*  
12 *velopment Act of 1965 (project numbered 07-11-02513), if*  
13 *such transfer documents provide for the operation of such fa-*  
14 *cility as a performing arts center for at least twenty-five*  
15 *years after such transfer.*

16       **(118)** *SEC. 175. For activities of the White House*  
17 *Conference on Productivity, including the conduct of regional*  
18 *and local conferences throughout the United States, as au-*  
19 *thorized by Public Law 97-367, \$1,500,000.*

20       **(119)** *SEC. 176. Notwithstanding any other provision*  
21 *of law or this joint resolution, \$10,000,000 in additional*  
22 *funds shall be made available for “International Organizations*  
23 *and Programs” to carry out the provisions of section 301 of*  
24 *the Foreign Assistance Act of 1961: Provided, That these*  
25 *funds are made available only for payment to the Interna-*

1 *tional Atomic Energy Agency: Provided further, That these*  
2 *funds or any other funds in this joint resolution may not be*  
3 *made available for payment to the International Atomic*  
4 *Energy Agency unless the Board of Governors of the Inter-*  
5 *national Atomic Energy Agency certifies to the United*  
6 *States Government that the State of Israel is allowed to par-*  
7 *ticipate fully as a member nation in the activities of that*  
8 *Agency, and the Secretary of State transmits such certifica-*  
9 *tion to the Speaker of the House of Representatives and the*  
10 *President of the United States Senate.*

11       **(120)** *SEC. 177. (a) The second sentence of section*  
12 *2(a) of the Act of May 26, 1949 (22 U.S.C. 2653(a)) is*  
13 *amended by striking out "The Counselor of the Department*  
14 *of State and the Legal Adviser, who are" and inserting in*  
15 *lieu thereof "The Legal Adviser, who is".*

16       **(b)(1)** *Section 5315 of title 5, United States Code, is*  
17 *amended by striking out "Counsel of the Department of*  
18 *State."*

19       **(2)** *Section 5314 of title 5, United States Code, is*  
20 *amended by inserting after the item providing for four Under*  
21 *Secretaries of State the following:*

22               *"Counsel of the Department of State."*

23       **(121)** *SEC. 178. Notwithstanding any other provision*  
24 *of this joint resolution, there is appropriated \$200,000,000*  
25 *for carrying out title XXVI of the Omnibus Budget Recon-*



1 *ciliation Act of 1981, relating to low-income home energy*  
2 *assistance, which is in addition to amounts otherwise availa-*  
3 *ble for such title XXVI under this joint resolution.*

4       **(122)** *SEC. 179. Within the total amounts appropri-*  
5 *ated in this Act for the Army National Guard and the Air*  
6 *National Guard, respectively, funds shall be available as*  
7 *necessary to provide for the conversion of Army National*  
8 *Guard and Air National Guard civilian technician positions*  
9 *to full-time military positions.*

10       **(123)** *SEC. 180. (a) Insert "(a)" before "section*  
11 *2602(b) of the Omnibus Reconciliation Act of 1981".*

12       *(b) Section 2605(k) of the Act is amended by striking*  
13 *out "15 percent" and inserting in lieu thereof "15 percent for*  
14 *fiscal year 1982, and 25 percent for each of the fiscal years*  
15 *1983 and 1984".*

16       **(124)** *SEC. 181. The Nation's economy is entering the*  
17 *seventeenth month of a severe recession, with few signs of*  
18 *recovery;*

19       *Nearly 20,000,000 people are underemployed or unem-*  
20 *ployed due to this recession;*

21       *Our Nation's steel, auto and housing industries and our*  
22 *agricultural sector remain mired in a depression;*

23       *Given the current underutilization of both labor and*  
24 *capital, lower interest rates will not rekindle inflation;*

1        *Lower interest rates are the key to higher employment,*  
2 *higher production and sustained economic growth; therefore,*  
3 *be it*

4        *Declared that it is the sense of the Congress that:*

5        *In recent months, the Board of Governors of the Federal*  
6 *Reserve and the Federal Open Market Committee have made*  
7 *a significant contribution to lower interest rates without re-*  
8 *kindling inflation, and that, with due regard for controlling*  
9 *inflation so as not to have an opposite effect of driving inter-*  
10 *est rates upward, they should continue to take such actions as*  
11 *are necessary to achieve and maintain a level of interest rates*  
12 *low enough to generate significant economic growth and*  
13 *thereby reduce the current intolerable level of unemployment.*

14        **(125)** *SEC. 182. For an additional amount for "Em-*  
15 *ployment and training assistance", \$50,000,000, which shall*  
16 *be for carrying out title III of the Job Training Partnership*  
17 *Act (Public Law 97-300).*

18        **(126)** *SEC. 183. None of the funds made available by*  
19 *this joint resolution shall be used to furnish, or facilitate the*  
20 *sale or transfer of, sensitive United States defense equip-*  
21 *ment, materials or technology to any country for which the*  
22 *President does not certify to the Congress that he has reliable*  
23 *assurances that such country will not transfer sensitive*  
24 *United States equipment, materials or technology in viola-*  
25 *tion of agreements entered into under the Arms Export Con-*

1 *trol Act to any Communist country, or to any country which*  
 2 *receives arms from a Communist country.*

3       **(127) SEC. 184.** *Notwithstanding any other provision*  
 4 *of this joint resolution or any other Act including the Interior*  
 5 *Appropriations Act of fiscal year 1983, there is appropriated*  
 6 *the sum of \$243,000 to be expended for the fish hatchery at*  
 7 *Ennis, Montana.*

8       **(128) SEC. 185.** *Notwithstanding any other provision*  
 9 *of this joint resolution—*

10           *(1) section 1202 of title I of the Omnibus Crime*  
 11 *Control and Safe Streets Act of 1968 is amended—*

12                   *(A) by striking out “or” at the end of clause*  
 13                   *(2);*

14                   *(B) by striking out the period at the end of*  
 15 *clause (3) and inserting in lieu thereof “; and”;*  
 16 *and*

17                   *(C) by adding at the end thereof the follow-*  
 18 *ing:*

19                   *“(4) to any person employed in a capacity other*  
 20 *than a civilian capacity.”; and*

21           *(2) section 1203 of title I of the Omnibus Crime*  
 22 *Control and Safe Streets Act of 1968 is amended—*

23                   *(A) by striking out clause (3) and inserting*  
 24 *in lieu thereof the following:*

25                   *“(3) ‘fireman’—*

1           “(A) means a person whose duties include  
2 performing work directly connected with the con-  
3 trol and extinguishment of fires and who, at the  
4 time the personal injury referred to in section  
5 1201 of this section is sustained, is engaged in  
6 such work in the control or extinguishment of a  
7 fire or other emergency operation; and

8           “(B) includes a person serving as an offi-  
9 cially recognized or designated member of a legal-  
10 ly organized volunteer fire department;”;

11           (B) by striking out clause (5) and inserting  
12 in lieu thereof the following:

13           “(5) ‘law enforcement officer’ means a person—

14           “(A) the duties of whose position include per-  
15 forming work directly connected with—

16           “(i) the control of crime or juvenile de-  
17 linquency;

18           “(ii) the enforcement of the criminal  
19 laws; or

20           “(iii) the protection of Federal officials,  
21 public buildings or property, or foreign diplo-  
22 matic missions; and

23           “(B) who, at the time the personal injury re-  
24 ferred to in section 1201 of this section is sus-  
25 tained, is—

1                   “(i) engaged in the detection of crime;

2                   “(ii) engaged in the apprehension of an  
3                   alleged criminal offender;

4                   “(iii) engaged in the keeping in physi-  
5                   cal custody of an alleged or convicted crimi-  
6                   nal offender; or

7                   “(iv) assaulted or subjected to the con-  
8                   duct of criminal activity in the line of duty,  
9                   and

10                   includes police, correction, probation, parole, and  
11                   judicial officers;” and

12                   (C) in clause (6) by inserting “the United  
13                   States,” after “means”.

14           **(129)** SEC. 186. (a) Section 922(b)(5), title 18,  
15           United States Code, is amended by adding the words “except  
16           .22 caliber rimfire ammunition” after the words “or ammu-  
17           nition”.

18           (b) Section 923(9), title 18, United States Code, is  
19           amended by adding the words “except .22 caliber rimfire am-  
20           munition” after the words “and ammunition” the first time  
21           they appear.

22           **(130)** SEC. 187. Section 925(d), title 18, United  
23           States Code, is amended—

24                   (1) by deleting the word “may” the first time it  
25                   appears and inserting in lieu thereof “shall”;



1 ending June 30, 1982, reached a total of seventy-seven thou-  
2 sand five hundred and three as compared with a prior year  
3 figure of sixty-six thousand three hundred and thirty-two and  
4 business failures, as reported by Dun and Bradstreet, are up  
5 49 per centum compared to one year ago. Only 35.7 per  
6 centum of the raw domestic steel industry's capacity is cur-  
7 rently being utilized which represents the lowest capacity  
8 since 1932. The American farmer is more than  
9 \$200,000,000,000 in debt, financed at rates ranging between  
10 15 and 20 per centum, with higher costs and lower prices.  
11 The Trade Adjustment Assistance Administration of the De-  
12 partment of Labor has certified that five hundred and ten  
13 thousand are unemployed as a result of foreign automobile  
14 imports. During the 1975 recession approximately 76 per  
15 centum of unemployed workers were covered by some form  
16 of unemployment benefit and today only 49 per centum are  
17 currently covered. Long-term economic stability can only be  
18 achieved through the private sector where existing Federal  
19 domestic and foreign policies are inadequate to provide  
20 means for the recovery of major and minor industries, of  
21 large and small businesses, or of United States agricultural  
22 production, which is being held off world markets by refusing  
23 to sell at competitive prices. Today every possible means  
24 must be made to increase American production to sell Ameri-  
25 can, instead of continuing to make competitors out of custom-



1 ers: The current unacceptable level of unemployment which  
2 has not existed since the Great Depression prior to World  
3 War II creates an economic and humanitarian problem too  
4 serious to ignore; and since a strong and viable economy is  
5 an essential ingredient of our national security and the efforts  
6 to increase our military capability and readiness. Unemploy-  
7 ment compensation has reached an annual rate of over  
8 \$20,000,000,000, and now hundreds of thousands of workers  
9 have exhausted the period of time for which they are entitled  
10 to draw unemployment compensation at a time when the ma-  
11 terial wealth of the Nation is being allowed to deteriorate in  
12 the watersheds, rivers and harbors; and that in the interest of  
13 the Nation immediate steps should be taken to retain and  
14 restore our physical wealth. It is essential that interest rates,  
15 which have been reduced following a General Accounting  
16 Office investigation of the Federal Reserve System at the  
17 request of the committee, continue at present or lower rates  
18 for industrial and agricultural recovery.

19       SEC. 202. The appropriate committees of the Congress  
20 are directed to study the current economic crisis with specific  
21 emphasis to long-term recovery; and a strong private sector  
22 based on a cooperative Government/industry partnership;  
23 and that these findings be presented to the respective Houses  
24 of the Congress by no later than March 15, 1982, for appro-  
25 priate action.

1       SEC. 203: The Board of Governors of the Federal Re-  
2 serve and the Federal Open Market Committee should take  
3 such actions as are necessary to achieve and maintain a level  
4 of interest rates low enough to generate significant economic  
5 growth and thereby reduce the current intolerable level of  
6 unemployment.

7       SEC. 204: In an effort to reduce unemployment cost; to  
8 increase the benefit of expenditures; and to put people back  
9 to productive work; where the benefits of the efforts will be  
10 of value; notwithstanding any other provision of this joint  
11 resolution; the following sums are appropriated; in addition to  
12 amounts otherwise made available; out of any money in the  
13 Treasury not otherwise appropriated; and out of applicable  
14 corporate or other revenues; receipts; and funds; for the sev-  
15 eral departments; agencies; corporations; and other organiza-  
16 tional units of the Government for the fiscal year 1983; and  
17 for other purposes; namely:

18       MAINTAINING AND PROTECTING PUBLIC INVESTMENT

19                               FEDERAL BUILDINGS

20       In order to assist in reducing the backlog of needed  
21 maintenance and repair of Federal buildings across the  
22 Nation; \$200,000,000 for payment to the "Federal Buildings  
23 Fund"; General Services Administration; to remain available  
24 until expended; which shall be available under the subactivity

1 "Alterations and repairs" for projects which do not require  
2 prospectuses.

3 REBUILDING AMERICA'S HIGHWAYS

4 To accelerate the construction and reconstruction of the  
5 Nation's highways; to improve safety on the Nation's high-  
6 ways; and to provide for productive jobs; an additional  
7 amount of \$200,000,000 to remain available until expended;  
8 for "Interstate transfer grants—highways"; Federal High-  
9 way Administration, Department of Transportation.

10 IMPROVING MASS TRANSPORTATION

11 To accelerate the improvement of urban mass transpor-  
12 tation systems; and to provide for productive jobs; an addi-  
13 tional amount of \$50,000,000 to remain available until ex-  
14 pended; for "Interstate transfer grants—transit"; Urban  
15 Mass Transportation Administration, Department of Trans-  
16 portation.

17 IMPROVING THE SAFETY OF RAIL PASSENGERS

18 To ensure the safety of those traveling in the Nation's  
19 most heavily traveled rail corridor and to provide for produc-  
20 tive jobs; \$100,000,000; to remain available until expended;  
21 for the rehabilitation (including repair; reconstruction; re-  
22 placement; or elimination) of highway bridges which cross  
23 over the Northeast corridor rail transportation properties  
24 conveyed pursuant to section 701(b) of Public Law 94-210;  
25 *Provided*, That a State identifies such bridge as constituting

1 a potential danger to motorists, pedestrians, or rail oper-  
2 ations:

3                   REBUILDING RAILROAD INFRASTRUCTURE

4           To provide for the improvement of railroad rights-of-  
5 way, and to provide for productive jobs, the Secretary of  
6 Transportation shall make capital grants to the National  
7 Railroad Passenger Corporation of \$90,000,000, to remain  
8 available until expended.

9                   IMPROVING FACILITIES AND SERVICES PROVIDED TO  
10                                   VETERANS

11           For an additional amount for "Medical care", Veterans  
12 Administration, \$50,000,000, to create productive jobs to  
13 improve the facilities and care being provided to veterans  
14 throughout the country.

15                   PUBLIC HOUSING MODERNIZATION

16           The amount of contracts for annual contributions pro-  
17 vided under the heading "Annual contributions for assisted  
18 housing" in section 101(g) of this joint resolution is hereby  
19 increased by \$10,000,000, to be made available on the same  
20 terms as other authority provided under that heading to  
21 create jobs in the construction and other related trades which  
22 will result in the production of real assets in the moderniza-  
23 tion of existing low-income housing projects: *Provided*, That  
24 the total new budget authority provided under that heading  
25 in said section shall be increased by \$200,000,000.

## 1 COMMUNITY DEVELOPMENT

2 For an additional amount for "Community development  
3 grants," to be made available to metropolitan cities and  
4 urban counties in accordance with the provisions of section  
5 106(b) of the Housing and Community Development Act of  
6 1974, as amended (42 U.S.C. 5301); to create jobs in com-  
7 munities throughout the country through the funding of local  
8 community development programs and to produce real assets  
9 for the American people as a result thereof, \$1,000,000,000,  
10 to remain available until September 30, 1985.

## 11 COMPETITION IN WORLD MARKETS

12 In light of increased export subsidies being made by for-  
13 eign governments; or frequently through Government-owned  
14 corporations; and the resulting disadvantage it places upon  
15 American sales abroad; and the overall effect on free trade  
16 and world competition; and American balance of payments; a  
17 study is directed to be conducted by the Secretary of the  
18 Treasury and the Secretary of Commerce; with cooperation  
19 of the American business community; to examine the current  
20 trade crisis with the objective of making American exports  
21 more competitive in world markets and strengthening our  
22 commitment to "Sell American"; there is hereby appropri-  
23 ated to the International Trade Administration, Department  
24 of Commerce, \$200,000 for necessary expenses, including  
25 the hiring of consultants; as authorized by 5 U.S.C. 3109;

1 but at rates for individuals not to exceed the per diem rate  
2 equivalent to the rate for GS-18.

3           INCREASING LOCAL ECONOMIC DEVELOPMENT

4       Toward the objective of restoring the prior level of Fed-  
5 eral support for economic development purposes throughout a  
6 wide geographic area as provided for by the Public Works  
7 and Economic Development Act of 1965, as amended, and  
8 Public Law 91-304, and such laws that were in effect imme-  
9 diately before September 30, 1982, an additional amount of  
10 \$200,000,000 is appropriated for "Economic development  
11 assistance programs", Economic Development Administra-  
12 tion.

13           INCREASING SMALL BUSINESS ACTIVITIES

14       For additional capital for the "Business loan and invest-  
15 ment fund", authorized by the Small Business Act, as  
16 amended, \$2,000,000, to remain available without fiscal year  
17 limitation; and for additional capital for new direct loan obli-  
18 gations to be incurred by the "Business loan and investment  
19 fund", authorized by section 7(a) of the Small Business Act,  
20 as amended, \$230,000,000, to remain available without  
21 fiscal year limitation, to help small businesses throughout the  
22 Nation to employ additional personnel thus increasing jobs in  
23 the private sector.





1 tional amount of \$25,000,000, to remain available for obliga-  
 2 tion until September 30, 1984, for the "National Forest  
 3 System".

4 In order to provide jobs which will result in the con-  
 5 struction of real assets for this country, an additional amount  
 6 of \$20,000,000 is appropriated, to remain available until ex-  
 7 pended, for "Construction", Forest Service.

8 IMPROVING INDIAN HEALTH FACILITIES

9 In order to provide for construction, repair and improve-  
 10 ments, and other services to Indians and to create productive  
 11 jobs which provide these increased levels of services, there is  
 12 appropriated an additional amount of \$50,000,000, to remain  
 13 available until expended, for "Indian Health Facilities".

14 IMPROVING FISH AND WILDLIFE SERVICE FACILITIES

15 In order to provide jobs for the necessary maintenance  
 16 of wildlife refuges, fish hatcheries, and research facilities,  
 17 thus increasing the natural resources across the Nation under  
 18 the jurisdiction of the United States Fish and Wildlife Serv-  
 19 ice, Department of the Interior, there is appropriated an ad-  
 20 ditional \$25,000,000, for "Resource Management".

21 ASSISTING IN RURAL DEVELOPMENT AND RESOURCE

22 CONSERVATION

23 In order to provide assistance for basic human ameni-  
 24 ties, to alleviate health hazards, to promote stability of rural  
 25 areas by meeting the need for new and improved rural water

1 and waste disposal systems and to meet national safe drink-  
2 ing water and clean water standards and to create jobs to  
3 assist in achieving these objectives which increase the real  
4 wealth of this country; there is appropriated an additional  
5 amount of \$200,000,000 for "Rural Water and Waste Dis-  
6 posal Grants"; Farmers Home Administration, Department  
7 of Agriculture; to remain available until expended.

8 In order to assist eligible borrowers such as communi-  
9 ties and others to provide assistance for basic human ameni-  
10 ties; alleviate health hazards and promote the orderly growth  
11 of rural areas by meeting the need for the financing of new  
12 and improved rural water and waste disposal systems and  
13 meet the National Clean Water Standards and the Safe  
14 Drinking Water Act and to assist in achieving these objec-  
15 tives which create and conserve real wealth throughout the  
16 country; \$600,000,000 for additional loans to be insured; or  
17 made to be sold and insured; under the "Rural Development  
18 Insurance Fund"; Farmers Home Administration; Depart-  
19 ment of Agriculture in accordance with and subject to the  
20 provisions of 7 U.S.C. 1928 and 86 Stat. 661-664.

21 For an additional amount for "Salaries and Expenses";  
22 Farmer's Home Administration; Department of Agriculture;  
23 \$6,500,000

24 In order to assist States; local units of government;  
25 groups and individuals in developing area plans for resource

1 conservation and development and to create jobs to increase  
 2 and conserve the real wealth of this country, there is appro-  
 3 priated an additional amount for "Resource Conservation and  
 4 Development", Soil Conservation Service, Department of  
 5 Agriculture, \$15,000,000, to remain available until expend-  
 6 ed.

7 INCREASING THE EFFECTIVENESS OF SOIL CONSERVATION  
 8 ACTIVITIES

9 In order to assist in installing works of improvement;  
 10 reduce damage from floodwater sediment and erosion; for the  
 11 conservation, development, utilization and disposal of water;  
 12 and for the conservation and proper utilization of land; there  
 13 is appropriated an additional amount for "Watershed and  
 14 Flood Prevention Operations", Soil Conservation Service,  
 15 Department of Agriculture; and to assist in providing jobs  
 16 which will increase and conserve the real wealth of this coun-  
 17 try, \$100,000,000, to remain available until expended: *Pro-*  
 18 *vided,* That an additional \$25,000,000 in loans may be in-  
 19 sured, or made to be sold and insured, under the Agricultural  
 20 Credit Insurance Fund of the Farmers Home Administration  
 21 (86 Stat. 663).

22 FEDERAL, STATE, AND LOCAL PRISON MODERNIZATION

23 In order to provide jobs in the construction industry and  
 24 related trades; for planning; acquisition of sites and remodel-  
 25 ing; and equipping necessary buildings and facilities at exist-

1 ing penal and correctional institutions, including all necessary  
2 expenses incident thereto, by contract or force account, for  
3 "Buildings and facilities", Federal Prison System, Depart-  
4 ment of Justice, \$95,000,000, to remain available until ex-  
5 pended: *Provided*, That of this amount, \$40,900,000 shall be  
6 transferred to "Support of United States Prisoners", Legal  
7 Activities for the Cooperative Agreement Program for the  
8 purpose of renovating, constructing and equipping State and  
9 local jail facilities that confine Federal prisoners.

10           ENHANCEMENT OF WATER RESOURCE AND

11                   HYDROELECTRIC POWER BENEFITS

12       To improve flood control, shore protection, and other  
13 measures as authorized by law, to provide water resource  
14 and hydroelectric power benefits, to assist in the generation  
15 of productive jobs, an additional amount of \$40,723,000, to  
16 remain available until expended, is hereby appropriated for  
17 "Construction, general", Corps of Engineers—Civil, Depart-  
18 ment of the Army.

19       To maintain harbor channels and other navigable water-  
20 ways essential to the conduct of commerce, to preserve and  
21 operate existing river and harbor and flood control measures  
22 which will protect the real wealth of the Nation, and to assist  
23 in the creation of productive jobs, an additional amount of  
24 \$65,000,000, to remain available until expended, is hereby

1 appropriated for "Operation and maintenance, general";  
 2 Corps of Engineers—Civil, Department of the Army.

3 To construct and maintain flood control measures and to  
 4 assist in the generation of productive jobs, for the river  
 5 system which drains more than two-fifths of the Nation; to  
 6 perform necessary rescue work, and repair and restoration of  
 7 flood control projects as authorized by law; an additional  
 8 amount of \$40,000,000, to remain available until expended;  
 9 is hereby appropriated for "Flood control, Mississippi River  
 10 and tributaries"; Corps of Engineers—Civil, Department of  
 11 the Army.

12 RECLAMATION AND IRRIGATION PROJECTS

13 To accelerate the completion of projects which will pro-  
 14 vide additional industrial and municipal water, irrigation  
 15 water, and hydroelectric capability and to generate produc-  
 16 tive jobs; an additional amount of \$10,400,000, to remain  
 17 available until expended; is hereby appropriated for "Con-  
 18 struction program"; Bureau of Reclamation, Department of  
 19 the Interior.

20 To accelerate hydrogenerator uprating, soil and mois-  
 21 ture conservation operations on reclamation projects; levee  
 22 construction; improvements of recreation areas; and to assist  
 23 in creating new productive jobs; an additional \$21,200,000,  
 24 to remain available until expended; is hereby appropriated for

1 "Operation and maintenance", Bureau of Reclamation, De-  
2 partment of the Interior.

3 EMERGENCY PRODUCTIVE JOBS

4 (a) There is hereby appropriated to the Department of  
5 Labor \$1,000,000,000 for the purpose of providing produc-  
6 tive jobs in accordance with the provisions of this heading.

7 (b)(1) No individual employed with funds available under  
8 this heading—

9 (A) shall be eligible for unemployment compensa-  
10 tion during the period of productive job employment  
11 under this heading; or

12 (B) shall be paid except upon certification in writ-  
13 ing by the supervising official that such job was per-  
14 formed.

15 (2) Individuals employed with funds available under this  
16 heading—

17 (A) shall be certified by the State employment  
18 service as unemployed at the time of such certification  
19 and for at least fifteen of the twenty-six weeks immedi-  
20 ately prior to such certification; in accordance with cri-  
21 teria established by the Secretary of Labor; with prior-  
22 ity given those who are not currently eligible for un-  
23 employment compensation;

24 (B) shall be paid at a rate which shall not be less  
25 than the highest of (i) the minimum wage under section

1 6(a)(1) of the Fair Labor Standards Act of 1938, (ii)  
2 the minimum wage under the applicable State or local  
3 minimum wage law; or (iii) the prevailing rates of pay  
4 for individuals employed in similar occupations by the  
5 same employer; but in no case shall the Federal contri-  
6 bution to such wage exceed \$10,000 per annum; and

7 (C) subject to paragraph (1)(A); shall be provided  
8 benefits and employment conditions comparable to the  
9 benefits and conditions provided to others employed in  
10 similar occupations by the same employer.

11 (3)(A) No currently employed worker shall be displaced  
12 by any individual employed with funds available under this  
13 heading, including partial displacement such as a reduction in  
14 the hours of nonovertime work; wages; or employment bene-  
15 fits.

16 (B) Not more than 15 per centum of the funds provided  
17 to any eligible entity under this heading may be used for the  
18 cost of administration.

19 (e) Funds available under this heading may be used for  
20 the purpose of providing unemployed individuals with tempo-  
21 rary employment for not more than six months in repair,  
22 maintenance, and rehabilitation of public facilities and in the  
23 conservation, rehabilitation, and improvement of public lands.  
24 Such employment shall be in one or more of the following  
25 areas:



- 1 (1) road and street repair,
  - 2 (2) bridge painting and repair,
  - 3 (3) repair and rehabilitation of public buildings,
  - 4 (4) repair and rehabilitation of water systems,
  - 5 (5) erosion, flood, drought, and storm damage as-
  - 6 sistence and control,
  - 7 (6) removal of refuse from drainage ditches, illegal
  - 8 dumping sites, and other public areas,
  - 9 (7) park and playground rehabilitation,
  - 10 (8) installation and repair of drainage pipes and
  - 11 catch basins in areas subject to flooding,
  - 12 (9) stream, lake, and waterfront harbor and port
  - 13 improvement and pollution control,
  - 14 (10) forestry, nursery, and silvicultural operations,
  - 15 (11) fish culture and habitat maintenance and im-
  - 16 provement,
  - 17 (12) rangeland conservation, rehabilitation, and
  - 18 improvement,
  - 19 (13) installation of graded ramps for the handi-
  - 20 capped, and
  - 21 (14) energy conservation.
- 22 (d) Funds available under this heading shall be allocated
- 23 as follows:
- 24 (1)(A) Eighty-three per centum of the funds avail-
  - 25 able under this heading shall be allocated among eligi-

1 ble entities which, during the three months preceding  
2 the date of allocation for which satisfactory data are  
3 available, had an average rate of unemployment in  
4 excess of 9 per centum.

5 (B) In making such allocation, the Secretary shall  
6 allocate 50 per centum of the funds under this para-  
7 graph on the basis of the relative number of unem-  
8 ployed persons; 25 per centum of such funds on the  
9 basis of the relative number of unemployed persons re-  
10 siding in areas of substantial unemployment (deter-  
11 mined in accordance with section 4(3) of the Job  
12 Training Partnership Act); and 25 per centum of such  
13 funds on the basis of the relative excess number of un-  
14 employed persons (in excess of 4.5 per centum of the  
15 labor force).

16 (2) Five per centum of the funds available under  
17 this heading shall be allocated, in the manner pre-  
18 scribed in paragraph (1)(B), among States which are  
19 not eligible for an allocation under paragraph (1) for  
20 the purposes of serving units of general local govern-  
21 ment which are not eligible entities but which, during  
22 the three months most recently preceding the date of  
23 allocation for which satisfactory data are available, had  
24 an average rate of unemployment in excess of 9 per  
25 centum.

1           (3) Two per centum of the funds available under  
2 this heading shall be allocated among Native American  
3 tribes, bands, and groups for use in meeting the need  
4 for employment and training and related services of  
5 such tribes, bands, and groups.

6           (4)(A) The remainder of the funds available under  
7 this heading shall be allocated, in the manner pre-  
8 scribed in paragraph (1)(B), among eligible entities  
9 which are not eligible for an allocation under para-  
10 graph (1) for the purpose of serving a locality—

11                   (i) which has had a large scale loss of jobs  
12                   caused by the closing of a facility, mass layoffs,  
13                   natural disasters, or similar circumstances, or

14                   (ii) which has experienced a sudden or severe  
15                   economic dislocation.

16           (B) In expending funds from such allocation in the  
17 ease of an eligible entity serving two or more such lo-  
18 calities, the eligible entity shall take into consideration  
19 the severity of unemployment in each such locality.

20           (c)(1) For purposes of this heading an eligible entity is---

21                   (A) a unit of general local government with a  
22                   population equaling or exceeding fifty thousand per-  
23                   sons, or a consortium including such a unit and other  
24                   units of general local government;

1           (B) a concentrated employment program grantee  
2           (serving a rural area); or

3           (C) a State.

4           (2) A State shall not qualify as an eligible entity with  
5           respect to an area served by another eligible entity. A larger  
6           unit of general local government shall not qualify as an eligi-  
7           ble entity with respect to an area served by a smaller such  
8           unit.

9           (3) For purposes of this heading, the term "State"  
10           means each of the several States, the District of Columbia,  
11           Puerto Rico, Guam, American Samoa, the Virgin Islands,  
12           the Northern Mariana Islands, and the Trust Territory of the  
13           Pacific Islands.

14           (f) The Secretary of Labor shall notify recipients within  
15           thirty days after the date of enactment of this Act of the  
16           allocation of funds appropriated herein.

17           (g) The Comptroller General, the Secretary of Labor,  
18           and the Inspector General of the Department of Labor shall  
19           have the same authority with respect to funds available under  
20           this heading as is contained in sections 163, 164, 165 (a) and  
21           (b) and 166 of the Job Training Partnership Act with respect  
22           to funds available under that Act. The fiscal control and fund  
23           accounting procedures applicable to funds made available  
24           under that Act shall also apply to funds available under this  
25           heading.

1 (h) The Secretary of Labor shall promulgate such rules  
 2 and regulations as may be necessary to carry out the pur-  
 3 poses of this heading no later than thirty days after the date  
 4 of enactment of this Act.

5 EMPLOYMENT AND TRAINING ASSISTANCE

6 For an additional amount for "Employment and training  
 7 assistance", \$232,400,000, of which \$200,000,000 shall be  
 8 for carrying out title III of the Job Training Partnership Act  
 9 (Public Law 97-300).

10 INCREASING ASSISTANCE TO THE UNEMPLOYED THROUGH  
 11 EMPLOYMENT SERVICES

12 For an additional amount for "Grants to States for un-  
 13 employment insurance and employment services", from the  
 14 Employment Security Administration Account in the Unem-  
 15 ployment Trust Fund, \$339,000,000, of which \$272,250,000  
 16 shall be available only to the extent necessary to meet in-  
 17 creased costs of administration resulting from changes in a  
 18 State law or increases in the number of unemployment insur-  
 19 ance claims filed and claims paid or increased salary costs  
 20 resulting from changes in State salary compensation plans  
 21 embracing employees of the State generally over those upon  
 22 which the State's basic grant was based, which cannot be  
 23 provided for by normal budgetary adjustments: *Provided,*  
 24 That any portion of the funds granted to a State in the cur-  
 25 rent fiscal year and not obligated by the State in that year

1 shall be returned to the Treasury and credited to the account  
2 from which derived.

3 ASSISTANCE THROUGH DAY CARE SERVICES

4 There is hereby appropriated for allotments under sec-  
5 tion 2003 of the Social Security Act for the fiscal year 1983,  
6 in addition to any other allotment under subsection (e)(2) of  
7 such section 2003, the sum of \$50,000,000, to be used by  
8 the States and other jurisdictions receiving such allotments  
9 only for child day care services in accordance with the last  
10 sentence of such section 2003.

11 Section 2003(e) of the Social Security Act is amended—

12 (1) by striking out "\$2,450,000,000" in para-  
13 graph (2) and inserting in lieu thereof  
14 "\$2,500,000,000"; and

15 (2) by adding at the end thereof (after and below  
16 paragraph (5)) the following new sentence: "Of the  
17 amount specified for purposes of subsections (a) and (b)  
18 in paragraph (2) (for the fiscal year 1983),  
19 \$50,000,000 shall be available only for purposes of  
20 child day care services, including but not limited to  
21 services described in section 2007."

22 INCREASING HEALTH SERVICE ACTIVITIES

23 For an additional amount for "Health services",  
24 \$15,000,000: *Provided*, That these funds shall be for the pro-  
25 vision of home health care services at community and mi-

1 grant health centers authorized under titles III and XIX of  
2 the Public Health Service Act, in order to provide productive  
3 jobs to render health services throughout the country.

4 OTHER PRODUCTIVE ACTIVITIES

5 Notwithstanding any other provision of law or this joint  
6 resolution, appropriations for the Yatesville Lake construc-  
7 tion project shall be made available for obligation in the  
8 amount designated for that project in title II of H.R. 7145,  
9 the Energy and Water Development Appropriation Act,  
10 1983, as reported in the House of Representatives.

11 FOOD DISTRIBUTION AND EMERGENCY SHELTERS

12 There is hereby appropriated \$50,000,000 to the Feder-  
13 al Emergency Management Agency to carry out an emergen-  
14 cy food and shelter program. Notwithstanding any other pro-  
15 vision of this joint resolution or any other Act, such amount  
16 shall be made available under the terms and conditions of the  
17 following paragraphs:

18 The Director of the Federal Emergency Manage-  
19 ment Agency shall award a grant for \$50,000,000  
20 within forty-five days after enactment of this joint reso-  
21 lution to the United Way of America for the purpose of  
22 providing emergency food and shelter to needy individ-  
23 uals through private voluntary organizations.

24 As soon as practicable after enactment of this  
25 joint resolution, the United Way of America shall con-



1       stitute a special board for the purpose of determining  
2       how the program funds are to be distributed. The spe-  
3       cial board shall consist of seven members. The United  
4       Way of America, the Salvation Army, the Council of  
5       Churches, the National Conference of Catholic Char-  
6       ities, and the Council of Jewish Federations, Inc. shall  
7       each designate a representative to sit on the board.  
8       The United Way of America shall name two other pri-  
9       vate voluntary organizations which shall also designate  
10      representatives to sit on the board.

11           Eligible private voluntary organizations should be  
12      nonprofit, have a voluntary board, have an accounting  
13      system, and practice nondiscrimination.

14           Participation in the program should be based upon  
15      a private voluntary organization's ability to deliver  
16      emergency food and shelter to needy individuals and  
17      such other factors as are determined by the special  
18      board.

19           Administrative costs shall be limited to 2 per  
20      centum of the total appropriation.

21           As authorized by the Charter of the Commodity Credit  
22      Corporation, the Corporation shall process and distribute sur-  
23      plus food owned or to be purchased by the Corporation under  
24      the food distribution and emergency shelter program in coop-

1 eration with the Federal Emergency Management Agency  
2 (FEMA).

3 CONSTRUCTION AND MODERNIZATION OF HOUSING UNITS  
4 FOR MILITARY FAMILIES

5 In order to accelerate the construction and maintenance  
6 of family housing; to increase the quality of life of military  
7 personnel and their families; and to stimulate jobs in the con-  
8 struction industry and its related trades; there is appropriated  
9 for expenses of family housing for the Army for construction;  
10 including addition; expansion; extension and alteration; and  
11 for maintenance; as follows: for Construction; \$86,490,000;  
12 for Maintenance; \$154,242,000;—in all, \$240,732,000: *Pro-*  
13 *vided*; That the amount provided for construction shall  
14 remain available until September 30, 1987.

15 In order to accelerate the construction and maintenance  
16 of family housing; to increase the quality of life of military  
17 personnel and their families; and to stimulate jobs in the con-  
18 struction industry and its related trades; there is appropriated  
19 for expenses of family housing for the Navy and Marine  
20 Corps for construction; including addition; expansion; exten-  
21 sion and alteration; and for maintenance; as follows: for Con-  
22 struction; \$40,653,000; for Maintenance; \$32,301,000;—in  
23 all, \$72,954,000: *Provided*; That the amount provided for  
24 construction shall remain available until September 30,  
25 1987.

1       In order to accelerate the construction and maintenance  
2 of family housing, to increase the quality of life of military  
3 personnel and their families, and to stimulate jobs in the con-  
4 struction industry and its related trades, there is appropriated  
5 for expenses of family housing for the Air Force for construc-  
6 tion, including addition, expansion, extension and alteration,  
7 and for maintenance, as follows: for Construction,  
8 \$45,310,000; for Maintenance, \$130,480,000; in all,  
9 \$175,790,000: *Provided*, That the amount provided for con-  
10 struction shall remain available until September 30, 1987.

11                   LOW-INCOME ENERGY CONSERVATION

12       In order to create productive jobs in manufacturing and  
13 installation of weather-proofing products, there is appropri-  
14 ated an additional amount for "Energy conservation," De-  
15 partment of Energy, \$250,000,000, to remain available until  
16 expended for low-income weatherization: *Provided*, That  
17 funds for low-income weatherization activities appropriated  
18 under this joint resolution shall be expended according to the  
19 regulations pertaining to the maximum allowable expendi-  
20 tures per dwelling unit which were in effect on October 1,  
21 1982, and to the regulations pertaining to priority in provid-  
22 ing weatherization assistance which were in effect on Octo-  
23 ber 1, 1982.

## 1           SCHEDULED MOTOR VEHICLE PROCUREMENT

2           In order to assure the timely replacement of planned  
3 Federal motor vehicle replacement by American plants in ac-  
4 cordance with established practices which will stimulate jobs  
5 in assembly plants and facilities of related suppliers,  
6 \$100,000,000 for the General Services Administration to in-  
7 crease the capital of the General Supply Fund, established by  
8 section 109 of the Federal Property and Administrative  
9 Services Act of 1949, as amended (40 U.S.C. 756), for the  
10 purchase of motor vehicles: *Provided*, That the funds made  
11 available by this appropriation may be used only to procure  
12 domestically manufactured vehicles.

## 13                           AVAILABILITY OF FUNDS

14           No part of any appropriation contained in this title shall  
15 remain available for obligation beyond the current fiscal year  
16 unless expressly so provided herein.

## 17   TITLE II

18       MEETING OUR ECONOMIC PROBLEMS WITH  
19                           ESSENTIAL PRODUCTIVE JOBS

20           In an effort to reduce unemployment cost, to increase  
21 the benefit of expenditures, and to put people back to produc-  
22 tive work, where the benefits of the efforts will be of value,  
23 notwithstanding any other provision of this joint resolution,  
24 the following sums are appropriated, in addition to amounts  
25 otherwise made available, out of any money in the Treasury

1 *not otherwise appropriated, and out of applicable corporate or*  
2 *other revenues, receipts, and funds, for the several depart-*  
3 *ments, agencies, corporations, and other organizational units*  
4 *of the Government for the fiscal year 1983, and for other*  
5 *purposes, namely:*

6 *REBUILDING AMERICA'S HIGHWAYS*

7 *To accelerate the construction and reconstruction of the*  
8 *Nation's highways, to improve safety on the Nation's high-*  
9 *ways, and to provide for productive jobs, an additional*  
10 *amount of \$100,000,000, to remain available until expended,*  
11 *for "Interstate transfer grants—highways", Federal High-*  
12 *way Administration, Department of Transportation.*

13 *IMPROVING MASS TRANSPORTATION*

14 *To accelerate the improvement of urban mass transpor-*  
15 *tation systems, and to provide for productive jobs, an addi-*  
16 *tional amount of \$25,000,000, to remain available until ex-*  
17 *pended, for "Interstate transfer grants—transit", Urban*  
18 *Mass Transportation Administration, Department of Trans-*  
19 *portation.*

20 *WASHINGTON METRO*

21 *For necessary expenses to carry out the provisions of*  
22 *section 14 of Public Law 96-184, \$10,000,000, to remain*  
23 *available until expended.*



1        *INCREASING LOCAL ECONOMIC DEVELOPMENT*

2        *Toward the objective of restoring the prior level of Fed-*  
3 *eral support for economic development purposes throughout a*  
4 *wide geographic area as provided for by the Public Works*  
5 *and Economic Development Act of 1965, as amended, and*  
6 *Public Law 91-304, and such laws that were in effect imme-*  
7 *diately before September 30, 1982, an additional amount of*  
8 *\$100,000,000 is appropriated for "Economic development*  
9 *assistance programs", Economic Development Administra-*  
10 *tion.*

11        *INCREASING SMALL BUSINESS ACTIVITIES*

12        *For additional capital for the "Business loan and in-*  
13 *vestment fund", authorized by the Small Business Act, as*  
14 *amended, \$2,000,000, to remain available without fiscal*  
15 *year limitation: Provided, That the administration may not*  
16 *decline to participate in a project under section 503 of the*  
17 *Small Business Investment Company Act of 1958 because*  
18 *other sources of financing for the project include or are collat-*  
19 *eralized by obligations described in section 103(b) of the In-*  
20 *ternal Revenue Code of 1954: Provided further, That loans*  
21 *made with the proceeds of debentures guaranteed under sec-*  
22 *tion 503 of said Act shall be subordinated to obligations de-*  
23 *scribed in section 103(b) of the Internal Revenue Code of*  
24 *1954: And provided further, That the administration and*  
25 *any other agency of the Federal Government shall not re-*

1 *strict the use of debentures guaranteed under this section with*  
2 *obligations described in section 103(b) of the Internal Reve-*  
3 *nue Code of 1954 if the project being so financed otherwise*  
4 *complies with the regulations and procedures of the adminis-*  
5 *tration.*

6 *PRESERVING THE NATIONAL FOREST SYSTEM*

7 *In order to provide jobs, to improve the growth rate of*  
8 *existing forested land inventories, and to decrease the number*  
9 *of deforested acres of Forest Service lands, there is appropri-*  
10 *ated an additional \$35,000,000 for "National Forest*  
11 *System", Forest Service and in order to provide jobs to con-*  
12 *struct, improve, and maintain forest roads, trails, and Forest*  
13 *Service facilities, there is appropriated an additional amount*  
14 *of \$37,500,000, to remain available until expended, for*  
15 *"Construction", Forest Service.*

16 *IMPROVING INDIAN HEALTH FACILITIES*

17 *In order to provide for construction, repair and improve-*  
18 *ments, and other services to Indians and to create productive*  
19 *jobs which provide these increased levels of services, there is*  
20 *appropriated an additional amount of \$39,000,000, to*  
21 *remain available until expended, for "Indian Health Facili-*  
22 *ties".*



1        *CONSTRUCTION OF BUREAU OF INDIAN AFFAIRS'*2                                *SCHOOLS*

3        *In order to provide for the construction of the Hopi High*  
4 *School and personnel quarters, there is appropriated an addi-*  
5 *tional \$27,500,000, to remain available until expended, to*  
6 *the Bureau of Indian Affairs for "Construction".*

7                                *IMPROVING INDIAN HOUSING*

8        *In order to provide for the construction, repair, and im-*  
9 *provement of Indian housing, there is appropriated an addi-*  
10 *tional amount of \$15,000,000 for "Operation of Indian*  
11 *Programs".*

12                                *ASSISTING IN RURAL DEVELOPMENT*

13        *In order to provide assistance for basic human ameni-*  
14 *ties, to alleviate health hazards, to promote stability of rural*  
15 *areas by meeting the need for new and improved rural water*  
16 *and waste disposal systems and to meet national safe drink-*  
17 *ing water and clean water standards and to create jobs to*  
18 *assist in achieving these objectives which increase the real*  
19 *wealth of this country, there is appropriated an additional*  
20 *amount of \$100,000,000 for "Rural Water and Waste Dis-*  
21 *posal Grants", Farmers Home Administration, Department*  
22 *of Agriculture, to remain available until expended.*

23        *In order to assist eligible borrowers such as communi-*  
24 *ties and others to provide assistance for basic human ameni-*  
25 *ties, alleviate health hazards and promote the orderly growth*

1 of rural areas by meeting the need for the financing of new  
2 and improved rural water and waste disposal systems and  
3 meet the National Clean Water Standards and the Safe  
4 Drinking Water Act and to assist in achieving these objec-  
5 tives which create and conserve real wealth throughout the  
6 country, \$300,000,000 for additional loans to be insured, or  
7 made to be sold and insured, under the "Rural Development  
8 Insurance Fund", Farmers Home Administration, Depart-  
9 ment of Agriculture in accordance with and subject to the  
10 provisions of 7 U.S.C. 1928 and 86 Stat. 661-664.

11 For an additional amount for "Salaries and Ex-  
12 penses", Farmers Home Administration, Department of Ag-  
13 riculture \$3,250,000.

14 EMPLOYMENT AND TRAINING ASSISTANCE

15 For an additional amount for activities under the Com-  
16 prehensive Employment and Training Act as authorized by  
17 section 181 of the Job Training Partnership Act, Public Law  
18 97-300, \$250,000,000.

19 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

20 AMERICANS

21 For an additional amount to carry out the activities for  
22 national grants or contracts with public agencies and public  
23 or private nonprofit organizations under paragraph (1)(A) of  
24 section 506(a) of title V of the Older Americans Act of 1965,  
25 as amended, \$15,132,000, of which \$7,566,000 shall be obli-

1 *gated between January 1, and June 30, 1983, notwithstand-*  
2 *ing the provisions of section 508 of the Older Americans Act*  
3 *of 1965, as amended.*

4 *For an additional amount to carry out the activities for*  
5 *grants to States under paragraph (3) of section 506(a) of title*  
6 *V of the Older Americans Act of 1965, as amended,*  
7 *\$4,268,000, of which \$2,134,000 shall be obligated between*  
8 *January 1, and June 30, 1983, notwithstanding the provi-*  
9 *sions of section 508 of the Older Americans Act of 1965, as*  
10 *amended.*

11 *FOOD DISTRIBUTION AND EMERGENCY SHELTERS*

12 *There is hereby appropriated \$50,000,000 to the Feder-*  
13 *al Emergency Management Agency to carry out an emergen-*  
14 *cy food and shelter program. Notwithstanding any other pro-*  
15 *vision of this joint resolution or any other Act, such amount*  
16 *shall be made available under the terms and conditions of the*  
17 *following paragraphs:*

18 *The Director of the Federal Emergency Manage-*  
19 *ment Agency shall award a grant for \$50,000,000*  
20 *within forty-five days after enactment of this joint res-*  
21 *olution to the United Way of America for the purpose*  
22 *of providing emergency food and shelter to needy indi-*  
23 *viduals through private voluntary organizations.*

24 *As soon as practicable after enactment of this*  
25 *joint resolution, the United Way of America shall con-*

1     *stitute a special board for the purpose of determining*  
2     *how the program funds are to be distributed. The spe-*  
3     *cial board shall consist of seven members. The United*  
4     *Way of America, the Salvation Army, the Council of*  
5     *Churches, the National Conference of Catholic Chari-*  
6     *ties, and the Council of Jewish Federations, Inc. shall*  
7     *each designate a representative to sit on the board. The*  
8     *United Way of America shall name two other private*  
9     *voluntary organizations which shall also designate rep-*  
10    *resentatives to sit on the board.*

11           *Eligible private voluntary organizations should be*  
12    *nonprofit, have a voluntary board, have an accounting*  
13    *system, and practice nondiscrimination.*

14           *Participation in the program should be based*  
15    *upon a private voluntary organization's ability to de-*  
16    *liver emergency food and shelter to needy individuals*  
17    *and such other factors as are determined by the special*  
18    *board.*

19           *Administrative costs shall be limited to 2 per*  
20    *centum of the total appropriation.*

21           *As authorized by the Charter of the Commodity Credit*  
22    *Corporation, the Corporation shall process and distribute*  
23    *surplus food owned or to be purchased by the Corporation*  
24    *under the food distribution and emergency shelter program in*

1 *cooperation with the Federal Emergency Management*  
2 *Agency (FEMA).*

3 *MODERNIZATION OF HOUSING UNITS FOR MILITARY*  
4 *FAMILIES*

5 *In order to accelerate the maintenance of family hous-*  
6 *ing, to increase the quality of life of military personnel and*  
7 *their families, and to stimulate jobs in the construction in-*  
8 *dustry and its related trades, there is appropriated for ex-*  
9 *penses of family housing for the Army for Maintenance,*  
10 *\$125,000,000.*

11 *In order to accelerate the maintenance of family hous-*  
12 *ing, to increase the quality of life of military personnel and*  
13 *their families, and to stimulate jobs in the construction in-*  
14 *dustry and its related trades, there is appropriated for ex-*  
15 *penses of family housing for the Navy and Marine Corps for*  
16 *Maintenance, \$25,000,000.*

17 *In order to accelerate the maintenance of family hous-*  
18 *ing, to increase the quality of life of military personnel and*  
19 *their families, and to stimulate jobs in the construction in-*  
20 *dustry and its related trades, there is appropriated for ex-*  
21 *penses of family housing for the Air Force for Maintenance,*  
22 *\$100,000,000.*

23 *SCHOOLS AND HOSPITALS WEATHERIZATION ASSISTANCE*

24 *In order to create productive jobs in manufacturing and*  
25 *installation of weatherproofing products, there is appropri-*



1 *ated an additional amount for "Energy conservation", De-*  
2 *partment of Energy, \$150,000,000, to remain available until*  
3 *expended for schools and hospitals weatherization assistance*  
4 *as authorized by the National Energy Conservation Policy*  
5 *Act (Public Law 95-619) (42 U.S.C. 6371-6372).*

6 *ALASKA RAILROAD*

7 *To accelerate the restoration and renovation of the exist-*  
8 *ing track and attendant structures of the Alaska Railroad*  
9 *during the upcoming maintenance season and to generate*  
10 *substantial new employment on the Railroad. For payment to*  
11 *the Alaska Railroad Revolving Fund for capital improve-*  
12 *ments, replacements, operations, and maintenance*  
13 *\$26,000,000, to remain available until expended.*

14 *AVAILABILITY OF FUNDS*

15 *No part of any appropriation contained in this title*  
16 *shall remain available for obligation beyond the current fiscal*  
17 *year unless expressly so provided herein.*

Passed the House of Representatives December 14,  
1982.

Attest: EDMUND L. HENSHAW, JR.,  
*Clerk.*

Passed the Senate with amendments December 19  
(legislative day, November 30), 1982.

Attest: WILLIAM F. HILDENBRAND,  
*Secretary.*

Legislation authorizing the establishment of Voyageurs National Park was passed in January 1972. It was not until April 1975 that the park was officially established by the Secretary of Interior. Since that time, much has been accomplished. The Voyageurs Park master plan has been adopted, all but 4 percent of the 133,622 land acres in the park have been acquired.

The identical bills that Congressman OBERSTAR and I introduced in 1980 and again in 1981, carried out the recommendations arrived at in the master plan for the park; but more significantly it will resolve the points of controversy between northern Minnesota residents, the State of Minnesota and the Department of Interior which have arisen during the planning process.

Hearings were held by Senator WALLOP's Subcommittee on Public Lands and Reserve Water and a bill reported by the Energy and Natural Resources Committee passed the Senate by unanimous vote on June 10, 1982. The House also held hearings and passed the bill. When Congress recessed in October 2 only one, somewhat technical, difference existed between the two versions.

The point under consideration was the transfer of State lands along the Ash River Trail and the State Kabetogama Ranger Station to the National Park Service. An amendment to the Senate passed bill was agreed upon; this accommodated both the concerns of the House and Senate committees. The House passed the bill on December 14, and I am pleased and gratified to see the Senate take final action today.

S. 625 is the result of consensus achieved through extensive discussions involving the Minnesota congressional delegation, the committee leadership, environmental groups in Washington and in Minnesota, the Minnesota Department of Natural Resources and the people of northern Minnesota in the area where the park is located, as well as through congressional hearings.

The bill passed today provides for the transfer of 1,000 acres, primarily water, of Black Bay to the State of Minnesota. This establishes this section as a State wildlife management area; increases authorization for land acquisition in the park by \$12.3 million; includes in the park the area needed for the visitor's center; and authorizes a tourism project and road study of access to the park.

Passage of S. 625 marks the end of the beginning of Voyageur's National Park. With the action taken by the Senate today, we move into the period in which the full potential of this magnificent national park will be realized.

I want to express my sincere thanks to Senator WALLOP for his unfailing support and leadership; to Senator BOSCHWITZ my distinguished colleague from Minnesota; to Congressman

OBERSTAR and the entire Minnesota delegation for their efforts on behalf of the bill.

Finally, this statement would not be complete without recognizing the unfailing efforts of both the Voyageurs National Park Association and the Citizens Advisory Committee for Voyageurs. The leadership of Elmer L. Anderson, Martin Kellogg, William Holes, Irv Anderson, State Senator Robert Lessard, Sam Morgan, Lloyd Brandt, Rick Mollin, Jack Koch, Clarence Hart, and many others is essential.

There would not be a Voyageurs Park without their vision and leadership. The bill we enact today is a better bill because of their involvement in its development and passage. Their continued work is essential to the future of Voyageurs which we in Minnesota consider the finest national park in the country. ●

Mr. STEVENS. I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

#### APPOINTMENT OF SPECIAL PROSECUTORS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2059.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 2059) entitled "An Act to change the coverage of officials and the standards for the appointment of a special prosecutor in the special prosecutor provisions of the Ethics in Government Act of 1978, and for other purposes", do pass with the following amendments:

- (1) Page 4, line 4, strike out "five" and insert: "two".
- (2) Page 4, line 15, strike out "President; and" and insert: "President."
- (3) Page 4, strike out lines 16 through 19, inclusive.
- (4) Page 5, line 14, strike out ", or the appearance thereof".

Mr. STEVENS. I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NUCLEAR REGULATORY COMMISSION AUTHORIZATION

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2330.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate to the bill (H.R. 2330) entitled "An Act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as

amended, and for other purposes", and concur therein with the following amendment: In lieu of the matter inserted by said amendment, insert:

#### AUTHORIZATION OF APPROPRIATIONS

SECTION 1. (a) There are hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) and section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), for the fiscal years 1982 and 1983 to remain available until expended, \$485,200,000 for fiscal year 1982 and \$513,100,000 for fiscal year 1983 to be allocated as follows:

(1) Not more than \$80,700,000 for fiscal year 1982 and \$77,000,000 for fiscal year 1983 may be used for "Nuclear Reactor Regulation", of which an amount not to exceed \$1,000,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor preapplication review, and an amount not to exceed \$6,000,000 is authorized each such fiscal year to be used for licensing review work for a fast breeder reactor plant project. In the event of a termination of such breeder reactor project, any unused amount appropriated pursuant to this paragraph for licensing review work for such project may be used only for safety technology activities.

(2) Not more than \$62,900,000 for fiscal year 1982 and \$69,850,000 for fiscal year 1983 may be used for "Inspection and Enforcement".

(3) Not more than \$42,000,000 for fiscal year 1982 and \$47,059,600 for fiscal year 1983 may be used for "Nuclear Material Safety and Safeguards".

(4) Not more than \$240,300,000 for fiscal year 1982 and \$257,195,600 for fiscal year 1983 may be used for "Nuclear Regulatory Research", of which—

(A) an amount not to exceed \$3,500,000 for fiscal year 1982 and \$4,500,000 for fiscal year 1983 is authorized to be used to accelerate the effort in gas-cooled thermal reactor safety research;

(B) an amount not to exceed \$18,000,000 is authorized each such fiscal year to be used for fast breeder reactor safety research; and

(C) an amount not to exceed \$57,000,000 is authorized for such two fiscal year period to be used for the Loss-of-Fluid Test Facility research program.

In the event of a termination of the fast breeder reactor plant project, any unused amount appropriated pursuant to this paragraph for fast breeder reactor safety research may be used generally for "Nuclear Regulatory Research".

(5) Not more than \$21,900,000 for fiscal year 1982 and \$20,197,800 for fiscal year 1983 may be used for "Program Technical Support".

(6) Not more than \$37,400,000 for fiscal year 1982 and \$41,797,000 for fiscal year 1983 may be used for "Program Direction and Administration".

(b) The Nuclear Regulatory Commission may use not more than 1 percent of the amounts authorized to be appropriated under subsection (a)(4) to exercise its authority under section 31 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) to enter into grants and cooperative agreements with universities pursuant to such section. Grants made by the Commission shall be made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) and other applicable law. In making such grants and entering into such cooperative agreements, the Commission shall endeavor to provide appropriate opportunities for universities in



which the student body has historically been predominately comprised of minority groups.

(c) Any amount appropriated for a fiscal year to the Nuclear Regulatory Commission pursuant to any paragraph of subsection (a) for purposes of the program office referred to in such paragraph, or any activity that is within such program office and is specified in such paragraph, may be reallocated by the Commission for use in a program office referred to in any other paragraph of such subsection, or for use in any other activity within a program office, except that the amount available from appropriations for such fiscal year for use in any program office or specified activity may not, as a result of reallocations made under this subsection, be increased or reduced by more than \$500,000 unless—

(1) a period of 30 calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the reallocation proposed to be made and the facts and circumstances relied upon in support of such proposed reallocation; or

(2) each such committee, before the expiration of such period, transmits to the Commission a written notification that such committee does not object to such proposed reallocation.

#### AUTHORITY TO RETAIN CERTAIN AMOUNTS RECEIVED

SEC. 2. Moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research program and the material access authorization program may be retained and used for salaries and expenses associated with such programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

#### AUTHORITY TO TRANSFER CERTAIN AMOUNTS TO OTHER AGENCIES

SEC. 3. From amounts appropriated to the Nuclear Regulatory Commission pursuant to section 1(a), the Commission may transfer to other agencies of the Federal Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Commission are made. Any sums so transferred may be merged with the appropriation of the agency to which such sums are transferred.

#### LIMITATION ON SPENDING AUTHORITY

SEC. 4. Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

#### AUTHORITY TO ISSUE LICENSES IN ABSENCE OF EMERGENCY PREPAREDNESS PLANS

SEC. 5. Of the amounts authorized to be appropriated under section 1, the Nuclear Regulatory Commission may use such sums as may be necessary, in the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, to issue an operating license (including a temporary operating license under section 192 of the Atomic Energy Act of 1954, as amended by section 11 of this Act) for a nuclear power reactor, if it determines that there exists a State, local, or utility plan which provides

reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

#### NUCLEAR SAFETY GOALS

SEC. 6. Funds authorized to be appropriated under this Act shall be used by the Nuclear Regulatory Commission to expedite the establishment of safety goals for nuclear reactor regulation. The development of such safety goals, and any accompanying methodologies for the application of such safety goals, should be expedited to the maximum extent practicable to permit establishment of a safety goal by the Commission not later than December 31, 1982.

#### LOSS-OF-FLUID TEST FACILITY

SEC. 7. Of the amounts authorized to be used for the Loss-of-Fluid Test Facility in accordance with section 1(a)(4) for fiscal years 1982 and 1983, the Commission shall provide funding through contract with the organization responsible for the Loss-of-Fluid Test operations for a detailed technical review and analysis of research results obtained from the Loss-of-Fluid Test Facility research program. The contract shall provide funding for not more than twenty man-years in each of fiscal years 1982 and 1983 to conduct the technical review and analysis.

#### NUCLEAR DATA LINK

SEC. 8. (a) Of the amounts authorized to be appropriated under this Act for the fiscal years 1982 and 1983, not more than \$200,000 is authorized to be used by the Nuclear Regulatory Commission for—

(1) the acquisition (by purchase, lease, or otherwise) and installation of equipment to be used for the "small test prototype nuclear data link" program or for any other program for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors; and

(2) the conduct of a full and complete study and analysis of—

(A) the appropriate role of the Commission during abnormal conditions at a nuclear reactor licensed by the Commission;

(B) the information which should be available to the Commission to enable the Commission to fulfill such role and to carry out other related functions;

(C) various alternative means of assuring that such information is available to the Commission in a timely manner; and

(D) any changes in existing Commission authority necessary to enhance the Commission response to abnormal conditions at a nuclear reactor licensed by the Commission.

The small test prototype referred to in paragraph (1) may be used by the Commission in carrying out the study and analysis under paragraph (2). Such analysis shall include a cost-benefit analysis of each alternative examined under subparagraph (C).

(b)(1) Upon completion of the study and analysis required under subsection (a)(2), the Commission shall submit to Congress a detailed report setting forth the results of such study and analysis.

(2) The Commission may not take any action with respect to any alternative described in subsection (a)(2)(C), unless a period of 60 calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the

action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

#### INTERIM CONSOLIDATION OF OFFICES

SEC. 9. (a) Of the amounts authorized to be appropriated pursuant to paragraph 6 of section 1(a), such sums as may be necessary shall be available for interim consolidation of Nuclear Regulatory Commission headquarters staff offices.

(b) No amount authorized to be appropriated under this Act may be used, in connection with the interim consolidation of Nuclear Regulatory Commission offices, to relocate the offices of members of the Commission outside the District of Columbia.

#### THREE MILE ISLAND

SEC. 10. (a) No part of the funds authorized to be appropriated under this Act may be used to provide assistance to the General Public Utilities Corporation for purposes of the decontamination, cleanup, repair, or rehabilitation of facilities at Three Mile Island Unit 2.

(b) The prohibition contained in subsection (a) shall not relate to the responsibilities of the Nuclear Regulatory Commission for monitoring or inspection of the decontamination, cleanup, repair, or rehabilitation activities at Three Mile Island and such prohibition shall not apply to the use of funds by the Nuclear Regulatory Commission to carry out regulatory functions of the Commission under the Atomic Energy Act of 1954 with respect to the facilities at Three Mile Island.

(c) The Nuclear Regulatory Commission shall include in its annual report to the Congress under section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877(c)) as a separate chapter a description of the collaborative efforts undertaken, or proposed to be undertaken, by the Commission and the Department of Energy with respect to the decontamination, cleanup, repair, or rehabilitation of facilities at Three Mile Island Unit 2.

(d) No funds authorized to be appropriated under this Act may be used by the Commission to approve any willful release of "accident-generated water", as defined by the Commission in NUREG-0683 ("Final Programmatic Environmental Impact Statement" p. 1-23), from Three Mile Island Unit 2 into the Susquehanna River or its watershed.

#### TEMPORARY OPERATING LICENSES

SEC. 11. Section 192 of the Atomic Energy Act of 1954 (42 U.S.C. 2242) is amended to read as follows:

"SEC. 192. TEMPORARY OPERATING LICENSE—

"a. In any proceeding upon an application for an operating license for a utilization facility required to be licensed under section 103 or 104 b. of this Act, in which a hearing is otherwise required pursuant to section 189 a., the applicant may petition the Commission for a temporary operating license for such facility authorizing fuel loading, testing, and operation at a specific power level to be determined by the Commission, pending final action by the Commission on the application. The initial petition for a temporary operating license for each such facility, and any temporary operating license issued for such facility based upon the initial petition, shall be limited to power levels not to exceed 5 percent of rated full thermal power. Following issuance by the Commission of the temporary operating license for each such facility, the licensee may file petitions with the Commission to amend the license to allow facility operation in staged increases at specific power levels, to

be determined by the Commission, exceeding 5 percent of rated full thermal power. The initial petition for a temporary operating license for each such facility may be filed at any time after the filing of: (1) the report of the Advisory Committee on Reactor Safeguards required by section 182; (2) the filing of the initial Safety Evaluation Report by the Nuclear Regulatory Commission staff and the Nuclear Regulatory Commission staff's first supplement to the report prepared in response to the report of the Advisory Committee on Reactor Safeguards for the facility; (3) the Nuclear Regulatory Commission staff's final detailed statement on the environmental impact of the facility prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and (4) a State, local, or utility emergency preparedness plan for the facility. Petitions for the issuance of a temporary operating license, or for an amendment to such a license allowing operation at a specific power level greater than that authorized in the initial temporary operating license, shall be accompanied by an affidavit or affidavits setting forth the specific facts upon which the petitioner relies to justify issuance of the temporary operating license or the amendment thereto. The Commission shall publish notice of each such petition in the Federal Register and in such trade or news publications as the Commission deems appropriate to give reasonable notice to persons who might have a potential interest in the grant of such temporary operating license or amendment thereto. Any person may file affidavits or statements in support of, or in opposition to, the petition within thirty days after the publication of such notice in the Federal Register.

"b. With respect to any petition filed pursuant to subsection a. of this section, the Commission may issue a temporary operating license, or amend the license to authorize temporary operation at each specific power level greater than that authorized in the initial temporary operating license, as determined by the Commission, upon finding that—

"(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met;

"(2) in accordance with such requirements, there is reasonable assurance that operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection to the public health and safety and the environment during the period of temporary operation; and

"(3) denial of such temporary operating license will result in delay between the date on which construction of the facility is sufficiently completed, in the judgment of the Commission, to permit issuance of the temporary operating license, and the date when such facility would otherwise receive a final operating license pursuant to this Act.

The temporary operating license shall become effective upon issuance and shall contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for the extension thereof. Any final order authorizing the issuance or amendment of any temporary operating license pursuant to this section shall recite with specificity the facts and reasons justifying the findings under this subsection, and shall be transmitted upon such issuance to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate. The final order of the Commission with re-

spect to the issuance or amendment of a temporary operating license shall be subject to judicial review pursuant to chapter 158 of title 28, United States Code. The requirements of section 189 a. of this Act with respect to the issuance or amendment of facility licenses shall not apply to the issuance or amendment of a temporary operating license under this section.

"c. Any hearing on the application for the final operating license for a facility required pursuant to section 189 a. shall be concluded as promptly as practicable. The Commission shall suspend the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence. Issuance of a temporary operating license under subsection b. of this section shall be without prejudice to the right of any party to raise any issue in a hearing required pursuant to section 189 a.; and failure to assert any ground for denial or limitation of a temporary operating license shall not bar the assertion of such ground in connection with the issuance of a subsequent final operating license. Any party to a hearing required pursuant to section 189 a. on the final operating license for a facility for which a temporary operating license has been issued under subsection b., and any member of the Atomic Safety and Licensing Board conducting such hearing, shall promptly notify the Commission of any information indicating that the terms and conditions of the temporary operating license are not being met, or that such terms and conditions are not sufficient to comply with the provisions of paragraph (2) of subsection b.

"d. The Commission is authorized and directed to adopt such administrative remedies as the Commission deems appropriate to minimize the need for issuance of temporary operating licenses pursuant to this section.

"e. The authority to issue new temporary operating licenses under this section shall expire on December 31, 1983."

#### OPERATING LICENSE AMENDMENT HEARINGS

#### QUALITY ASSURANCE

Sec 13. (a) The Nuclear Regulatory Commission is authorized and directed to implement and accelerate the resident inspector program so as to assure the assignment of at least one resident inspector by the end of fiscal year 1982 at each site at which a commercial nuclear powerplant is under construction and construction is more than 15 percent complete. At each such site at which construction is not more than 15 percent complete, the Commission shall provide that such inspection personnel as the Commission deems appropriate shall be physically present at the site at such times following issuance of the construction permit as may be necessary in the judgment of the Commission.

(b) The Commission shall conduct a study of existing and alternative programs for improving quality assurance and quality control in the construction of commercial nuclear powerplants. In conducting the study, the Commission shall obtain the comments of the public, licensees of nuclear powerplants, the Advisory Committee on Reactor Safeguards, and organizations comprised of professionals having expertise in appropriate fields. The study shall include an analysis of the following:

(1) providing a basis for quality assurance and quality control, inspection, and enforcement actions through the adoption of an approach which is more prescriptive than that currently in practice for defining principal architectural and engineering criteria for the construction of commercial nuclear powerplants;

(2) conditioning the issuance of construction permits for commercial nuclear powerplants on a demonstration by the licensee that the licensee is capable of independently managing the effective performance of all quality assurance and quality control responsibilities for the powerplant;

(3) evaluations, inspections, or audits of commercial nuclear powerplant construction by organizations comprised of professionals having expertise in appropriate fields which evaluations, inspections, or audits are more effective than those under current practice;

(4) improvement of the Commission's organization, methods, and programs for quality assurance development, review, and inspection; and

(5) conditioning the issuance of construction permits for commercial nuclear powerplants on the permittee entering into contracts or other arrangements with an independent inspector to audit the quality assur-



ance program to verify quality assurance performance.

For purposes of paragraph (5), the term "independent inspector" means a person or other entity having no responsibility for the design or construction of the plant involved. The study shall also include an analysis of quality assurance and quality control programs at representative sites at which such programs are operating satisfactorily and an assessment of the reasons therefor.

(c) For purposes of—

(1) determining the best means of assuring that commercial nuclear powerplants are constructed in accordance with the applicable safety requirements in effect pursuant to the Atomic Energy Act of 1954; and

(2) assessing the feasibility and benefits of the various means listed in subsection (b);

the Commission shall undertake a pilot program to review and evaluate programs that include one or more of the alternative concepts identified in subsection (b) for the purposes of assessing the feasibility and benefits of their implementation. The pilot program shall include programs that use independent inspectors for auditing quality assurance responsibilities of the licensee for the construction of commercial nuclear powerplants, as described in paragraph (5) of subsection (b). The pilot program shall include at least three sites at which commercial nuclear powerplants are under construction. The Commission shall select at least one site at which quality assurance and quality control programs have operated satisfactorily, and at least two sites with remedial programs underway at which major construction, quality assurance, or quality control deficiencies (or any combination thereof) have been identified in the past. The Commission may require any changes in existing quality assurance and quality control organizations and relationships that may be necessary at the selected sites to implement the pilot program.

(d) Not later than fifteen months after the date of the enactment of this Act, the Commission shall complete the study required under subsection (b) and submit to the United States Senate and House of Representatives a report setting forth the results of the study. The report shall include a brief summary of the information received from the public and from other persons referred to in subsection (b) and a statement of the Commission's response to the significant comments received. The report shall also set forth an analysis of the results of the pilot program required under subsection (c). The report shall be accompanied by the recommendations of the Commission, including any legislative recommendations, and a description of any administrative actions that the Commission has undertaken or intends to undertake, for improving quality assurance and quality control programs that are applicable during the construction of nuclear powerplants.

#### LIMITATION ON USE OF SPECIAL NUCLEAR MATERIAL

SEC. 14. Section 57 of the Atomic Energy Act of 1954 (42 U.S.C. 2077) is amended by adding at the end thereof the following new subsection:

"e. Special nuclear material, as defined in section 11, produced in facilities licensed under section 103 or 104 may not be transferred, reprocessed, used, or otherwise made available by any instrumentality of the United States or any other person for nuclear explosive purposes."

#### RESIDENT INSPECTORS

SEC. 15. Of the amounts authorized to be appropriated under section 1, the Nuclear Regulatory Commission shall use such sums

as may be necessary to conduct a study of the financial hardships incurred by resident inspectors as a result of (1) regulations of the Commission requiring resident inspectors to relocate periodically from one duty station to another; and (2) the requirements of the Commission respecting the domicile of resident inspectors and respecting travel between their domicile and duty station in such manner as to avoid the appearance of a conflict of interest. Not later than 90 days after the date of the enactment of this Act, the Commission shall submit to the Congress a report setting forth the findings of the Commission as a result of such study, together with a legislative proposal (including any supporting data or information) relating to any assistance for resident inspectors determined by the Commission to be appropriate.

#### SABOTAGE OF NUCLEAR FACILITIES OR FUEL

SEC. 16. Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284) is amended to read as follows:

"SEC. 236. SABOTAGE OF NUCLEAR FACILITIES OR FUEL—

"a. Any person who intentionally and willfully destroys or causes physical damage to, or who intentionally and willfully attempts to destroy or cause physical damage to—

"(1) any production facility or utilization facility licensed under this Act;

"(2) any nuclear waste storage facility licensed under this Act; or

"(3) any nuclear fuel for such a utilization facility, or any spent nuclear fuel from such a facility;

shall be fined not more than \$10,000 or imprisoned for not more than ten years, or both.

"b. Any person who intentionally and willfully causes or attempts to cause an interruption of normal operation of any such facility through the unauthorized use of or tampering with the machinery, components, or controls of any such facility, shall be fined not more than \$10,000 or imprisoned for not more than ten years, or both."

#### DEPARTMENT OF ENERGY INFORMATION

SEC. 17. (a) Section 148 a. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2168(a)(1)) is amended by inserting after "Secretary" the following: ", with respect to atomic energy defense programs."

(b) Section 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) is amended by adding at the end thereof the following new subsections:

"d. Any determination by the Secretary concerning the applicability of this section shall be subject to judicial review pursuant to section 552(a)(4)(B) of title 5, United States Code.

"e. The Secretary shall prepare on a quarterly basis a report to be made available upon the request of any interested person, detailing the Secretary's application during that period of each regulation or order prescribed or issued under this section. In particular, such report shall—

"(1) identify any information protected from disclosure pursuant to such regulation or order;

"(2) specifically state the Secretary's justification for determining that unauthorized dissemination of the information protected from disclosure under such regulation or order could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of illegal production of nuclear weapons, or theft, diversion, or sabotage of nuclear materials, equipment, or facilities, as specified under subsection a.; and

"(3) provide justification that the Secretary has applied such regulation or order so

as to protect from disclosure only the minimum amount of information necessary to protect the health and safety of the public or the common defense and security."

#### STANDARDS AND REQUIREMENTS UNDER SECTION 275

SEC. 18. (a) Section 275 of the Atomic Energy Act of 1954 is amended—

(1) by striking in subsection a. "one year after the date of enactment of this section" and substituting "October 1, 1982" and by adding the following at the end thereof: "After October 1, 1982, if the Administrator has not promulgated standards in final form under this subsection, any action of the Secretary of Energy under title I of the Uranium Mill Tailings Radiation Control Act of 1978 which is required to comply with, or be taken in accordance with, standards of the Administrator shall comply with, or be taken in accordance with, the standards proposed by the Administrator under this subsection until such time as the Administrator promulgates such standards in final form."

(2) by striking in subsection b. (1) "eighteen months after the enactment of this section, the Administrator shall, by rule, promulgate" and inserting in lieu thereof the following: "October 31, 1982, the Administrator shall, by rule, propose, and within 11 months thereafter promulgate in final form,"

(3) by adding the following at the end of subsection b. (1): "If the Administrator fails to promulgate standards in final form under this subsection by October 1, 1983, the authority of the Administrator to promulgate such standards shall terminate, and the Commission may take actions under this Act without regard to any provision of this Act requiring such actions to comply with, or be taken in accordance with, standards promulgated by the Administrator. In any such case, the Commission shall promulgate, and from time to time revise, any such standards of general application which the Commission deems necessary to carry out its responsibilities under this Act. Requirements established by the Commission under this Act with respect to byproduct material as defined in section 11 e. (2) shall conform to such standards. Any requirements adopted by the Commission respecting such byproduct material before promulgation by the Commission of such standards shall be amended as the Commission deems necessary to conform to such standards in the same manner as provided in subsection f. (3). Nothing in this subsection shall be construed to prohibit or suspend the implementation or enforcement by the Commission of any requirement of the Commission respecting byproduct material as defined in section 11 e. (2) pending promulgation by the Commission of any such standard of general application."

(4) by adding the following new subsection at the end thereof:

"f. (1) Prior to January 1, 1983, the Commission shall not implement or enforce the provisions of the Uranium Mill Licensing Requirements published as final rules at 45 Federal Register 65521 to 65538 on October 3, 1980 (hereinafter in this subsection referred to as the 'October 3 regulations'). After December 31, 1982, the Commission is authorized to implement and enforce the provisions of such October 3 regulations (and any subsequent modifications or additions to such regulations which may be adopted by the Commission), except as otherwise provided in paragraphs (2) and (3) of this subsection.

"(2) Following the proposal by the Administrator of standards under subsection b, the Commission shall review the October 3 regulations, and, not later than 90 days after the date of such proposal, suspend implementation and enforcement of any provision of such regulations which the Commission determines after notice and opportunity for public comment to require a major action or major commitment by licensees which would be unnecessary if—

"(A) the standards proposed by the Administrator are promulgated in final form without modification, and

"(B) the Commission's requirements are modified to conform to such standards.

Such suspension shall terminate on the earlier of April 1, 1984 or the date on which the Commission amends the October 3 regulations to conform to final standards promulgated by the Administrator under subsection b. During the period of such suspension, the Commission shall continue to regulate by-product material (as defined in section 11 e. (2)) under this Act on a licensee-by-licensee basis as the Commission deems necessary to protect public health, safety, and the environment.

"(3) Not later than 6 months after the date on which the Administrator promulgates final standards pursuant to subsection b. of this section, the Commission shall, after notice and opportunity for public comment, amend the October 3 regulations, and adopt such modifications as the Commission deems necessary to conform to such final standards of the Administrator.

"(4) Nothing in this subsection may be construed as affecting the authority or responsibility of the Commission under section 84 to promulgate regulations to protect the public health and safety and the environment."

(b)(1) Section 108(a) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding the following new paragraph at the end thereof:

"(3) Notwithstanding paragraphs (1) and (2) of this subsection, after October 31, 1982, if the Administrator has not promulgated standards under section 275 a. of the Atomic Energy Act of 1954 in final form by such date, remedial action taken by the Secretary under this title shall comply with the standards proposed by the Administrator under such section 275 a. until such time as the Administrator promulgates the standards in final form."

(2) The second sentence of section 108(a)(2) of the Uranium Mill Tailings Radiation Control Act of 1978 is repealed.

#### AGREEMENT STATES

SEC. 19. (a) Section 274 c. of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof: "In adopting requirements pursuant to paragraph (2) of this subsection with respect to sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11 e. (2), the State may adopt alternatives (including, where appropriate, site-specific alternatives) to the requirements adopted and enforced by the Commission for the same purpose if, after notice and opportunity for public hearing, the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any

final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275. Such alternative State requirements may take into account local or regional conditions, including geology, topography, hydrology and meteorology."

(b) Section 204(h)(3) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by inserting the following before the period at the end thereof: "Provided, however, That, in the case of a State which has exercised any authority under State law pursuant to an agreement entered into under section 274 of the Atomic Energy Act of 1954, the State authority over such by-product material may be terminated, and the Commission authority over such material may be exercised, only after compliance by the Commission with the same procedures as are applicable in the case of termination of agreements under section 274 j. of the Atomic Energy Act of 1954."

#### AMENDMENT TO SECTION 84

SEC. 20. Section 84 of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof:

"c. In the case of sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11 e. (2), a licensee may propose alternatives to specific requirements adopted and enforced by the Commission under this Act. Such alternative proposals may take into account local or regional conditions, including geology, topography, hydrology and meteorology. The Commission may treat such alternatives as satisfying Commission requirements if the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275."

#### EDGEMONT

SEC. 21. Section 102(e) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding the following at the end thereof:

"(3) The Secretary shall designate as a processing site within the meaning of section 102(f) any real property, or improvements thereon, in Edgemont, South Dakota, that—

"(A) is in the vicinity of the Tennessee Valley Authority uranium mill site at Edgemont (but not including such site), and

"(B) is determined by the Secretary to be contaminated with residual radioactive materials.

In making the designation under this paragraph, the Secretary shall consult with the Administrator, the Commission and the State of South Dakota. The provisions of this title shall apply to the site so designated in the same manner and to the same extent as to the sites designated under subsection (a) except that, in applying such provisions to such site, any reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of the enactment of this paragraph and in determining the State share under section 107 of the costs of remedial action, there shall be credited to the State, expenditures made by the State prior to the date of the enactment of

this paragraph which the Secretary determines would have been made by the State or the United States in carrying out the requirements of this title."

#### ADDITIONAL AMENDMENTS TO SECTIONS 84 AND 275

SEC. 22. (a) Section 84 a. (1) of the Atomic Energy Act of 1954 is amended by inserting before the comma at the end thereof the following: ", taking into account the risk to the public health, safety, and the environment, with due consideration of the economic costs and such other factors as the Commission determines to be appropriate."

(b) Section 275 of the Atomic Energy Act of 1954 is amended—

(1) in subsection a., by inserting after the second sentence thereof the following new sentence: "In establishing such standards, the Administrator shall consider the risk to the public health, safety, and the environment, the environmental and economic costs of applying such standards, and such other factors as the Administrator determines to be appropriate."; and

(2) by adding at the end of subsection b. (1) the following new sentence: "In establishing such standards, the Administrator shall consider the risk to the public health, safety, and the environment, the environmental and economic costs of applying such standards, and such other factors as the Administrator determines to be appropriate."

Mr. SIMPSON. Mr. President, the measure now before the Senate—the NRC authorization bill for fiscal years 1982 and 1983—is the product of long and difficult negotiations between the House and Senate conferees over the past 7 months in order to reconcile the two bills that were committed to the conferees last May. There have been numerous differences of opinion as to how each of the issues in the House and Senate-passed bills might be resolved and we have been quite deliberate in our discussions in order to insure that the views of all conferees were fully and carefully considered.

We fashioned a compromise that was set forth in the Conference Report 97-884, which the Senate adopted on October 1 and forwarded to the House. Included in the compromise agreed upon in conference was a provision pertaining to the importation of uranium for use in domestic commercial nuclear power reactors. This particular issue was perhaps the most nettlesome of all committed to the conferees, and it was only after extended discussion of this issue that we were able to fashion an agreement that enjoyed broad support among the conferees. Unfortunately, following adoption of the conference report by the Senate, with this provision included, and upon return of the conference report to the House for final action, the uranium import provision was successfully challenged on the House floor and deleted from the conference report.

I would like to make just a few remarks about this particular provision. After extensive hearings in the Senate on the condition of the domestic uranium industry, I was firmly convinced of the need to insure that the domestic mining and milling industry remain



strong and healthy, not only for reasons related to the commercial nuclear power industry, but for national security reasons as well. The provision supported by me and passed by the Senate was an attempt to address what I viewed as an increasingly serious problem—and do it in a responsible and forthright fashion. Moreover, we were successful in bringing to the attention of others in the Senate, as well as our very distinguished House colleagues, the gravity of the situation facing this absolutely essential domestic industry. The compromise fashioned by the conferees, in my judgment, served to address these critical issues.

However, this provision was deleted from the conference report when it was taken up on the House floor, much to my disappointment. I now urge the Senate to concur in the action taken by the House, not because of any change in feeling that there still remain very serious problems that must be addressed in the domestic uranium industry—problems that I intend to devote continuing attention to—but rather because I think we have in the remaining provisions of this bill a very significant piece of legislation that will greatly benefit the country upon enactment. To mention but a few of the important provisions in this bill; this bill sets forth the first authorization for the Nuclear Regulatory Commission since 1980, and provides much-needed budgetary guidance for the agency. The uranium mill tailings provision in this bill restores the mill tailings regulatory program under the Uranium Mill Tailings Radiation Control Act of 1978 to the course originally intended by Congress, significantly expands the flexibility of States to apply Federal requirements, directs both NRC and EPA to consider costs in imposing regulatory requirements, and establishes new deadlines for the EPA and NRC regulations.

The Sholly provision corrects what most all of us have viewed as an erroneous judicial interpretation of the hearing requirement for "no significant hazards consideration" amendments by providing that no hearings in advance of these types of determinations are required.

The temporary operating license provision confers upon the NRC a much-needed authority arising out of the Post-TMI licensing delays, authorizing the NRC to issue operating licenses to applicants prior to the completion of that certain public hearing required under the Atomic Energy Act, if all other statutory requirements are met.

And finally, the nuclear safety goal provision directs the NRC to establish by December 31, 1982, a safety goal for nuclear reactor regulation. Promulgation of such a safety goal, I trust, will restore some degree of reasoned, orderly regulation of nuclear plants by the NRC.

Because of these, and other, significant provisions in this bill, I am now urging my colleagues to concur in the action taken by the House.

I should like to make one final point, Mr. President, regarding the issue of legislative history. As you know, now that the House has stricken a provision in the conference report adopted by the Senate and sent to the House for action, we no longer have a conference report, but rather are now being asked to concur in the House message on the measure H.R. 2330. For all purposes, however, it is our intention that the joint explanatory statement of the committee of conference serve as the legislative history for this legislation, and the explanation of the intent of the conferees, as set forth in the document House Report 97-884, shall serve this purpose. Finally, Mr. President, on the issue of the uranium mill tailings amendment, I would like to include in the RECORD an exchange of communications between the chairman of the conference committee, Congressman UDALL, and Senator DOMENICI and myself on precisely what is intended by the language adopted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE.

Washington, D.C., December 15, 1982.

HON. MORRIS UDALL,  
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MO: In great part due to your efforts, the conference committee on the Nuclear Regulatory Commission authorization bill agreed to amendments to the Uranium Mill Tailings Radiation Control Act. The amendments, as agreed to by the conference committee, represent a reasoned attempt to address certain problems in the administration of the Mill Tailings Act by the Environmental Protection Agency and the Nuclear Regulatory Commission that have arisen since the passage of that Act in 1978.

As the bill has now passed the House, the mill tailings amendments remain as agreed to by the conference committee. However, in the House debate on the bill, several statements were made with respect to the mill tailings amendments that could be misconstrued, which we believe it would be helpful to clarify. As the Senate will be reconsidering the bill in the near future, it would be most helpful if you could clarify the statements that are addressed below.

Section 22 of the bill provides expressly that EPA and NRC must consider risks to public health and safety and economic and environmental costs in issuing standards and regulations, respectively, governing stabilization and cleanup of uranium mill tailings. The intention of this provision is clearly stated in the conference report. The intent is to assure that standards and regulations for mill tailings be reasonably related both to the risks addressed and to the economic and environmental costs of compliance. We do not believe the conferees ever intended to suggest that the duties of these agencies to protect public health should be subordinated to economic considerations or that a strict one-to-one cost-benefit analysis was appropriate. In short, we intended that these considerations were to be seriously weighted and taken into account in the decisional processes of these agencies.

As is also clearly reflected in the conference report, we had no intention through this provision to affect, either favorably or unfavorably, any pending litigation challenging the existing NRC mill licensing regulations or to specifically ratify or reject those regulations as they are presently constituted.

Our concerns for potential conflict with the conference report arise in context of three statements made by you in a colloquy with Congressman Ottinger. First, in response to a question you state: "If such regulations are feasible, nothing in this provision would require either agency to reformulate or reconsider regulations which have been issued." Second, you concur in the statement that the conference agreement was not intended to "... undermine the recent judicial determination of sufficiency of prior agency consideration of cost in promulgation of mill tailings regulations." Third, you agree with the statement "... that the Commission's existing uranium mill tailings licensing requirements would then automatically go into effect," if EPA failed to timely promulgate final active site standards.

The term "feasible" has been interpreted to authorize agencies to adopt regulations without regard to the magnitude of the costs of compliance, so long as the regulations would not force out of business a sizable segment of the regulated community. Such an interpretation in the context of section 22 would be in direct conflict with the language of the conference report, which states that we intended to adopt a reasonable relationship approach to the regulation of mill tailings.

For this reason, we believe your use of the term was casual and not intended to alter the previously stated intent of the conference committee. That is, if the cost of compliance with their regulations is reasonably related to the risks and benefits, an agency would not have to reformulate or reconsider previously issued regulations. If they have not in fact done so, the agencies would have to reconsider and, if necessary, reformulate their regulations.

The statements that the conference committee had no intent to "undermine" the decision of the court and that NRC's regulations could "automatically" go into effect without further proceedings could be misinterpreted to affirm the panel decision in the litigation challenging NRC's regulations or possibly to constitute a Congress ratification of NRC's existing regulations. We believe such interpretations would be contrary to the conference report.

As discussed above, the conferees adopted a position of neutrality on the litigation and the underlying regulations. When we took that position, a panel of the court had affirmed the regulations and that decision was subject to a petition for rehearing. Since that time, the full court has vacated the panel's judgment and set the case for rehearing. Notwithstanding this changed circumstance, the suit should be decided by the court on the merits: If NRC has complied with the intent of Congress then the regulations should be affirmed; if not, they should be returned to NRC for further proceedings.

If your understanding of the conference report is different, we would appreciate your views.

Sincerely,

PETE V. DOMENICI,  
U.S. Senator.

COMMITTEE ON INTERIOR  
AND INSULAR AFFAIRS.

Washington, D.C., December 15, 1982.

HON. ALAN K. SIMPSON,

Chairman, Subcommittee on Nuclear Regulation  
Committee on Environment and  
Public Works, U.S. Senate, Washington,  
D.C.

DEAR ALAN: This pertains to your December 15, 1982 letter concerning the intent of the conferees with respect to Section 22 of the Conference Report on the Nuclear Regulatory Commission Authorization bill for fiscal years 1982 and 1983 (House Report 97-884).

First, let me say it is my clear understanding that the conference agreement was not intended to affect the outcome of any past or ongoing litigation involving the Uranium Mill Tailings Radiation Control Act.

Second, I believe the conferees intend that the statement of managers in the conference report, read together with the statutory language in Section 22, be controlling for purposes of interpreting this provision.

Thanks for the opportunity to make these points.

Sincerely,

MORRIS K. UDALL  
Chairman.

Mr. DOMENICI. Mr. President, I wonder if I might obtain a clarification from the distinguished Senator from Wyoming regarding section 12 of this bill, the so-called Sholly amendment, which authorizes NRC to issue amendments to operating licenses for nuclear powerplants in advance of any requested hearing if the NRC determines that the amendment involves "no significant hazards" consideration. The amendment directs the NRC to issue regulations establishing standards for such determinations.

NRC has already published proposed standards for making such determinations. The proposed standards would permit such a determination only upon a three-part finding that the proposed amendment: First, would not involve a significant increase in the probability or consequences of an accident previously evaluated, second, would not create the possibility of an accident of a type different from any previously evaluated accident, and third, would not involve a significant reduction in a margin of safety. If the amendment failed to meet any of these tests, NRC would afford an opportunity for hearing in advance of issuance of the amendment.

As you know, the Sholly amendment is intended to restore to NRC an authority which it had long exercised under the Atomic Energy Act, until the courts intervened. Indeed, prior to the court decision NRC had already proposed regulations to which I have referred. NRC's approach is a tough one which appears responsible to the expressed intention of the conference report that its standards should to the extent practicable draw a distinction between those amendments which do

or do not involve a "significant hazards" determination. Accordingly, I would like the gentleman's assurance that nothing in the bill or conference report is intended to relax or in any way restrict the stringent standards which NRC has in the past and now proposes to continue to apply in making such determinations.

Mr. SIMPSON. You have my assurance. My friend from New Mexico is indeed correct.

Mr. SCHMITT. Mr. President, the NRC authorization bill contains some welcome clarifications concerning the regulation of uranium and thorium mill tailings. Under the Atomic Energy Act, States lack authority to regulate their mill tailings unless they have a discontinuance agreement with NRC providing for State assumption of regulatory responsibility. My State, New Mexico, has such an agreement. The NRC authorization bill before us contains a number of important features designed to assure that New Mexico and similarly situated agreement States have the necessary flexibility to take local conditions into account in formulating State standards and requirements and in devising State regulations for mill tailings stabilization. The bill underscores the fact that New Mexico and other States may diverge from impracticable or unreasonable Federal proscriptions. In addition, the bill clarifies that the Commission cannot revoke an agreement State's authority without according the State notice and a hearing before the five commissioners.

Mr. President, the legislation also clarifies our intent that the various agencies independently assess the significance of particular risks and devise regulations tailored to address those risks. I certainly want the public health and safety and the environment to be fully protected. However, it is contrary to the public interest, potentially counterproductive, and certainly a waste of money to impose requirements which are totally unnecessary or which are out of line with the risks involved. Regulation of mill tailings, like other regulation under the Atomic Energy Act, should be reasonable and balanced. NRC and EPA, and the courts, should take appropriate action to assure that this is accomplished.

The Department of Energy detailed many objections to the approach which EPA and NRC have thus far taken in a report entitled "Plan for Stabilization and Management of Commingled Uranium Mill Tailings," issued June 30, 1982. The Department noted that radon from tailings constitutes a tiny fraction (about 0.02 percent) of the radon lung dose to the U.S. population, even assuming that all residents within 50 miles of tailings are exposed. However, the Department notes that the total radon release from tailings is so slight that "[r]adon from mill tailings . . . dissipates to normal background levels within one-

quarter to one-half mile from the site and becomes indistinguishable from natural radon."

DOE questioned whether the insignificant hazards associated with tailings justified expensive remedial action efforts, particularly since the remedial action efforts themselves would pose risks and since these risks might well exceed the risk averted. I am attaching below DOE's recommendations, which under the circumstances should be given very serious weight:

#### RECOMMENDATIONS

The responsibility for Federal regulations rests with the EPA and the NRC. The DOE has communicated its concerns to these agencies for consideration.

Practical working standards and regulations for mill tailings should contain the following general provisions:

#### HEALTH EFFECTS ASSESSMENTS

Health effects assessments using representative parameters for the site should be performed on a site-by-site basis considering the unique aspects of each site, its specific environmental parameters, and its off-site population density and distribution. The assessment should be a prerequisite to remedial action and bear heavily upon the selection of alternatives and their effectiveness in reducing public risk.

#### REMEDIAL ACTION

Remedial actions, such as stabilization, should also include prevention of public entry and occupancy by physical and institutional means. Maintenance and controlled self-insurance requirements should be permitted to assure that stabilization designs remain intact in the future.

#### NUMERICAL VALUES

If numerical values are to be used, a range of values should be utilized as opposed to single values. The range approach recognizes the practical uncertainties of field measurements, and the natural variation of background radiation and environmental pathway parameters from site to site.

#### PUBLIC DOSE

Reducing the dose to the public to acceptable levels is a goal of remedial action programs. The application of accepted standards, such as 10 CFR Part 20, which are developed in terms of the external and internal doses to the off-site public, should be considered in place of specific design requirements such as radon flux and radium concentration in soil. Basing remedial actions on accepted standards for dose to the public permits recognition of site-specific features.

Based on this discussion, specific revisions to the proposed EPA tailings stabilization standards and NRC regulations should be considered to permit a more cost-effective program of implementation. These include:

Replacing the radon flux standard with 10 CFR Part 20 concentration limits, since tailings are under some Government control and access is restricted.

Raising the radium concentration limit for decontaminated surface soil (a range of 15 pCi/g has been recommended).

Shortening the longevity requirements from 1000 (100 years has been recommended) and relying on active maintenance under institutional controls.

Eliminating the uniform cover thickness requirement since it restricts stabilization design alternatives. The standard should instead set realistic performance objectives for radon concentration at the site bound-



ary and for tailings migration due to wind, water, and human activities.

"UMTRA/DOE-167, 'Project Plan-Uranium Mill Tailings Remedial Actions Project,' p. 4.

Mr. SCHMITT. Mr. President, DOE's evaluation has recently been confirmed in a decision issued in a consolidated proceeding before NRC's Atomic Safety and Licensing Appeals Boards.<sup>1</sup> The ASLAB's declared that radon from mill tailings and uranium mines, even if totally uncontrolled, is an insignificant contribution to the radon emitted from natural sources. "It is manifest to us," the Boards said, "that the [uranium] fuel cycle contribution to the radon already in the environment . . . is so slight as to be beyond detection (let alone measurement). . . ." The ASLAB's indicated that the incremental exposure is de minimis, and that "any incremental health risk occasioned by the releases attributable to the fuel cycle is negligible" and that "that speculative and conjunctural risk estimate, to the extent it need be considered under NEPA at all, is acceptable. . . ."

Mr. President, I wish to compliment the Senator from Wyoming, my fellow Senator from New Mexico, and the gentleman from Arizona who chaired the conference committee for recognizing the need for perspective and balance in dealing with mill tailings issues and for clarifying the law to indicate that EPA and NRC must weigh risks and costs in the regulatory process.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment to the Senate amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CORRECTIONS IN ENROLLMENT OF H.R. 2330

Mr. STEVENS. Mr. President, I send to the desk a concurrent resolution making corrections in the enrollment of H.R. 2330.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 135) instructing the clerk to make corrections in the enrollment of H.R. 2330.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. STEVENS. This concurrent resolution instructs the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2330 by adding a new section at the end thereof entitled "Uranium Supply" in conjunction with the Senate action on this concurrent resolution.

I ask unanimous consent to insert in the RECORD a letter from the Secretary of Energy, Donald Paul Hodel to Senator PETE DOMENICI.

<sup>1</sup> In re Philadelphia Electric Company, et al., Dkt. Nos. 50-277, et al. (Nov. 19, 1982).

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,

Washington, D.C., December 16, 1982.

Hon. PETE V. DOMENICI,

U.S. Senate,

Washington, D.C.

DEAR SENATOR DOMENICI: This responds to your request for views on your proposed amendment to the House amendments to H.R. 2330, a bill to authorize appropriations to the Nuclear Regulatory Commission for fiscal years 1982 and 1983. Your amendment would provide for studies on the status and health of the domestic uranium mining and milling industry and the potential impact of uranium imports on national security if certain determinations are made.

The Administration believes that your amendment represents an acceptable compromise on this complex and difficult issue and does not object to its enactment.

The Office of Management and Budget advises that from the standpoint of the President's program there is no objection to submission of this report.

Sincerely,

DONALD PAUL HODEL.

Mr. STEVENS. Mr. President, I ask for the immediate consideration of the resolution.

The concurrent resolution (S. Con. Res. 135) was considered and agreed to.

The concurrent resolution reads as follows:

#### S. CON. RES. 135

Resolved by the Senate (The House of Representatives concurring), That in the enrollment of the bill H.R. 2330, the Clerk of the House of Representatives shall make the following correction:

At the end of the bill insert the following new section:

#### URANIUM SUPPLY

Sec. 23. (a)(1) Not later than 12 months after the date of enactment of this section, the President shall prepare and submit to the Congress a comprehensive review of the status of the domestic uranium mining and milling industry. This review shall be made available to the appropriate committees of the United States Senate and the House of Representatives.

(2) The comprehensive review prepared for submission under paragraph (1) shall include—

(A) projections of uranium requirements and inventories of domestic utilities;

(B) present and future projected uranium production by the domestic mining and milling industry;

(C) the present and future probable penetration of the domestic market by foreign imports;

(D) the size of domestic and foreign ore reserves;

(E) present and projected domestic uranium exploration expenditures and plans;

(F) present and projected employment and capital investment in the uranium industry;

(G) an estimate of the level of domestic uranium production necessary to ensure the viable existence of domestic uranium industry and protection of national security interests;

(H) an estimate of the percentage of domestic uranium demand which must be met by domestic uranium production through the year 2000 in order to ensure the level of domestic production estimated to be necessary under subparagraph (G);

(I) a projection of domestic uranium production and uranium price levels which will be in effect both under current policy and in the event that foreign import restrictions were enacted by Congress in order to guarantee domestic production at the level estimated to be necessary under subparagraph (G);

(J) the anticipated effect of spent nuclear fuel reprocessing on the demand for uranium; and

(K) other information relevant to the consideration of restrictions on the importation of source material and special nuclear material from foreign sources.

(b)(1) Chapter 14 of the Atomic Energy Act of 1954 is amended by adding the following new section at the end thereof:

#### "Sec. 170B. URANIUM SUPPLY.—

"(a) The Secretary of Energy shall monitor and for the years 1983 to 1992 report annually to the Congress and to the President a determination of the viability of the domestic uranium mining and milling industry and shall establish by rule, after public notice and in accordance with the requirements of section 181 of this Act, within 9 months of enactment of this section, specific criteria which shall be assessed in the annual reports on the domestic uranium industry's viability. The Secretary of Energy is authorized to issue regulations providing for the collection of such information as the Secretary of Energy deems necessary to carry out the monitoring and reporting requirements of this section.

"(b) Upon a satisfactory showing to the Secretary of Energy by any person that any information, or portion thereof obtained under this section, would, if made public, divulge proprietary information of such person, the Secretary shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18, United States Code.

"(c) The criteria referred to in subsection a. shall also include, but not be limited to—

"(1) an assessment of whether executed contracts or options for source material or special nuclear material will result in greater than thirty-seven and one-half percent of actual or projected domestic uranium requirements for any two consecutive year periods being supplied by source material or special nuclear material from foreign sources;

"(2) projections of uranium requirements and inventories of domestic utilities for a 10 year period;

"(3) present and probable future use of the domestic market by foreign imports;

"(4) whether domestic economic reserves can supply all future needs for a future ten year period;

"(5) present and projected domestic uranium exploration expenditures and plans;

"(6) present and projected employment and capital investment in the uranium industry;

"(7) the level of domestic uranium production capacity sufficient to meet projected domestic nuclear power needs for a ten year period; and

"(8) a projection of domestic uranium production and uranium price levels which will be in effect under various assumptions with respect to imports.

"(d) The Secretary of Energy, at any time, may determine on the basis of the monitoring and annual reports required under this section that source material or special nuclear material from foreign sources is being imported in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the United States uranium mining and milling industry. Based on that determination, the United States Trade



Representative shall request that the United States International Trade Commission initiate an investigation under section 201 of the Trade Act of 1974 (19 U.S.C. 2251).

"(e)(1) If, during the period 1982 to 1992, the Secretary of Energy determines that executed contracts or options for source material or special nuclear material from foreign sources for use in utilization facilities within or under the jurisdiction of the United States represent greater than thirty-seven and one-half percent of actual or projected domestic uranium requirements for any two consecutive year period, or if the Secretary of Energy determines the level of contracts or options involving source material and special nuclear material from foreign sources may threaten to impair the national security, the Secretary of Energy shall request the Secretary of Commerce to initiate under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) an investigation to determine the effects on the national security of imports of source material and special nuclear material. The Secretary of Energy shall cooperate fully with the Secretary of Commerce in carrying out such an investigation and shall make available to the Secretary of Commerce the findings that lead to this request and such other information that will assist the Secretary of Commerce in the conduct of the investigation.

"(2) The Secretary of Commerce shall, in the conduct of any investigation requested by the Secretary of Energy pursuant to this section, take into account any information made available by the Secretary of Energy, including information regarding the impact on national security of projected or executed contracts or options for source material or special nuclear material from foreign sources or whether domestic production capacity is sufficient to supply projected national security requirements.

"(3) No sooner than 3 years following completion of any investigation by the Secretary of Commerce under paragraph (1), if no recommendation has been made pursuant to such study for trade adjustments to assist or protect domestic uranium production, the Secretary of Energy may initiate a request for another such investigation by the Secretary of Commerce.

#### TELECOMMUNICATIONS FOR THE DISABLED ACT OF 1982

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2355.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2355) entitled "An Act to amend the Communications Act of 1934 to provide that persons with impaired hearing are ensured reasonable access to telephone service", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

That this act may be cited as the "Telecommunications for the Disabled Act of 1982".

SEC. 2. The Congress finds that—

(1) all persons should have available the best telephone service which is technologically and economically feasible;

(2) currently available technology is capable of providing telephone service to some individuals who, because of hearing impairments, require telephone reception by

means of hearing aids with induction coils, or other inductive receptors;

(3) the lack of technical standards ensuring compatibility between hearing aids and telephones has prevented receipt of the best telephone service which is technologically and economically feasible; and

(4) adoption of technical standards is required in order to ensure compatibility between telephones and hearing aids, thereby accommodating the needs of individuals with hearing impairments.

SEC. 3. Title VI of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end thereof the following new section:

#### "TELEPHONE SERVICE FOR THE DISABLED

SEC. 610. (a) The Commission shall establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing.

"(b) The Commission shall require that essential telephones provide internal means for effective use with hearing aids that are specially designed for telephone use. For purposes of this subsection, the term 'essential telephones' means only coin-operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids.

"(c) The Commission shall establish or approve such technical standards as are required to enforce this section.

"(d) The Commission shall establish such requirements for the labeling of packaging materials for equipment as are needed to provide adequate information to consumers on the compatibility between telephones and hearing aids.

"(e) In any rulemaking to implement the provisions of this section, the Commission shall specifically consider the costs and benefits to all telephone users, including persons with and without hearing impairments. The Commission shall ensure that regulations adopted to implement this section encourage the use of currently available technology and do not discourage or impair the development of improved technology.

"(f) The Commission shall complete rulemaking actions required by this section and issue specific and detailed rules and regulations resulting therefrom within one year after the date of enactment of the Telecommunications for the Disabled Act of 1982. Thereafter the Commission shall periodically review such rules and regulations. Except for coin-operated telephones and telephones provided for emergency use, the Commission may not require the retrofitting of equipment to achieve the purposes of this section.

"(g) Any common carrier or connecting carrier may provide specialized terminal equipment needed by persons whose hearing, speech, vision, or mobility is impaired. The State commission may allow the carrier to recover in its tariffs for regulated service reasonable and prudent costs not charged directly to users of such equipment.

"(h) The Commission shall delegate to each State commission the authority to enforce within such State compliance with the specific regulations that the Commission issues under subsections (a) and (b), conditioned upon the adoption and enforcement of such regulations by the State commission."

Amend the title so as to read: "A bill to amend the Communications Act of 1934 to provide reasonable access to telephone service for persons with impaired hearing and to enable telephone companies to accommodate persons with other physical disabilities."

● Mr. GOLDWATER. Mr. President, I am pleased that the Senate and House have agreed to enact S. 2355, a bill to amend the Communications Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service.

The bill recognizes that the benefits of this access should not exceed the costs to all telephone users, and provides that new technology may not be impeded by the Commission's regulations.

Under the bill, the FCC is directed to implement regulation that will insure reasonable access to telephone service for the hearing impaired. To insure such access, the FCC would require that all coin-operated public telephones provide internal means of coupling with hearing aids. The FCC would also require that other telephones—those frequently needed for use by persons using such hearing aids, and emergency phones—provide such internal means of coupling with hearing aids. The FCC would have to establish technical standards that will insure coupling compatibility between telephone and hearing aids. The FCC is directed to establish regulations for the labeling of equipment packaging materials that will provide consumers with information on compatibility between telephones and hearing aids.

The FCC must consider costs and benefits to all telephone users. FCC rules must encourage the use of currently available technology, and may not impair the development of new technology. Rulemaking required by this section must be completed within 1 year of enactment, and the FCC must periodically review such rules and regulations. Finally, the FCC may not require the replacement of any existing equipment, other than coin-operated public telephones and emergency telephones.

Subsection (B) of S. 2355 provides that:

"The Commission shall require that essential telephones provide internal means for effective use with hearing aids that are specially designed for telephone use. For purposes of this subsection, the term 'essential telephones' means only coin-operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids."

Mr. President, this language does not expand the Commission's jurisdiction over the telephone services provided by hotels and motels. In any event, the Congress has taken steps to insure that the Commission does not impose unwarranted or unnecessary rules upon hotels and motels or upon any other industry or individual. In subsection (E), the Commission is directed to specifically consider costs and benefits to all telephone users before it implements any rules under this act.

#### CORPORATION FOR PUBLIC BROADCASTING

Mr. President, this bill contains an amendment that insures that the

# House of Representatives

## Chamber Action

**Bills Introduced:** 5 public bills, H.R. 7449-7453; and 9 resolutions, H.J. Res. 635 and 636, H. Con. Res. 436-438, and H. Res. 634-637 were introduced.

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**Reports Filed:** Reports were filed as follows:

Conference report on H.R. 5002, to improve fishery conservation and management (H. Rept. 97-981);

Conference report on H.R. 5002, to improve fishery conservation and management (H. Rept. 97-982); and

H. Res. 636, providing for the consideration of H.R. 3809, to provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel, to establish a program of research, development, and demonstration regarding the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes, and the Senate amendment thereto (H. Rept. 97-983).

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**Continuing Appropriations:** By a division vote of 232 ayes to 54 noes, the House agreed to the conference report on H.J. Res. 631, making further continuing appropriations and providing for productive employment for the fiscal year 1983—clearing the measure for Senate action.

Subsequently, the House agreed to H. Con. Res. 436, relating to the enrollment of H.J. Res. 631.

(See next issue.)

**Migrant and Seasonal Agricultural Workers:** House agreed to the amendment of the Senate to H.R. 7102, to provide for the registration of migrant and seasonal agricultural workers and for the registration of contractors of migrant and seasonal agricultural labor—clearing the measure for the President.

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**Federal Water Pollution Control:** House agreed to the amendment of the Senate to H.R. 7159, to amend the Federal Water Pollution Control Act to allow modifications of certain effluent limitations relating to biochemical oxygen demand and pH—clearing the measure for the President.

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**Navajo Tribe Land:** House agreed to the amendments of the Senate to H.R. 4001, to authorize the exchange of certain land held in trust by the United States for the Navajo Tribe—clearing the measure for the President.

Page H10459

**Devils Lake Sioux Reservation:** House agreed to the amendments of the Senate to the House amendments to S. 503, to authorize the purchases, sale, and exchange of lands by the Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota—clearing the measure for the President.

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**Indian Claims:** House agreed to the amendments of the Senate to H.R. 3731, to amend the Act of October 19, 1973 (87 Stat. 466), relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the Court of Claim—clearing the measure for the President.

Page H10460

**NRC Authorization:** House agreed to S. Con. Res. 135, instructing the Clerk to make corrections in the enrollment of H.R. 2330, to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended—clearing the measure.

Page H10462

**Private Bills:** House passed and cleared for the President the following private bills: S. 717, S. 1364, and S. 1838.

House passed and sent to the Senate without amendment the following private bills: H.R. 2481, H.R. 5633, and H.R. 4746.

Page H10464

**International Trade Authorizations:** House disagreed to the amendment of the Senate to H.R. 6094, to authorize appropriations for the United States International Trade Commission, the United States Customs Service, and the Office of the United States Trade Representative for fiscal year 1983; and asked a conference with the Senate. Appointed as conferees: Representatives Rostenkowski, Gibbons, and Frenzel.

Page H10467

**Customs Duties:** House insisted on its amendments to the amendment of the Senate to H.R. 4566, to reduce certain duties, to suspend temporarily certain duties, to extend certain existing suspensions of duties; and asked a conference with the Senate. Appointed as conferees: Representatives Rostenkowski, Gibbons, and Frenzel.

Page H10468



to the Secretary and the Secretary shall approve such plan within sixty days of its submission if he finds that it is reasonably related to the economic development of the Tribe. If the Secretary does not approve such plan, he shall, at the time of his decision, set forth in writing and with particularity, the reasons for his disapproval. (B) The Secretary may not agree to terms which provide for the investment of the fund in a manner not in accordance with section 1 of the Act of June 24, 1938 (52 Stat. 1037), unless the Tribe first submits a specific waiver of liability on the part of the United States for any loss which may result from such an investment. (C) The Tribe may, with the approval of the Secretary, alter the economic development plan subject to the conditions set forth in subsection 5(b)(3)(A).

(4) Under no circumstances shall any part of the fund be distributed to any member of the Tribe unless pursuant to the economic development plan approved by the Secretary under subsection 5(b)(3).

(5) As the fund or any portion thereof is disbursed by the Secretary in accordance with this section, the United States shall have no further trust responsibility to the Tribe or its members with respect to the sums paid, any subsequent expenditures of these sums, or any property other than private settlement lands or services purchased with these sums.

(6) Until the Tribe has submitted and the Secretary has approved the terms of the use of the fund, the Secretary shall fix the terms for the administration of the portion of the fund as to which there is no agreement.

(7) Lands or natural resources acquired under subsection 5(b) which are located within the settlement lands shall be held in trust by the United States for the benefit of the Tribe.

(8) Land or natural resources acquired under subsection (b) which are located outside of the settlement lands shall be held in fee by the Mashantucket Pequot Tribe, and the United States shall have no further trust responsibility with respect to such land and natural resources. Such lands or natural resources shall not be subject to any restriction against alienation under the laws of the United States.

(9) Notwithstanding the provisions of section 1 of the Act of August 1, 1888 (25 Stat. 357), as amended, and section 1 of the Act of February 26, 1931 (46 Stat. 1421), the Secretary may acquire land or natural resources under this section from the ostensible owner of the land or natural resources only if the Secretary and the ostensible owner of the land or natural resources have agreed upon the identity of the land or natural resources to be sold and upon the purchase price and other terms of sale. Subject to the agreement required by the preceding sentence, the Secretary may institute condemnation proceedings in order to perfect title, satisfactory to the Attorney General, in the United States and condemn interests adverse to the ostensible owner.

(c) For the purpose of subtitle A of the Internal Revenue Code of 1954, any transfer of private settlement lands to which subsection (b) applies shall be deemed to be an involuntary conversion within the meaning of section 1033 of such Code.

(d) The Secretary may not expend on behalf of the Tribe any sums deposited in the fund established pursuant to subsection (a) of this section unless and until he finds that authorized officials of the Tribe have executed appropriate documents relinquishing all claims to the extent provided by sections 4 and 10 of this Act, including stipula-

tions to the final judicial dismissal with prejudice of its claims.

(e) There is authorized to be appropriated \$900,000 to be deposited in the fund.

#### JURISDICTION OVER RESERVATION

Section 6. Notwithstanding the provision relating to a special election in section 406 of the Act of April 11, 1968 (25 U.S.C. 1326), the reservation of the Tribe is declared to be Indian country subject to State jurisdiction to the maximum extent provided in title IV of such Act.

#### LIMITATION OF ACTIONS: FEDERAL COURT JURISDICTION

Sec. 7. (a) Notwithstanding any other provision of law, the constitutionality of this Act may not be drawn into question in any action unless such question has been raised in—

(1) a pleading contained in a complaint filed before the end of the one-hundred-and-eighty-day period beginning on the date of the enactment of this Act, or

(2) an answer contained in a reply to a complaint before the end of such period.

(b) Notwithstanding any other provision of law, exclusive jurisdiction of any action in which the constitutionality of this Act is drawn into question is vested in the United States District Court for the District of Connecticut.

(c) Any action to which subsection (a) applies and which is brought in the court of any State may be removed by the defendant to the United States District Court for the District of Connecticut.

(d) Except as provided in this Act, no provision of this Act shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, or to grant implied consent to any Indian, Indian nation, or tribe or band of Indians to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act.

#### RESTRICTION AGAINST ALIENATION

Sec. 8. (a) Subject to subsection (b), lands within the reservation which are held in trust by the Secretary for the benefit of the Tribe or which are subject to a Federal restraint against alienation at any time after the date of the enactment of this Act shall be subject to the laws of the United States relating to Indian lands, including section 2116 of the Revised Statutes (25 U.S.C. 177).

(b) Notwithstanding subsection (a), the Tribe may lease lands for any term of years to the Mashantucket Pequot Housing Authority, or any successor in interest to such Authority.

#### EXTENSION OF FEDERAL RECOGNITION AND PRIVILEGES

Sec. 9. (a) Notwithstanding any other provision of law, Federal recognition is extended to the Tribe. Except as otherwise provided in this Act, all laws and regulations of the United States of general application to Indians or Indian nations, tribes or bands of Indians which are not inconsistent with any specific provision of this Act shall be applicable to the Tribe.

(b) The Tribe shall file with the Secretary a copy of its organic governing document and any amendment thereto. Such instrument must be consistent with the terms of this Act and the Act to Implement the Settlement of the Mashantucket Pequot Indian Land Claim as enacted by the State of Connecticut and approved June 9, 1982.

(c) Notwithstanding any other provision of law, the Tribe and members of the Tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes as of the date of enactment of this Act.

#### OTHER CLAIMS DISCHARGED BY THIS ACT

Sec. 10. Except as expressly provided herein, this Act shall constitute a general discharge and release of all obligations of the State of Connecticut and all of its political subdivisions, agencies, departments, and all of the officers or employees thereof arising from any treaty or agreement with, or on behalf of the Tribe or the United States as trustee therefor.

#### INSEPARABILITY

Sec. 11. In the event that any provision of section 4 of this Act is held invalid, it is the intent of Congress that the entire Act be invalidated. In the event that any other section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections of this Act shall continue in full force and effect.

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. WALKER. Mr. Speaker, reserving the right to object, this particular bill I think has some \$900,000 in it. Is that amount of money covered anywhere in the budget?

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Arizona.

Mr. UDALL. Not in this year's budget, but we will propose it for next year's budget. I understand the administration has no objection to the bill.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Arizona?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

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#### AUTHORIZING CLERK TO MAKE CORRECTION IN ENROLLMENT OF H.R. 2330, AUTHORIZING APPROPRIATION TO NUCLEAR REGULATORY COMMISSION

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 135) authorizing the Clerk of the House of Representatives to make correction in the enrollment of the bill, H.R. 2330, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. PRENZEL. Mr. Speaker, reserving the right to object, may I ask the distinguished chairman if this resolution contains the correction which resolves the stalemate we had with the other body with respect to H.R. 2330, which simply provides for the study of the viability of the domestic uranium mining and milling industry and its relationship with our national security?

Mr. UDALL. If the gentleman will yield, the gentleman is exactly correct.

Mr. FRENZEL. Further reserving the right to object, does it contain any restrictions of any kind on imports, may I ask the chairman?

Mr. UDALL. If the gentleman will yield, no; there was a very serious limitation on imports in the original Senate amendment, and through negotiations in the conference committee we have reduced this to a study, and this contains a study on and no import restrictions.

Mr. FRENZEL. I thank the gentleman.

This bill has been considered by the gentleman from New Mexico (Mr. LUJAN), myself, the gentleman from Florida (Mr. GIBBONS), the gentleman from North Carolina (Mr. BROYHILL), and a number of others who are interested in the matter. We do not object to the studies.

We have noted that a certain percentage of imports triggers a section 232 study by the Secretary of Commerce. We don't object to a study at that level, but we don't believe that any specific level of imports should govern any Presidential decision on import restrictions or relief. In other words, we believe that the President should be able to act as he sees fit, and not be bound by the import percentage which generated the study.

We also believe the criteria for both of the studies contemplated in the resolution are overwritten. We believe the studies should go forward in the traditional manner. We are confident they will proceed well without diverting necessary departmental resources and without being unnecessarily detailed.

I withdraw my reservation.

Mr. Speaker, I withdraw my reservation of objection.

(Mr. FRENZEL asked and was given permission to revise and extend his remarks.)

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 135

*Resolved by the Senate (the House of Representatives concurring).* That in the enrollment of the bill H.R. 2330, the Clerk of the House of Representatives shall make the following correction:

At the end of the bill insert the following new section:

URANIUM SUPPLY

Sec. 23. (a)(1) Not later than 12 months after the date of enactment of this section, the President shall prepare and submit to the Congress a comprehensive review of the status of the domestic uranium mining and milling industry. This review shall be made available to the appropriate committees of the United States Senate and the House of Representatives.

(2) The comprehensive review prepared for submission under paragraph (1) shall include—

(A) projections of uranium requirements and inventories of domestic utilities;

(B) present and future projected uranium production by the domestic mining and milling industry;

(C) the present and future probable penetration of the domestic market by foreign imports;

(D) the size of domestic and foreign ore reserves;

(E) present and projected domestic uranium exploration expenditures and plans;

(F) present and projected employment and capital investment in the uranium industry

(G) an estimate of the level of domestic uranium production necessary to ensure the viable existence of a domestic uranium industry and protection of national security interests;

(H) an estimate of the percentage of domestic uranium demand which must be met by domestic uranium production through the year 2000 in order to ensure the level of domestic production estimated to be necessary under subparagraph (G);

(I) a projection of domestic uranium production and uranium price levels which will be in effect both under current policy and in the event that foreign import restrictions were enacted by Congress in order to guarantee domestic production at the level estimated to be necessary under subparagraph (G);

(J) the anticipated effect of spent nuclear fuel reprocessing on the demand for uranium; and

(K) other information relevant to the consideration of restrictions on the importation of source material and special nuclear material from foreign sources.

(b)(1) Chapter 14 of the Atomic Energy Act of 1954 is amended by adding the following new section at the end thereof:

"SEC. 170B. URANIUM SUPPLY.—

"a. The Secretary of Energy shall monitor and for the years 1983 to 1992 report annually to the Congress and to the President a determination of the viability of the domestic uranium mining and milling industry and shall establish by rule, after public notice and in accordance with the requirements of section 181 of this Act, within 9 months of enactment of this section, specific criteria which shall be assessed in the annual reports on the domestic uranium industry's viability. The Secretary of Energy is authorized to issue regulations providing for the collection of such information as the Secretary of Energy deems necessary to carry out the monitoring and reporting requirements of this section.

"b. Upon a satisfactory showing to the Secretary of Energy by any person that any information, or portion thereof obtained under this section, would, if made public, divulge proprietary information of such person, the Secretary shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18, United States Code.

"c. The criteria referred to in subsection a. shall also include, but not be limited to—

(1) an assessment of whether executed contracts or options for source material or special nuclear material will result in greater than thirty-seven and one-half percent of actual or projected domestic uranium requirements for any two consecutive year periods being supplied by source material or special nuclear material from foreign sources;

(2) projections of uranium requirements and inventories of domestic utilities for a 10 year period;

(3) present and probable future use of the domestic market by foreign imports;

(4) whether domestic economic reserves can supply all future needs for a future ten year period;

(5) present and projected domestic uranium exploration expenditures and plans;

(6) present and projected employment and capital investment in the uranium industry;

(7) the level of domestic uranium production capacity sufficient to meet projected domestic nuclear power needs for a ten year period; and

(8) a projection of domestic uranium production and uranium price levels which will be in effect under various assumptions with respect to imports.

"d. The Secretary of Energy, at any time, may determine on the basis of the monitoring and annual reports required under this section that source material or special nuclear material from foreign sources is being imported in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the United States uranium mining and milling industry. Based on that determination, the United States Trade Representative shall request that the United States International Trade Commission initiate an investigation under section 201 of the Trade Act of 1974 (19 U.S.C. 2251).

"e. (1) If, during the period of 1982 to 1992, the Secretary of Energy determines that executed contracts or options for source material or special nuclear material from foreign sources for use in utilization facilities within or under the jurisdiction of the United States represent greater than thirty-seven and one-half percent of actual or projected domestic uranium requirements for any two consecutive year period, or if the Secretary of Energy determines the level of contracts or options involving source material and special nuclear material from foreign sources may threaten to impair the national security, the Secretary of Energy shall request the Secretary of Commerce to initiate under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) an investigation to determine the effects on the national security of imports of source material and special nuclear material. The Secretary of Energy shall cooperate fully with the Secretary of Commerce in carrying out such an investigation and shall make available to the Secretary of Commerce the findings that lead to this request and such other information that will assist the Secretary of Commerce in the conduct of the investigation.

"(2) The Secretary of Commerce shall, in the conduct of any investigation requested by the Secretary of Energy pursuant to this section, take into account any information made available by the Secretary of Energy, including information regarding the impact on national security of projected or executed contracts or options for source material or special nuclear material from foreign sources or whether domestic production capacity is sufficient to supply projected national security requirements.

"(3) No sooner than 3 years following completion of any investigation by the Secretary of Commerce under paragraph (1), if no recommendation has been made pursuant to such study for trade adjustments to assist or protect domestic uranium production, the Secretary of Energy may initiate a request for another such investigation by the Secretary of Commerce.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.



AA61-2 PDR

**NORTHEAST UTILITIES**



THE CONNECTICUT LIGHT AND POWER COMPANY  
WESTERN MASSACHUSETTS ELECTRIC COMPANY  
HOLYOKE WATER POWER COMPANY  
NORTHEAST UTILITIES SERVICE COMPANY  
NORTHEAST NUCLEAR ENERGY COMPANY

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February 9, 1983

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The Honorable Nunzio J. Palladino  
Chairman  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

NRC Rulemaking Regarding No  
Significant Hazards Consideration

Dear Mr. Chairman:

The NRC Staff recently submitted to the Commission in SECY-83-16 another draft proposal for determining whether operating license amendments involve "no significant hazards consideration." There is a portion of the Staff's proposal that we find troublesome, and we want to invite your attention to it. In that SECY document, the Staff included "reracking of a spent fuel storage pool" as a specific example of an OL amendment that is "likely" to involve significant hazards. SECY-83-16, Enclosure 3 (January 13, 1983).

We believe as a technical matter there is no justification for presuming that reracking involves significant hazards. During the past eight years, the NRC has approved over eighty (80) applications for reracking of power reactor spent fuel pools. To the best of our knowledge in each instance where a reracking application was pursued to completion by the licensee, the NRC has found that (1) "the actions can be taken with no sacrifice of public health and safety," and (2) "the environmental impact . . . was negligible." See e.g., Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG-0575, August, 1979) at p. ES-5 ("FGEIS"). In all cases preparation of an environmental impact statement was found to be unnecessary. Such findings are consistent with the conclusions reached by the Staff in its FGEIS, where it stated that the "storage of spent fuel in water pools has an insignificant impact on the environment." Id. at p. 8-2.

To the best of our knowledge, the NRC Staff has never been asked to make a judgement on any specific docket as to whether a proposed reracking involved a significant hazards consideration. Past practice did not address whether reracking involved significant hazards, apparently because the early reracking applications (filed in around 1974) involved unreviewed technology, and thus were rightfully prenoticed ( i.e., notice was published in the Federal Register before issuance of the amendment). This precluded an actual technical analysis of whether reracking in fact involves a significant hazards consideration prior to publication of prenotice.

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Thereafter, on September 10, 1975, the Commission issued a policy statement regarding spent fuel storage, see 40 Fed. Reg. 42801 (1975), in which it noted that spent fuel storage can more effectively "be examined in a broader context" and, thus, determined that a generic environmental impact statement on the handling and storage of spent fuel should be prepared. In the interim, the Commission stated that case-by-case treatment of all applications for expansion of storage capacity by reracking (or other means) was to be accorded, with focus placed upon five enunciated factors. Id. at 42802. As to the issue of prenotice, the policy statement was silent. However, it appears that an internal decision was made by the Staff that prenotice was required so as to afford the public an opportunity to comment on the five factors. Accordingly, the prenotice procedure, initially utilized because of the developing state of the technology, was kept in place so as to comport with what was thought to be required by the Commission's policy statement.

In August of 1979, the final generic environmental impact statement was published (FGEIS, supra) and the Commission withdrew its 1975 policy statement. See 46 Fed. Reg. 14506 (1981). Since that time, the matter of prenotice has never been raised and the Commission has continued the practice of prenoticing spent fuel reracking applications. In short, it appears that what was once justified on the basis of new technology has been carried on to the present due to inertia and not on the basis of technical considerations.

We maintain that this past practice does not provide an adequate basis upon which to state unequivocally that reracking is likely to involve a significant hazards consideration. Indeed, a comparison of the findings made in reracking applications<sup>(1)</sup> to the three significant hazards criteria set forth in the Staff's draft proposal clearly indicates that reracking falls outside the scope of these criteria and thus, as a general matter, should not be viewed as an activity involving a significant safety hazard consideration.

We would prefer to see safety decisions based upon technical considerations, and we are unaware of what technical motives support the proposed staff action. We assert that there is no technical justification for the Staff's position that reracking should be presumed to involve a significant

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(1) Examples of relevant safety findings that appear routinely in Staff Safety Evaluation Reports regarding spent fuel pool reracking applications are:

- o The installation and use of the new fuel racks does not alter the potential consequences of the design basis accident for the spent fuel pool.
- o The installation and use of new racks (high-density or poison) will not change the radiological consequences of a postulated fuel handling accident or spent fuel cask drop accident in the spent fuel pool area from those values reported in the FES supporting the issuance of an operating license.



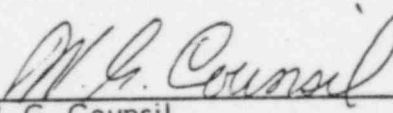
hazards consideration. If the Staff's position is adopted, it could subject licensees attempting to expand spent fuel storage capacity through the use of safe, proven reracking technology to the unnecessary and unfair burden of lengthy and costly hearings before an OL amendment is issued.

Thus, we strongly urge that you delete from the Rule the reference to reracking as an example of an OL amendment that involves a significant hazards consideration. We recognize that applications for reracking must be reviewed to determine whether a significant hazards consideration is involved. We also recognize that such applications could involve a significant hazards consideration in some cases. However, we believe that the determination of significant hazards consideration should be made on the basis of the facts in each case rather than prejudged as a matter of policy.

We appreciate the opportunity to present our views to you on this important question and are prepared to discuss this matter further if you should need additional information.

Very truly yours,

NORTHEAST UTILITIES SERVICE COMPANY

  
W. G. Council  
Senior Vice President

cc: Commissioner Gilinsky  
Commissioner Ahearne  
Commissioner Roberts  
Commissioner Asselstine

bcc: G.H. Cunningham  
W.J. Dircks  
M.G. Malsch  
J. Scinto  
V. Stello