

in conference, there shall be printed on each occasion additional copies as indicated below, unless otherwise ordered by the Joint Committee on Printing:

(1) for the House version of the Omnibus Reconciliation Act of 1981, an additional 4,500 copies of the bill and accompanying report; and

(2) for the Senate version of the Omnibus Reconciliation Act of 1981, an additional 8,000 copies of the bill and report.

Agreed to June 17, 1981.

ADJOURNMENT—HOUSE OF REPRESENTATIVES
AND SENATE

June 25, 1981

[S. Con. Res. 23]

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, June 25, 1981 or Friday, June 26, 1981, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12:00 noon on Wednesday, July 8, 1981, and that when the House adjourns on the legislative day of Friday, June 26, 1981, it stand adjourned until 12:00 noon on Wednesday, July 8, 1981.

Agreed to June 25, 1981.

ADJOURNMENT PERIOD FOR HOUSE OF REPRESENTATIVES AND SENATE

July 31, 1981

[H. Con. Res. 164]

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the House of Representatives and the Senate shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

2 USC 198.

Agreed to July 31, 1981.

CORRECTIONS OF ENROLLED BILL H.R. 3982

July 31, 1981

[H. Con. Res. 167]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 3982), to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for fiscal year 1982, the Clerk of the House of Representatives shall make the corrections specified in the succeeding sections of this concurrent resolution.

Ante, p. 357.

Ante, p. 1751.

SEC. 2. In title VI of the bill:

(1) In section 623(C)(2) of the bill, strike out "Fund" the second place it appears therein and insert in lieu thereof "fund", and strike out "the Fund" and insert in lieu thereof "such fund".

(2) In the first sentence of section 662(a) of the bill, insert "of Education (hereinafter in this subchapter referred to as the 'Secretary')" after "Secretary".

(3) In section 663(a)(1) of the bill, strike out the comma after "1984" and insert in lieu thereof a period.

(4) In section 669 of the bill, insert "(other than section 637(1))" after "637".

(5) In section 674(b)(1) of the bill—

(A) strike out "the" the first place it appears therein;

(B) strike out "remaining in" and insert in lieu thereof "of the amount appropriated under section 672 for"; and

(C) strike out "between" and insert in lieu thereof "among".

(6) In section 675(d)(1) of the bill, insert "officer" after "executive" each place it appears therein.

(7) In section 682(e) of the bill, insert a comma after "records", and insert a comma after "allocations".

SEC. 3. In title VIII of the bill:

(1) In section 11 of the National School Lunch Act (as amended by section 813(b) of the bill) strike out "(e)" and insert in lieu thereof "(f)".

(2) In section 820(a)(1) redesignate subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively.

(3) In section 820(a)(1) insert after subparagraph (A) the following new subparagraph:

"(B) that portion of the amendment made by section 810(c) pertaining to the reimbursement rate for supplements;"

(4) In section 820(a)(6) redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively.

(5) In section 820(a)(6) insert after "except that—" the following new subparagraph:

"(A) the amendment made by section 810(c) pertaining to the reimbursement rate for supplements shall take effect as provided under paragraph (1) of this subsection;"

SEC. 4. (a) In the proposed section 1904(a)(2) of the Public Health Service Act (as contained in section 901 of the bill), strike out "and amounts transferred by the State for use under this part".

(b) In the proposed section 1912(b)(1) of the Public Health Service Act (as contained in section 901 of the bill), strike out in the matter following subparagraph (B) "for the Community Mental Health Centers Act" and insert in lieu thereof "under the Community Mental Health Centers Act".

(c) In the proposed section 1914(b) of the Public Health Service Act (as contained in section 901 of the bill), strike out "section 103" and insert in lieu thereof "section 1913".

(d) In the proposed section 1914(c) of the Public Health Service Act (as contained in section 901 of the bill), strike out "section 1902" and insert in lieu thereof "section 1912".

(e) In the proposed section 1915(c)(1) of the Public Health Service Act (as contained in section 901 of the bill), strike out "section 1902" and insert in lieu thereof "section 1912".

(f) In the proposed section 1915(c)(2) of the Public Health Service Act (as contained in section 901 of the bill), strike out "fiscal year 1980" and insert in lieu thereof "fiscal year 1981".

(g) In the proposed section 1915(c)(4)(B) of the Public Health Service Act (as contained in section 901 of the bill), strike out "emergency" and insert in lieu thereof "emergency".

(h) In the proposed section 1915(c)(9) of the Public Health Service Act (as contained in section 901 of the bill), strike out "section 1907" and insert in lieu thereof "section 1917".

(i) In the proposed section 1915(c)(11) of the Public Health Service Act (as contained in section 901 of the bill), strike out "section 1903" and insert in lieu thereof "section 1913".

(j) In the proposed section 1915(d) of the Public Health Service Act (as contained in section 901 of the bill), (1) strike out "section 1903" and insert in lieu thereof "section 1913", and (2) strike out in the second sentence "after its transmittal" and insert in lieu thereof "and after its transmittal".

(k) In the proposed section 1916(b)(3) of the Public Health Service Act (as contained in section 901 of the bill), (1) strike out "section 1916" and insert in lieu thereof "section 1915", and (2) strike out "section 1913" and insert in lieu thereof "section 1912".

(l) In the proposed section 1917(a)(2) of the Public Health Service Act (as contained in section 901 of the bill), strike out "section 1905" and insert in lieu thereof "section 1915".

(m) In the matter proposed to be inserted in section 330(g)(2) of the Public Health Service Act by section 903(a) of the bill, strike out "\$284,000,000" and insert in lieu thereof "\$280,000,000".

(n) In the heading of section 986, strike out the semicolon and all that follows.

SEC. 5. (a) In the proposed amendment to section 15(a)(4) of the Airport and Airway Development Act of 1970 (as contained in section 1102(h) of the bill) strike out "fiscal years 1980 and 1981" and insert in lieu thereof "each of the fiscal years 1980 and 1981".

(b) In section 1111(a), amend paragraph (5) to read as follows:

(5) Section 5(a)(1)(B) is amended by striking out "\$900,000,000 in each fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982." and inserting in lieu thereof "\$900,000,000 for the fiscal year ending September 30, 1981, and \$850,000,000 for the fiscal year ending September 30, 1982."

SEC. 6. (a) In subtitle E of title XI:

(1)(A) In section 1135(a)(7), strike out "or the representative authorized by the Secretary to carry out the responsibilities of the Secretary under this subtitle".

(B) In section 1137, strike out "(a)" after "SEC. 1137."

(2) In proposed title V of the Rail Passenger Service Act (as contained in section 1137 of the bill)—

(A) in proposed section 501(c)(1), strike out "with respect to safety and with respect to the" the second place it appears;

(B) in proposed section 502(a)(1)—

(i) insert the following before subparagraph (B):

"(A) The President of Amtrak Commuter, ex officio.

(ii) strike out "selected by the President to serve on the Board of Directors of the Corporation" in subparagraph (B) and insert in lieu thereof "of the Board of Directors of the Corporation who was selected", and

(iii) strike out "the effective" in subparagraph (D)(ii);

(C) in proposed section 504(b)(3), strike out "506" and insert in lieu thereof "508"; and

(D) in proposed section 506(a), insert "than" after "Not later".

(3) In proposed section 217(a) of the Regional Rail Reorganization Act of 1973 (as contained in section 1140(a) of the bill) strike

out "during the period between the effective date of the Northeast Service Act of 1981 and August 1, 1983," and insert in lieu thereof "after the effective date of the Northeast Rail Service Act of 1981".

(4) In proposed title IV of the Regional Rail Reorganization Act of 1973 (as contained in section 1142 of the bill)—

(A) insert after and below subparagraph (C) of section 401(a)(2) the following:

"(3) Any plan submitted under paragraph (2) shall be deemed approved at the end of the 60-calendar-day period of continuous session of the Congress beginning on the date the plan was submitted, unless during such period both Houses of Congress pass a concurrent resolution the substance of which states that the Congress does not favor such plan. The Secretary shall implement any plan deemed approved under this paragraph. For purposes of this subsection—",

(B) strike out "90-day period" in the matter in the subparagraph (B) immediately before subsection (b) of section 401 and insert in lieu thereof "60-day period",

(C) strike out "subsection (a)(1)" in subsections (b) and (c) of section 401 and insert in lieu thereof "subsection (a)(2)",

(D) strike out "subsection (a)(1)" and all that follows through "of this Act" in subsection (e) of section 401 and insert in lieu thereof "subsection (a)(2), the Secretary shall first offer for sale, to any employees whose wages are reduced pursuant to any agreement entered into in accordance with the goal set forth in section 1134(4) of the Northeast Rail Service Act of 1981",

(E) strike out "section" in section 403(a)(2) and insert in lieu thereof "subsection",

(F) strike out "which would" and all that follows through "were excused" in section 403(a)(2) and insert in lieu thereof "will be able to borrow capital in the private market sufficient to meet all its capital needs",

(G) strike out "subsection (a)(1)" in section 403(b) and insert in lieu thereof "subsection (a)(2)",

(H) amend the proposed paragraph (2) of section 403(b) to read as follows:

"(2) As used in this subsection, 'profitable carrier' means a carrier that generates sufficient revenues to meet its expenses, including reasonable maintenance of necessary equipment and facilities, and would have been able to borrow capital in the private market sufficient to meet all its capital needs. For the purpose of making such determination the USRA Board shall assume that the interest of the United States in any debt or preferred stock of the Corporation has been limited as required under section 402 of this Act.",

(I) insert at the end of subsection (a) of section 404 the following:

"The USRA Board shall approve or disapprove such determination within 15 days after the date of such notification.",

(J) strike out "it is notified" and all that follows through "of such approval" in section 404(b)(1) and insert in lieu thereof "of which it is notified under subsection (a)(2), the employees of the Corporation may, within 90 days after the date the Secretary's determination was submitted to the USRA Board",

(K) insert at the end of paragraph (2) of section 404(b) the following:

"The Secretary shall consider whether the plan ensures continued rail service and maximizes the return to the United States on its investment."

(L) strike out "has determined that" in section 404(c)(2) and all that follows through "Northeast corridor." in the first proposed section 405(a), and

(M) insert "or if at any time the Corporation requires funding from the Federal Government in excess of amounts authorized on or before the effective date of the Northeast Rail Service Act of 1981," in the second proposed section 405(a) after "is not approved by the Secretary,".

(5) In proposed title VII of the Regional Rail Reorganization Act of 1973 (as contained in section 1143(a) of the bill)—

(A) amend proposed paragraph (2) of section 701(d) to read as follows:

"(2) No individual shall become eligible for benefits under this section after the last day of the eighteen-month period beginning on the date of transfer under section 401 or 404 of this Act."

(B) in section 702(e)(1), insert ", or in commuter service where applicable," after "in freight service",

(C) in section 702(g), strike out "PASSENGER" and insert in lieu thereof "COMMUTER", and

(D) in section 710(b), strike out "1 The Corporation" and insert in lieu thereof "(1) The Corporation, Amtrak Commuter, and commuter authorities".

(6) In section 1144(a)(2)(A) of the bill, strike out "October 1, 1981," the first place it appears and insert in lieu thereof "the effective date of this subsection".

(7) In section 1147, strike out "(a)" after "Sec. 1147." and strike out subsection (b).

(8) In the subsections proposed to be inserted in section 201 of the Regional Rail Reorganization Act of 1973 (as contained in section 1147 of the bill)—

(A) amend proposed subparagraph (A) of subsection (d)(1) to read as follows:

"(A) The Chairman, who shall be the individual serving as Chairman on the effective date of this subsection, until the expiration of his term of office or his resignation, or his replacement, who shall be selected by the outgoing Chairman and the other members of the Board."

(B) strike out "for an additional term of" in subsection (e) and insert in lieu thereof "and the term of the Chairman shall be",

(C) insert ", or their representatives," in subsection (f) after "Directors",

(D) strike out the closing quotation marks (and period that follows them) at the end of subsection (f) and insert after and below that subsection the following subsections:

"(g) The Board of Directors shall, on the effective date of this subsection, assume the functions previously performed by the Finance Committee.

"(h) The members of the Board of Directors may send representatives to meetings of such Board, and such representatives may exercise full powers of the members."

(9) In section 203 of the Regional Rail Reorganization Act of 1973 (as proposed to be amended in section 1149 of the bill), strike out "to determine if the conditions of this Act are met" and insert in lieu thereof "to fulfill its functions under this Act".

(10) In proposed section 219 of the Regional Rail Reorganization Act of 1973 (as contained in section 1150(a) of the bill), strike out "\$300 per diem when engaged in the actual performance of his duties, plus".

(11) In proposed paragraph (2)(A) of section 305(f) of the Regional Rail Reorganization Act of 1973 (as contained in section 1155(a)(1) of the bill), strike out "the date of enactment" and insert in lieu thereof "the effective date of the Northeast Rail Service Act of 1981".

(12) In proposed section 308 of the Regional Rail Reorganization Act of 1973 (as contained in section 1156(a) of the bill)—

(A) strike out "November" in subsection (b) and insert in lieu thereof "December",

(B) strike out "1981" in subsection (c) and insert in lieu thereof "1983",

(C) strike out "Any application" and all that follows through "October 1, 1983," in subsection (c)(2) and insert in lieu thereof "At any time after the 90-day period beginning with the filing of a notice of insufficient revenues for a line, the Corporation may file an application for abandonment for such line. An application for abandonment that is filed by the Corporation under this subsection", and

(D) strike out "or less" in subsection (e)(3)(A).

(13) In proposed section 9A(a) of the Railway Labor Act (contained in section 1157 of the bill), strike out "The" and insert in lieu thereof "Except as provided in section 510(h) of the Rail Passenger Service Act, the".

(14) In section 1161—

(A) strike out "hereafter" in subsection (c) and insert in lieu thereof "hereinafter in this section referred to as",

(B) insert ", except those provided for in subsection (f)," in subsection (d) after "carrier obligations and other requirements", and

(C) add at the end the following subsection:

"(f) The Commission shall establish fair and equitable divisions of revenues on joint rates until a final order is issued."

(15) In section 1163A—

(A) add the section heading "COMMISSION PROCEEDINGS", and

(B) strike out "1163A." and insert in lieu thereof "1164. (a)".

(16) In section 1163B, strike out "SEC. 1163B. (a)" and insert in lieu thereof "(b)" and redesignate the existing subsection (b) as subsection (c) and amend it to read as follows:

"(c)(1) If the Secretary determines under subsection (b) that there is an agreement between a profitable railroad in the Region (as defined in section 102 of the Regional Rail Reorganization Act of 1973) which received a loan under section 211(a) of such Act and a prospective purchaser for the sale of such railroad, the Secretary shall limit the interest of the United States in any debt of such a railroad to an interest which attaches to such debt in the event of bankruptcy, substantial sale, or liquidation of the assets of the railroad. The Secretary shall substitute for the evidence of such debt contingency notes conforming to the limited terms set forth in this subsection.

"(2) If the interest of the United States is limited under paragraph (1), any new debt issued by such a railroad subsequent to the issuance of the debt described in paragraph (1) shall have higher priority in the

event of bankruptcy, liquidation, or abandonment of the assets of the Corporation than the debt described in such paragraph.”.

(17) In section 1163C—

(A) add the section heading “INTERCITY PASSENGER SERVICE EMPLOYEES”,

(B) redesignate the section as section 1165,

(C) strike out “Not later than” and all that follows through “the Corporation” and insert in lieu thereof “After January 1, 1983, Conrail shall be relieved of the responsibility to provide crews for inter-city passenger service on the Northeast Corridor. Amtrak, Amtrak Commuter, and Conrail”, and

(D) insert before the last sentence the following sentence: “Such agreement shall ensure that Conrail, Amtrak, and Amtrak Commuter have the right to furlough one employee in the same class or craft for each employee who returns through the exercise of seniority rights.”.

(b) In subtitle F of title XI:

(1) In proposed paragraph (1) of section 303(a) of the Rail Passenger Service Act (as contained in section 1174(a)(1) of the bill)—

(A) at the end of proposed clause (ii) of subparagraph (C) add the following sentence: “Such Governor may select an individual to represent him at meetings of the Board.”, and

(B) by striking out the period at the end of proposed clause (ii) of subparagraph (D) and “(I) If Amtrak Commuter” that follows and insert in lieu thereof the following:

“, except that—

“(I) if Amtrak Commuter”.

(2) In proposed subsection (e)(2) of section 304 of the Rail Passenger Service Act (as contained in section 1175(3) of the bill), insert “not” after “shall”.

(3) In section 1178—

(A) strike out “subsections” and insert in lieu thereof “subsection”,

(B) insert closing quotation marks and a period at the end of proposed subsection (n) to section 306 of the Rail Passenger Service Act, and

(C) strike out proposed subsection (o) to that section of that Act.

(4) In proposed section 404(c)(4) of the Rail Passenger Service Act (as contained in section 1183(b) of the bill), strike out “shall include” in subparagraph (D)(ii) and insert in lieu thereof “may include”.

(5) Redesignate the subsection (1), proposed to be added to section 602 of the Rail Passenger Service Act by section 1186(b) of the bill, as subsection (k).

(6) In section 1189, strike out “The” and insert in lieu thereof “Except as otherwise provided, the”.

(c) In subtitle G of title XI:

(1) In section 1191—

(A) insert “(49 U.S.C. 1654(p))” after “Act”, and

(B) in the matter proposed to be inserted, strike out “in the fiscal year” and insert in lieu thereof “for the fiscal year” each place it appears.

(2) In section 1192(e)—

(A) strike out “and” at the end of paragraph (2),

(B) redesignate paragraph (3) as paragraph (5), and

(C) insert after paragraph (2) the following paragraphs:

“(3) in paragraph (2), as redesignated, by striking out ‘paragraphs (3) and (5)’ and inserting in lieu thereof ‘paragraphs (2) and (4)’;

“(4) in paragraph (3), as redesignated, by striking out ‘paragraph (4)’ and inserting in lieu thereof ‘paragraph (3)’”; and

(3) In section 1192(h), by inserting after “is amended” the following: “by striking out ‘paragraph (3)’ each place it appears and inserting in lieu thereof ‘paragraph (2)’”, and

(4) In proposed subsection (p) of section 5 of the Department of Transportation Act (as contained in section 1192(i) of the bill), strike out “shall exercise” and insert in lieu thereof “may exercise”.

(5) In proposed section 17(2) of the Department of Transportation Act (as contained in section 1194(a) of the bill), strike out “not to exceed” and all that follows through “1982” and insert in lieu thereof “not to exceed \$40,000,000 for the fiscal year ending September 30, 1982, to remain available until expended”.

(d)(1) In proposed paragraph (4) of section 102 of the Rail Passenger Service Act (as contained in section 1172(2) of the bill), strike out “beverages” and insert in lieu thereof “beverage”.

(2) In proposed paragraph (1)(D)(i) of section 303(a) of the Rail Passenger Service Act (as contained in section 1174(a)(1) of the bill), strike out “December 31, 1983” and insert in lieu thereof “December 31, 1982”.

(3) In proposed paragraph (2)(A) of section 303(a) of the Rail Passenger Service Act (as contained in section 1174(a)(1) of the bill), strike out “three” and insert in lieu thereof “two”.

(4) In proposed subparagraph (B) of section 404(c)(3) of the Rail Passenger Service Act (as contained in section 1183(a)(2) of the bill), strike out “Whenever” and insert in lieu thereof “Beginning on the effective date of the Amtrak Improvement Act of 1981, if”.

(5) In proposed subparagraph (F) of section 404(c)(4) of the Rail Passenger Service Act (as contained in section 1183(b) of the bill), insert “or section 403(b) of this Act” after “pursuant to this paragraph” each place it appears.

(6) In section 1187(a)(3) of the bill, strike out “for the funding of rail corridor development”.

(e) In section 1193—

(1) strike out “Title VII” and insert in lieu thereof “Section 704(a)”, and

(2) strike out “by inserting at the end thereof” in paragraph (2) and insert in lieu thereof “by adding after paragraph (4)”.

(f) In subtitle E of title XI:

(1) In section 1134(2), strike out “which”.

(2) In section 1136, strike out the comma at the end and insert in lieu thereof a period.

(3) In proposed section 504(e) of the Rail Passenger Service Act (as contained in section 1137 of the bill), strike out “1164” and insert in lieu thereof “1163”.

(4) In proposed section 506(h) of the Rail Passenger Service Act (as contained in section 1137 of the bill)—

(A) strike out “or” of the Rail Passenger Service Act”,

(B) strike out “the Corporation” and insert in lieu thereof “Conrail” each place it appears,

(C) strike out “a owner” in paragraph (2)(A)(iii) and insert in lieu thereof “an owner”, and

(D) strike out “and of the Rail Passenger Service Act” in paragraph (2)(B).

(5) In proposed section 506(j) of the Rail Passenger Service Act (as contained in section 1137 of the bill)—

(A) strike out “nor is it intended”,

(B) strike out “the Corporation” and insert in lieu thereof “Conrail” each place it appears, and

(C) insert “of 1973” after “Act”.

(6) In proposed section 507 of the Rail Passenger Service Act (as contained in section 1137 of the bill) strike out “Commission” and insert in lieu thereof “Secretary”.

(7) In proposed section 217 of the Regional Rail Reorganization Act of 1971 (as contained in section 1140(a) of the bill)—

(A) strike out “The” in subsection (a) and insert in lieu thereof “In addition to the authority provided under section 216 of this Act, the”,

(B) strike out “section 409 of the Regional Rail Reorganization Act of 1973” and “section 409 of this Act” in subsection (b)(1) and insert in lieu thereof “section 1163 of the Northeast Rail Service Act of 1981” and “such section”, respectively,

(C) strike out “section 216 or 217, the Association shall purchase” in subsection (b)(2) and insert in lieu thereof “this section or section 216 of this Act, the Association shall purchase series A”, and

(D) strike out the second sentence of subsection (f).

(8) In proposed title IV of the Regional Rail Reorganization Act of 1973 (as contained in section 1142 of the bill)—

(A) strike out “possible” in section 401(a)(1) and insert in lieu thereof “practicable”,

(B) strike out “corporaiton” in section 403(b)(3)(B) and insert in lieu thereof “the Corporation”,

(C) strike out “section” in section 404(b)(3) the first place it appears and insert in lieu thereof “subsection”, and

(D) in section 408(d), insert “, except that if the Corporation requires further Federal financing before such date, such sale may be made before such date” before the period at the end.

(9) In proposed title VII of the Regional Rail Reorganization Act of 1973 (as contained in section 1143 of the bill)—

(A) in section 701(c), strike out the Rail Passenger Service Corporation” and insert in lieu thereof “National Railroad Passenger Corporation”, and

(B) in section 714, insert “of 1981” after “Act” the second place it appears.

(10) In proposed section 508 of the Rail Passenger Service Act (as contained in section 1145 of the bill)—

(A) strike out “Amtrak or commuter” in subsection (c)(7) and insert in lieu thereof “Amtrak Commuter or a commuter”,

(B) insert “in” in clause (D) of subsection 508(c)(7) after “in any manner which results”, and

(C) strike out “the” in subsection (f) before “Conrail”.

(11) In proposed subsection (a)(2) of section 202 of the Regional Rail Reorganization Act of 1973 (as contained in section 1148(a)(1)), strike out “determine” and “conditions” and insert in lieu thereof “review” and “goals”, respectively.

(12) In proposed section 214(c) of the Regional Rail Reorganization Act of 1973 (as contained in section 1151 of the bill), insert “and” after “1982”.

(13) In section 1161, strike out "subtitle" and insert in lieu thereof "subsection" each place it appears in subsection (b) and the first place it appears in subsection (d).

(14) In section 1162, insert "(a)" after "Sec. 1162.", and add at the end the following subsections:

(b) Section 501(8) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821(8)) is amended to read as follows:

"(8) 'restructuring' means (A) any activity (including a consolidation, coordination, merger or abandonment) which (i) involves rehabilitation, or improvement of a facility or the transfer of a facility, and (ii) improves the long-term profitability of any railroad freight system through the achievement of higher average traffic densities or improved asset utilization; or (B) the transfer from the Corporation to any railroad or financially responsible person (as defined in section 10910(a)(1) of title 49, United States Code) for common carrier rail service of ownership or operating rights on any rail line owned or operated by the Corporation where the Secretary determines that such acquisition will provide needed transportation benefits, and that such line will not require further Federal subsidy;"

(c) Section 505(a)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(a)(1)) is amended by inserting immediately after "railroad" the following: "(or any financially responsible person, as defined in section 10910(a)(1) of title 49, United States Code, who acquires from the Corporation for common carrier rail service any rail line owned by the Corporation on the effective date of the Northeast Rail Service Act of 1981)".

(d) Section 505(b)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(b)(2)) is amended by amending clause (C) to read as follows: "(C) the public benefits, including any significant railroad restructuring, to be realized from the project to be financed in relation to the public costs of such financing and whether the proposed project will return public benefits sufficient to justify such public costs or, where the application relates to a rail line owned or operated by the Corporation immediately prior to its acquisition by a railroad or financially responsible person (as defined in section 10910(a)(1) of title 49, United States Code) for common carrier rail service, whether the financial assistance applied for under this section will further the public interest in transferring rail lines from the corporation to the private sector, and avoid the need for any further Federal subsidy."

(e) Section 509(b) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 829(b)) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following:

"(3) Not more than 50 percent of the funds received by the Secretary from amounts appropriated under subsection (a) of this section shall be reserved to provide rehabilitation and improvement assistance for facilities transferred from the Corporation after the effective date of the Northeast Rail Service Act of 1981."

(f) Section 509(b)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976, as redesignated by subsection (e) of this section, is amended by striking "and (2)" and inserting in lieu thereof ", (2) and (3)".

(15) Insert after section 1163D the following sections:

"TECHNICAL AMENDMENTS

"SEC. 1167. (a) Section 303(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743(c)) is amended by striking the following wherever they appear: 'securities,'; 'securities and'; 'at least one share of series B preferred stock and'; 'other securities of the Corporation or'; and 'securities or'.

"(b) For the purpose of computing the amount for which certificates of value shall be redeemable under section 306 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 746), the series B preferred stock and the common stock conveyed to the Secretary under section 1154 of this subtitle shall be deemed to be without fair market value unless in a proceeding brought under section 1152(a)(4) of this subtitle the special court shall have determined that such securities had a value and shall have entered a judgment against the United States for that value. In such an event, the securities shall for purposes of section 306 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 746) be deemed to have that value found by the special court.

"(c)(1) The clerk of the special court shall convey to the Secretary within 10 days after the effective date of this subtitle the series B preferred stock and the common stock of Conrail which are then on deposit with the special court pursuant to section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743).

"(2) The Secretary is authorized to hold and to exercise all rights that pertain to the Conrail securities conveyed under paragraph (1) of this subsection, and any other securities of Conrail that have been or may be conveyed to the Secretary under any agreement or pursuant to the terms of part 5 of this subtitle or the terms of any other law.

"APPLICABILITY OF OTHER LAWS

"SEC. 1168. (a) The provisions of the chapters 5 and 7 of title 5 of the United States Code (popularly known as the Administrative Procedure Act and including provisions popularly known as the Government in the Sunshine Act), the Federal Advisory Committee Act, section 102(2)(C) of the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966, and section 4(f) of the Department of Transportation Act of 1966 are inapplicable to actions taken in negotiating, approving, or implementing service transfers under title IV of the Regional Rail Reorganization Act of 1973.

"(b) The operation of trains by Conrail shall not be subject to the requirement of any State or local law which specifies the minimum number of crew members who must be employed in connection with the operation of such trains."

(16) Redesignate sections 1163D and 1164 as sections 1166 and 1169, respectively.

(17) Conform the table of contents of the subtitle to the changes in section headings, and additions in sections, made in this concurrent resolution.

SEC. 7. In subtitle B of title XII of the bill:

(1) In proposed section 396(k)(3)(A)(i)(II) of the Communications Act of 1934 (as contained in section 1227(c)(1) of the bill) strike out "clause (iv)" and insert in lieu thereof "clause (iv)(I)".

(2) In proposed section 396(k)(3)(A)(v)(III) of the Communications Act of 1934 (as contained in section 1227(c)(1) of the bill) strike out "clause (iv)" and insert in lieu thereof "clause (iv)(I)".

(3) In the amendment to section 307(d) of the Communications Act of 1934 made in section 1241(a)(4) of the bill, insert "not to exceed" after "term of".

(4) In the amendment to section 307(d) of the Communications Act of 1934 made in section 1241(a)(6) of the bill, insert "not to exceed" after "term of".

SEC. 8. In title XVIII of the bill:

(1) In the proposed amendment to section 1007 of the Public Works and Economic Development Act of 1965 (as contained in section 1821(a)(12)) strike out "and September 30, 1981." and insert in lieu thereof "September 30, 1981."

(2) In the second sentence of section 1807(a), strike out "of 1965".

SEC. 9. (a) In subtitle C of title XXI:

(1) In proposed subsection (s)(5)(A)(i)(II) of section 1903 of the Social Security Act (as contained in section 2161(a) of the bill), strike out "its operation" and insert in lieu thereof "the operation".

(2) In proposed subsection (t)(3) of section 1903 of the Social Security Act (as contained in section 2161(b) of the bill), strike out "yer" and insert in lieu thereof "year".

(3) In proposed section 1915(b) of the Social Security Act (as contained in section 2175(b) of the bill), insert after the comma at the end of paragraph (2) the following: "if such restriction does not substantially impair access to services of adequate quality where medically necessary,".

(b) In the heading of section 2178, strike out "PREPAID PROVIDER (HMO)" and insert in lieu thereof "HMO AND PREPAID PROVIDER", and amend the table of contents of title XXI accordingly.

SEC. 10. In subtitle D of title XXI, in the proposed title V of the Social Security Act (as contained in section 2192(a))—

(1) in section 501(a), insert "to" in paragraph (3) after "(3)" and in paragraph (4) after "(4)",

(2) in section 502(a)(3), insert "be" before "submitted" and strike out "containing and" and insert in lieu thereof "contain and be",

(3) in section 502(b)(2), strike out "alloted" and insert in lieu thereof "allotted" each place it appears,

(4) redesignate subsection (d) of section 504 as subsection (c) and transfer and insert such subsection at the end of section 503, and

(5) in section 506(b)(3), strike out "the requirements of" and all that follows through "section 505(2)" and insert in lieu thereof "this title".

SEC. 11. In title XXVI of the bill:

(1) In section 2604(b)(1) of the bill, strike out "between" and insert in lieu thereof "among".

(2) In section 2604(d)(1)(A) of the bill, strike out "organizations" and insert in lieu thereof "organization".

SEC. 12. In section 532 of the bill—

(1) insert after "repealed." in subsection (b)(2) thereof the following new sentence: "Nothing in this paragraph or in any other provision of this title, or in any provision of the Higher Education Act of 1965 as amended by this title, shall be construed to permit any analysis of need for the purposes of loans under part B of title IV of such Act other than that expressly required by section 428(a)(2) of such Act as amended by this section or to

require a student seeking to qualify under section 428(a)(2)(B)(i) to prove any element of need other than compliance with the adjusted gross income amount specified in such section.”; and (2) in section 438(b)(5) of the Higher Education Act of 1965 as amended by subsection (b)(4) of section 532 of the bill, insert “or” at the end of clause (A)(ii).

SEC. 13. In section 1199A, strike out “July 31, 1981” and insert in lieu thereof “August 4, 1981”.

Agreed to July 31, 1981.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Aug. 4, 1981

[S. Con. Res. 27]

Resolved by the Senate (the House of Representatives concurring). That when the Senate adjourns on Monday, August 3, 1981, it stand adjourned until 12:00 o'clock noon on Wednesday, September 9, 1981, and that when the House adjourns on Tuesday, August 4, 1981, it stand adjourned until 12:00 o'clock noon on Wednesday, September 9, 1981.

Agreed to August 4, 1981.

CORRECTIONS OF ENROLLED BILL H.R. 4242

Aug. 4, 1981

[S. Con. Res. 30]

Resolved by the Senate (the House of Representatives concurring). That in the enrollment of the bill (H.R. 4242), to amend the Internal Revenue Code of 1954 to encourage economic growth through reductions in individual income tax rates, the expensing of depreciable property, incentives for small businesses, and incentives for savings, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

Ante, p. 172.

(1) In the table of contents, in the item relating to section 102, strike out “, decrease in holding period”.

(2) In the table of contents, in the item relating to section 601, strike out “\$22,500” and insert in lieu thereof “\$2,500”.

(3) In the table of contents, after the item relating to section 823, insert the following:

Subtitle D—Other Provisions

Sec. 831. Technical amendments relating to dispositions of investment in United States real property.

Sec. 832. Modification of foreign investment company provisions.

(4) In the section heading to section 102 of the bill, strike out “, DECREASE IN HOLDING PERIOD”.

(5) In section 209(c)(1)(B) of the bill, strike out “subparagraph (B)” and insert in lieu thereof “subparagraph (B)(i)”.

(6) In paragraph (2) of section 313(b) of the bill, strike out “Sections 219(c)(2)” and insert in lieu thereof “Sections 219(d)(2) (as amended by section 311(a) of this Act)”.