

**4. Rail Service Assistance**

Senate: Reduces the existing rail service programs i.e., local rail service assistance formula program.

House: Reduces the existing rail service programs below the Senate assumptions and attempts to target the local rail assistance branchline program to the most needy States.

*Conference agreement.*—Continues local rail assistance program at \$40 million and the 505 redeemable preference share program at \$27 million, the minority business program at \$10 million and \$11 million for miscellaneous smaller Federal Railroad Administration programs.

**SAVINGS ACHIEVED**

(In millions of dollars)

	1982	1983	1984
Budget authority.....	-51	-55	-59
Outlays.....	-10	-31	-45

**5. USRA Administration**

Senate: Reduces USRA authorizations.

House: Reduced the USRA operations funding to minimum levels.

*Conference agreement.*—Reduces the USRA operations funding to minimum levels for continued litigation needs and monitoring needs.

**SAVINGS ACHIEVED**

(In millions of dollars)

	1982	1983	1984
Budget authority.....	-18	-28	-34
Outlays.....	-15	-27	-33

**6. Rail Labor Assistance**

Senate: Eliminates the Title V labor protection program beginning in 1982.

House: Eliminates the Title V labor protection program in 1982, but preserves some funding for leftover claims and miscellaneous requirements.

*Conference agreement.*—Generally assumes the House position to eliminate the program but provides funding for leftover claims.

**SAVINGS ACHIEVED**

(In millions of dollars)

	1982	1983	1984
Budget authority.....	-25	-50	-4
Outlays.....	-25	-50	-5

**7. Rail Research and Development**

Senate: Reduces the overall authorization available for research and development.

House: Reduces the overall authorization available for railroad research and development below the Senate-recommended amounts.

*Conference agreement.*—The conference agreement follows the Senate authorization level in fiscal year 1982, and is between the Senate and House positions in the out-years.

**SAVINGS ACHIEVED**

(In millions of dollars)

	1982	1983	1984
Budget authority.....	-15	-15	-15
Outlays.....	-5	-10	-14

**8. Rail Safety and Department of Commerce General Administration**

Senate: No provision.

House: Reduction in overall authorization for miscellaneous sub-programs.

*Conference agreement.*—Assumes House position.

**SAVINGS ACHIEVED**

(In millions of dollars)

	1982	1983	1984
Rail safety:			
Budget authority.....	-2	-2	-2
Outlays.....	-1	-1	-1
Department of Commerce general administration:			
Budget authority.....	-4	-5	-6
Outlays.....	-4	-5	-6
Total budget authority.....	-6	-7	-8
Total outlays.....	-5	-6	-7

**C. Telecommunications**

The House-passed bill included no provisions for the Interstate Commerce Commission (ICC), Federal Communications Commission (FCC), Corporation for Public Broadcasting (CPB), radio deregulation and television licensing and extended the Corporation for Public Broadcasting (CPB). The Senate bill lowered the authorization level for ICC; established user fees and reduced authorization for FCC and National Telecommunications and Information Administration (NITA); reduced the authorization for CPB; allowed an indefinite licensing period for radio deregulation, changed the licensing terms and reduced reporting requirements; and extended television licensing periods from 3 to 5 years, allowed random selection for licenses, and reduced reporting requirements.

*Conference agreement.*—The conferees reached the following compromise in the area of telecommunications: extension of the term of radio licenses from the present three to seven years, lengthening the television licenses from three to five years, establishment of a lottery procedure for awarding new licenses and authority for the Federal Communication Commission (FCC) to throw out challenges to existing licenses at the Commission's discretion. The conferees reauthorized the FCC for fiscal year 1982 and 1983 at \$76.9 million a year.

The conferees reauthorized the National Telecommunications and Information Administration (NTIA) for the next two years at \$16 million each year.

The conferees compromised on the funding level for the Corporation for Public Broadcasting (CPB) as follows:

CPB facilities are authorized for fiscal year 1982 at \$20 million, fiscal year 1983 at \$15 million, and for fiscal year 1984 at \$12 million.

CPB is reauthorized at \$140 million for fiscal years 1984, 1985 and 1986 respectively.

**SAVINGS ACHIEVED**

(In millions of dollars)

	1982	1983	1984
Telecommunications:			
Budget authority.....	-11	-14	-2
Outlays.....	-11	-14	-2
Corporation for Public Broadcasting:			
Budget authority.....	-9	-17	-105
Outlays.....	-1	-7	-37
Total budget authority.....	-20	-31	-107
Total outlays.....	-12	-21	-99

**MINICONFERENCE NO. 23a**

Committees: House Energy and Commerce and Merchant Marine and Fisheries/Senate Science and Transportation.

**ISSUES**

**A. Coast Guard**

Senate: The Senate version contained no such provisions.

House: The House version contained provisions limiting the Secretary of Transportation's use of Coast Guard transportation and dining facilities.

*Conference agreement.*— Drops reference to restrictions.

**SAVINGS ACHIEVED**

(In millions of dollars)

	1982	1983	1984
Budget authority.....			
Outlays.....			

**MINICONFERENCE NO. 24**

Committees: House Energy and Commerce/Senate Energy.

**ISSUES**

**A. Strategic petroleum reserve**

The House and Senate versions differed slightly as a consequence of a Senate floor amendment. The House specifically provided for annual authorization and appropriation of an off-budget account for funding the reserve. The Senate provided for a multi-year off-budget approach for funding SPRO.

*Conference agreement.*—The conferees agreed to create an off-budget account for the funding of the Reserve. Funding from this account would be done on an annual authorization and appropriation basis. For FY 1982, the conferees authorized \$3.9 billion from the account. All outlays from buying oil in this program in fiscal year 1982 would be off-budget.

**SAVINGS ACHIEVED**

(In millions of dollars)

	1982	1983	1984
Budget authority.....	-3,833	-3,353	-2,170
Outlays.....	-3,666	-3,791	-2,342

**B. Fuel Use Act Amendments**

The House repealed the "off-gas" provision for electric utilities contained in the Fuel Use Act, and relaxed the ban on outdoor gas lighting for presently existing lights. The Senate bill did not deal with these issues.

*Conference agreement.*—The agreement essentially accepts the House position, with certain minor changes.

**C. DOE regulatory programs**

The House did not authorize specific program levels for these programs, by subsuming their funding within an overall \$5.6 billion cap for DOE civilian activities. The Senate had somewhat more specificity for these programs.

*Conference agreement.*—The conference agreement provides for program authorization levels generally consistent with House report language, and within the overall \$5.6 billion cap on DOE civilian activities.

**SAVINGS ACHIEVED**

(In millions of dollars)

	1982	1983	1984
Budget authority.....	-175	-138	-145
Outlays.....	-112	-118	-137

efforts to explore alternate methods of providing these services.

To clarify expenditures for the Office of Consumer Affairs, we have included funds for program direction at or above levels recommended by the administration and have slightly increased funds, as specified in our report, for the citizen participation program.

Our work, Mr. Speaker, is generally in agreement with decisions made by our House Appropriations Committee. I hope that the good and constructive relationship with that committee can continue.

I would like to underline for the RECORD some significant considerations involved in making revisions in the Powerplant and Industrial Fuel Use Act of 1978.

The amendments repeal the so-called off-gas provision which was included in section 301(a) of the law, but retain sections allowing mandatory conversion orders to be issued by the Secretary of Energy to those powerplants which are certified by their operators as coal-capable or capable of using mixtures of oil or gas and coal or another alternate fuel. The amendments establish a conservation plan requirement for utilities which burn natural gas to generate electricity, with a goal of saving an amount of electricity in the fifth year of a DOE-approved plan equal to 10 percent of the electricity generated in the past year by these utilities through the use of natural gas. The amendments eliminate the requirement of the Fuel Use Act that outdoor natural gas lighting be prohibited in residential installations in use when the Fuel Use Act was enacted.

Repeal of section 301(a) does not indicate any belief that our natural gas supply problems are gone forever, or that natural gas policy questions do not need further answers. We repealed section 301(a) of the Powerplant and Industrial Fuel Use Act because we recognized the burdens placed by that section on electric utilities, and hence on their consumers, to replace existing gas-fired generators by 1990 with coal-fired generators at a cost of a millions of dollars. We supported repeal of this section because most of these plants are currently burning gas under temporary exemptions, therefore the incremental use of natural gas should be relatively modest, and because other provisions of the statute give full assurance that gas would be available to higher priority consumers in the event of serious future shortages. The law includes a requirement that the Secretary of Energy continuously obtain the data necessary to be aware of natural gas usage by utilities in case he might have to direct the response to a natural gas emergency.

I want to emphasize that the conference agreement maintains the existing relationship between the Fuel Use Act and the Clean Air Act, and is not intended to require changes in the ex-

emptions currently available from the Clean Air Act under existing law for new sources, modifications, and major modifications. The reference in the statement of managers to section 113(d)(5) of the Clean Air Act is intended to merely to assure that coal conversions pursuant to prohibition orders are treated as existing sources and, therefore, can take advantage of the delayed compliance provisions of section 113(d)(5).

Mr. Speaker, let me finally say a few words about the strategic petroleum reserve.

As you know I, and a majority of my committee colleagues, felt that the best way to provide for a strategic petroleum reserve was to fund it on-budget through the normal authorization and appropriation process. Because of three separate decisions by the House, we felt bound to provide a mechanism that would remove funds for the strategic petroleum reserve from the budget. We have faithfully carried out our instructions. However, I would hope that the Congress would reconsider this decision and allow us to fund the strategic petroleum reserve in fiscal years 1983 and beyond through the normal authorization and appropriation procedure.

Our legislation, contained here in the reconciliation bill, fully funds the strategic petroleum reserve for fiscal year 1982. We have removed from the budget the moneys for oil acquisition and have retained on-budget the funds for construction, maintenance and other administrative costs. It was our intent that the reserve continue to be filled without delay as it serves as our only defense in the event of a severe oil supply interruption.

The outlines of the new off-budget strategic petroleum reserve proposal are quite simple. There is a clarification that I think would help my colleagues in understanding the Conference decision.

Respecting the use of or storage of State royalty oil in the strategic petroleum reserve, it is not our intention to allow any State to reap any undue benefits, to control access to reserve oil in the event of a drawdown, or to sell any oil at a price higher than that paid for comparable quantities in similar circumstances.

Mr. JONES of Oklahoma. Mr. Speaker I yield 1 minute to the gentleman from Colorado (Mr. WIRTH).

(Mr. WIRTH asked and was given permission to revise and extend his remarks.)

Mr. WIRTH. Mr. Speaker, as chairman of the Telecommunications, Consumer Protection, and Finance Subcommittee and as a House conferee representing the Energy and Commerce Committee, I rise briefly to comment on the intent of the conferees with respect to certain portions of the communications title of this budget package.

I would first like to say that I am extremely pleased with the makeup of

the final conference agreement. We were successful in retaining the integrity of the Nation's public broadcasting system. We have passed a periodic authorization for the FCC for the first time since 1934—a device which I am confident will make the exercise of our oversight responsibilities far more effective. Moreover, we refrained from making decisions in the budget reconciliation process which would have fundamentally changed communications regulatory policy.

The full list of communications provisions included in the reconciliation package include measures which accomplish the following:

Reauthorize public broadcasting for fiscal years 1984, 1985, and 1986; reauthorize the Federal Communications Commission for fiscal years 1982 and 1983; reauthorize the National Telecommunications and Information Administration for fiscal year 1982; extend terms for television and radio licenses to 5 and 7 years respectively; permit the FCC to award initial licenses based on a system of random selection which must be weighed in favor of persons underrepresented in telecommunications ownership; and prevent the transfer of payment between competing applicants during a comparative renewal proceeding where a party has filed against an incumbent license holder for the sole purpose of getting paid to drop the competing application.

The statement of managers that we have filed sets forth the intent of the conferees with respect to these provisions. I would like, though, to take a moment to briefly shed some light on the conferees' intent with respect to the random selection and frivolous license application provisions.

The conferees, in agreeing to the random selection process, intended to provide the FCC with the administrative flexibility necessary to deal with electromagnetic spectrum license award proceedings which cannot be satisfactorily handled through the comparative process. Of course, where the Commission believes a comparative hearing will better serve the public interest than random selection, it can opt for the former process rather than the latter. This decision is entirely up to the FCC's discretion, with no presumption either way imposed by the law. It is the firm intent of the conferees, however, that if random selection is used, the applicants which are underrepresented in the ownership of telecommunications properties, must be given significant preferences. The random selection process may be employed for the grant of any license for use of the electromagnetic spectrum, although the immediate motivation of the conferees was to address the enormous backlog of applications for low power television licenses. Of course, the FCC could use different procedures and different preferences for different types of uses

of the electromagnetic spectrum, as the public interest requires.

As to the frivolous license provision, the intent of the conferees was not, in any way, to prevent an incumbent licensee from making a payment in excess of expenses to a party challenging that license as a means of settling the challenge, except in the case where that party may have filed his challenging application, not for the purpose of obtaining the license, but rather for the sole purpose of obtaining some form of payment for dropping the challenge. Thus, this provision is intended to prevent abuses of the comparative process or what some refer to as the shakedown of licensees.

One technical point that should be addressed with respect to this amendment is that the statutory language makes this provision operative when there are two or more applications for a license pending. However, a challenge to an incumbent station's license usually takes the form of an application for a construction permit, not an actual license application. It is the intention of the conferees that this provision was included to apply to just this type of situation.

I would also like to clarify the legislative intent of the conferees with respect to one of the public broadcasting provisions: The reduction of community service grants by an amount equivalent to the Federal tax paid by a station on its unrelated, business income—that is revenues on its commercial activities. The conferees' intent is that CSG's would be reduced only if the station itself paid any unrelated business income tax, on the return of the station itself filed with the IRS.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Energy and Commerce Committee (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I first pay tribute to the Chairman of the Budget Committee, the gentleman from Oklahoma (Mr. JONES) and the gentleman from California (Mr. PANNETTA), to my colleagues who served as conferees, Mr. SCHEUER, Mr. OTTINGER, Mr. WAXMAN, Mr. WIRTH, Mr. SHARP, Mr. FLORIO, Mr. MOFFETT, Mr. BROYHILL, Mr. BROWN, Mr. COLLINS, Mr. LENT, Mr. MADIGAN and Mr. MOORHEAD, to the staffs of the Budget Committee, the Committee on Energy and Commerce, and all of our colleagues that worked so hard to bring this about. Our colleagues in the Senate, Senator PACKWOOD, and Senator STAFFORD were particularly helpful, as were Senators McCURE, HATCH, and DOLE.

The committee has, I believe, accomplished what we set forth to do. We have saved the money we were told to save. We have seen to it that the pre-

rogatives of the House were upheld. We believe we have saved essential programs such as medicaid, health grants, Amtrak, the statutorily mandated energy programs, particularly in energy enforcement and conservation, as well as the Corporation for Public Broadcasting, and we deleted proposed funding caps for the Environmental Protection Agency.

We have also seen to it that attempts to deregulate radio and television have not transpired.

I believe this is very, very important from the standpoint of wise legislative process, the public interest, and from questions that might arise in the future relative to what is the function of the reconciliation process and whether it should ever be utilized to changing statutory programs or existing law.

A number of my colleagues on both sides had an enormously valuable input into this matter. A number of my colleagues on the Republican side of the aisle, such as Mr. PURCELL, and some of my colleagues from the Northeast, and other Republicans were immensely helpful, and their work must not go without compliment and commendation.

In like fashion, some of my colleagues from the South who were much concerned about particular matters, such as Mr. TAUZIN, Mr. HALL, and Mr. SYNAR, have been immensely helpful in achieving the kind of resolution of the questions which were so important to the conclusion of this effort.

The savings are enormous. We have saved in total money \$8 billion, \$7.5 billion, and \$6.7 billion in 1982, 1983, and 1984, respectively. The instruction to us as conferees was to save \$5.4 billion, \$6 billion, and \$6.3 billion in those years.

In terms of outlays, we were told to save \$5.2 billion, \$6.3 billion, and \$7 billion. In the bill, in the years 1982, 1983, and 1984, we have saved \$7.1 billion, \$7.7 billion, and \$7 billion.

Equally important, we have done something else, and that is, we have kept the transportation system in the Northeast alive. We have seen to it that Conrail will not be sold off piecemeal. We have kept Amtrak alive. We have seen to it that the Northeast Corridor will be sustained to provide the necessary service.

We also believe that two very essential programs, the Corporation for Public Broadcasting, and the health programs of this country are preserved against rather substantial odds. Let me elaborate.

Let me begin by discussing the health programs. Everyone knows that there was more than one agenda in budget reconciliation. The first agenda was to save money in Federal programs and that was accomplished by shifting Federal spending away from the programs that help people and into military activity and military hardware designed to kill people. But

in addition to this goal, the administration sought to abolish or cripple many of the programs that have symbolized the caring and humanity of our country. The health programs that were under attack represented more than a century of Government efforts to provide public health and health services to all Americans. These programs have been cut; they have been severely cut, but they have been preserved and our damage control has succeeded. Many important health programs have been placed in block grants—about a half billion dollars in Federal programs for alcohol abuse, drug abuse, and mental health programs have been placed in the hands of State governments. But, within the new block grant formula, we have assured that the existing projects will be able to continue. Community mental health centers will survive; alcohol and drug abuse treatment programs will continue, and within a block grant structure, States will be required to continue to fund community health centers. Although the States will be managing these grant programs, I feel it is particularly important to note that the Congress and the executive branch of Government will continue to be able to conduct audits and oversight to assure that Federal dollars are wisely and effectively spent for the benefit of the public.

It is important to note that by combining these programs we do not mean to disavow the programs or their beneficiaries. These block grants, while routing Federal dollars differently, are still Federal programs for the special benefit of persons in need of health services—poor people, the mentally ill, those with substance abuse problems, mothers and children, and all other such beneficiaries and providers of care. By creating this withholding power—and the related offset and repayment provisions—the conferees have created a tool by which the Secretary and all beneficiaries of this program must assure that funds and allotments are spent appropriately and well and that these Federal dollars continue to provide quality care, whatever the funding mechanism.

It should also be noted that the conferees agreed not to repeal section 501 of the Mental Health Systems Act. Mindful of these enumerated rights and the requirement of the new section 1915 that services be provided in a manner which preserves human dignity, the conferees fully expect that the States and the Secretary will assure the protection of the rights and dignity of all persons receiving mental health services. We anticipate that the Congress will continue to examine these issues to insure that patients are adequately and appropriately protected.

I am also pleased to point out that the conference agreement includes a reauthorization of the developmental disabilities program. This important