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B-203737 July 14, 1981

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The Honorable Walter B. Jones Chairman, Committee on Merchant Marine and Fisheries House of Representatives

Dear Mr. Chairman:

This is in response to your request that we evaluate certain actions of the Department of Health and Human Services to determine if they are in compliance with Public Law 93-155 (42 U.S.C. Sec. 248a (1976)). We regret that we are unable to give you a substantive answer at this time.

In the course of preparing our response, we learned that Sailors' Union of the Pacific v. Schweiker, No. C-81-2079, is now pending in the United States District Court in San Francisco. One of the reasons given by the Ninth Circuit in vacating the preliminary injunction and remanding this case to the District Court is the view that Public Law 97-12, 95 Stat. 14, June 5, 1981, Supplemental Appropriations and Rescission Act, 1981, suspended the operation of or rescinded 42 U.S.C. Sec. 248a (No. 81-4295, June 24, 1981). Such a position would dispose of both the specific questions you ask. We enclose copies of the pertinent court orders and opinions in this case.

It is the established position of this office not to express our views with respect to matters which are the subject of pending litigation. Accordingly, we must decline to give our views now on the two issues presented in your request. When the Sailors' Union case is resolved, should you have any further questions we will certainly be willing to consider them.

Sincerely yours,

Acting Comptroller General of the United States